

19th CONGRESS,
1st Session.

[Doc. No. 163.]

HO. OF REPS.
TREAS. DEP.

SLAVE SHIPS CONSTITUTION, &c.

LETTER

FROM THE

SECRETARY OF THE TREASURY,

TRANSMITTING

The information required by a resolution of the House of Representatives, of the
4th instant,

IN RELATION TO

The Rights of certain Persons to the Cargoes

OF THE

Slave Ships

CONSTITUTION, LOUISA, AND MARINO, &c. &c.

APRIL 20, 1826.

Referred to the Committee on the Slave Trade.

WASHINGTON:

PRINTED BY GALES & SEATON.

1826.

TREASURY DEPARTMENT,

April 18, 1826.

SIR: In obedience to a resolution of the House of Representatives of the 4th instant, "directing the Secretary of the Treasury to communicate to the House such portion of the proceedings of the Judge of the Superior Court of West Florida, acting as Commissioner under the 9th article of the Treaty of the 22d of February, 1819, as relates to the rights of certain persons therein named, to the cargoes of the slave vessels Constitution, Louisa, and Marino; and that he also communicate the amount of the several sums of money, if any, paid to the said claimants respectively; the dates of the payments, and the authority under which they have been made;" I have the honor to transmit copies of the evidence exhibited to the Commissioner in the cases referred to in the resolution, the reports of the Commissioner, and the decisions made thereon by this Department. A statement has been prepared by the Register of the Treasury, and is also transmitted, containing the information required by the latter clause of the resolution.

I have the honor to be,

With the highest respect,

Your most ob't servant,

RICHARD RUSH.

The Honorable,

THE SPEAKER

Of the House of Representatives.

To the Honorable **HENRY M. BRECKENRIDGE**, *Judge of the Superior Court for West Florida.*

The memorial of **David Nagle** and **Antonio Frias**, humbly represents, that, in the year of our Lord eighteen hundred and eighteen, they were, and had long been, inhabitants of West Florida: That in May or June of that year, they procured to be shipped from the Havana, eighty-two negro slaves, on board the schooner *Constitution*, for the port of Pensacola: That in due time after the departure of the said schooner from the port of Havana, the said schooner and her cargo arrived safely in the said port of Pensacola: That on the arrival of the said schooner as aforesaid, the City of Pensacola, and the Fort at the Barrancas were found to be in the possession of the army of the United States. And your memorialists further represent, that immediately on the arrival of the said schooner, the said schooner and the whole of her cargo, amongst which were the said eighty-two negro slaves, belonging, as aforesaid, to your memorialists, were seized by Col. **George M. Brooke**, commanding officer of the United States' force, and at the time having possession of the Barrancas. And your memorialists further represent, that the said negroes were carried immediately to the State of Alabama, and your memorialists have never been able to recover them, or any of them, nor have they ever received any compensation for the loss thereof: wherefore they have sustained damage to the amount of fifty-three thousand three hundred dollars. Your memorialists therefore pray that your honor will audit and adjust the claim set forth in the premises, according to the ninth article of the Treaty of Cession, and the Act of Congress thereupon passed, March 3d, 1823. And your memorialists, &c.

DAVID NAGLE,
ANTONIO FRIAS.

The UNITED STATES

To **DAVID NAGLE** and } *Dr.*
ANTONIO FRIAS.

To 82 Negro Slaves, lost by the said **David Nagle** and **Antonio Frias**, in consequence of the operations of the United States' Army in Florida, in 1818, worth the sum of \$650 each,

\$53,300

Document A, accompanying.

A record of proceedings in the General Court for the Territory of Alabama, in the case of the United States, vs. schooner *Constitu-*

tion and cargo, and David Nagle and Antonio Frias, vs. eighty-four negroes.

For the same reasons as were given by me in the case of Francisco Bonal, claiming for the loss of the cargo of the schooner *Louisa*, I am of opinion that the present claimants are entitled to recover in this case to the full amount claimed.

\$53,300.

H. M. BRACKENRIDGE,

Judge Sup. Ct. W. F. and Acting as Commissioner.

United States, }
vs. }
Constitution. }

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 for 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. Brooke, Esquire, a Colonel in the army of the United States, gives the court here to understand and be informed, that heretofore, to wit: on the ninth 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, Esquire, 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 the goods and effects found on board of the said schooner, to wit: one hundred boxes of brown Havanna sugar, and seventy-five bags of coffee, and, also, at the same time, seized on board of the said schooner eighty-four negroes, as subject to such regulations as the Legislature of the Alabama Territory has made or 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 the 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 tenth day of May, in the year 1800, entitled "An act in addition to an act entitled an act to prohibit the carrying on the 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 country or place to another, to wit: was employed or made use of in the transportation or carrying of eighty-four negro slaves from the foreign part 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 her 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 first and 10th days of June aforesaid, the said schooner or vessel called 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 person 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 within some port or place within the jurisdiction of the United States, contrary to the prohibitions of the act 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, 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, themselves, or 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 such case made and provided; and that the said schooner or vessel, called Constitution, is a ship or vessel that was so fitted out, equipped, laden, or otherwise prepared as 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 100 boxes of brown sugar and 75 bags of coffee, became, and are forfeited.

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 United States, or some person or persons resident within the jurisdiction of the same, to the said Attorney, as yet unknown, did take on board, receive, or transport from some of the coasts or kingdoms of Africa, or from some other foreign kingdom, place, or country, to wit: 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, 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 in 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 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 the goods and effects found on board the same, or that were imported in the same voyage, to wit: the said 100 boxes of brown Havana sugar, and 75 boxes 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 said 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. Whereupon, 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 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.

WILLIAM CRAWFORD,

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

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 the 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 her tackle, apparel, and furniture of said vessel, and likewise the cargo on board of the said vessel; which 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. Stephen's, 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, 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 the said Court, the first Monday of July, 1818, and of the sovereignty and independence of the United States of America the forty third year.

Attest,

F. H. GAINES, D. C. G. C.

Issued 13th July, 1818.

Received the 16th July, 1818.

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

J. P. KENNEDY, D. M.

Alabama Territory.

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 in 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 the Constitution, her tackle, apparel, and 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 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 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, her tackle, apparel, or furniture, or 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. Stephen's, 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 unto our said Court when in session.

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

Attest,

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

Issued 13th July, 1818.

Executed.

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

In the General Court of the Alabama Territory, in Admiralty sitting.

<p>The United States vs. The schr. Constitution and cargo.</p>	}	<p>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 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 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.</p>
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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 day of June, one thousand eight hundred and eighteen, did ship, in and on board of 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 West 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 eighty-four negroes at Pensacola, were to be delivered to Henry Mitchell and John Innerarity, both inhabitants 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 consigness 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 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 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 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.

DAVID RUST, *Proctor.*

Let admiralty process issue.

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

Issued 29th August, 1818.

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

ALABAMA TERRITORY OF THE U. S. 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, and 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 African negroes, to be and appear before the 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 when in session, if any they can or have, why the aforesaid eighty-four 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, to our said Court 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. G. C.*

Advertised.

I. HANES, *Marshal.*

IN THE GENERAL COURT OF THE ALABAMA TERRITORY,

<i>The United States</i>	}	<i>In Admiralty sitting:</i>
vs.		
<i>The schooner Constitution, and cargo.</i>		

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 cause as is in the said libel alleged, and prays that the same may be restored to him, with costs, &c. &c.

GENERAL COURT OF THE ALABAMA TERRITORY,

July Term, 1818.

<i>United States</i>	}
vs.	
<i>Schooner Constitution and cargo, &c.</i>	

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 General Gaines, Colonel King, and Captain 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 cargo, as in the several libels for restitution, and the negroes on board the said vessels, and that the vessels 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 judgment of the Court.

Ordered, That Samuel H. Garrow, Lewis Judson, David Files, John W. Simonton, John Whitehead, and Jotham S. Patton, 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. Merritt, Christopher Strong Stewart, and Daniel Duval, be appointed appraisers of the vessels and cargoes aforesaid.

We, Henry D. Merritt, Christopher Strong Stewart, and Daniel Duval, do solemnly, sincerely, and truly swear, that we will diligently examine, appraise, and value the schooners *Marino*, *Louisa*, and *Constitution*, and their respective cargoes, which have been seized and libelled 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 this 14th July, 1818.

ADDIN LEWIS,
JOHN KING, Junr.
ALVAN ROBESHOW,

Standing Commissioners.

Valuation of schooner *Constitution*, appraised by Christopher Strong Stewart, D. Duval, and Henry D. Merritt :

Schooner <i>Constitution</i> , including her tackle and apparel, valued at two thousand five hundred dollars,	\$2,500 00
100 boxes of brown Havana sugar, weighing n. 42,156 lbs. at 7 cents.	2.950 92
75 bags of coffee, W. N. 11,766 a 22,	2.588 52
	\$8.039 44

Amount of valuation of schooner *Constitution* and cargo, eight thousand and thirty-nine dollars forty-four cents, exclusive of duties.

Mobile, 25th July, 1818.

CHRISTOPHER STRONG 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.*

Know all men by these presents, that we, Daniel T. Walden, Jotham S. Patten, John W. Simonton, and Samuel H. Garrow, are held and firmly bound unto the United States of America in the sum of five thousand dollars, to be paid to the United States: for the payment of which, well and truly to be made, we bind ourselves, and each of us, our, and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents; sealed with our seals, and dated this twenty-fifth day of July, in the year of our Lord one thousand eight hundred and eighteen. Whereas a libel hath been filed in the General Court of the Alabama Territory, sitting at St. Stephen's in admiralty, on the — day of — in the year of our Lord one thousand eight hundred and eighteen, by William Crawford, Attorney of the United States for the Alabama Territory, on behalf of the said United States, against a certain schooner or vessel called the Constitution, her tackle, apparel, and furniture, stating and alleging, for the reasons and causes specified in said libel, the said schooner or vessel, her tackle, apparel, and furniture, have been seized and become forfeited to the use of the United States, and praying that the same may be condemned as forfeited to the use of the said United States: and whereas, the said schooner or vessel, her tackle, apparel, and furniture, have been attached by the process of the said Court aforesaid, in pursuance of the said libel, and are now in custody by virtue thereof: and, whereas, the said schooner or vessel, her tackle, apparel, and furniture, have been, by order of the Court aforesaid, valued by appraisers appointed by the Court aforesaid, to wit: Henry D. Merritt, Christopher Strong Stewart, and Daniel Duval, at two thousand five hundred dollars: and, whereas, the said Court aforesaid hath ordered the said schooner aforesaid, her tackle, apparel, and furniture, be bonded at the appraised value thereof, and delivered to the said Daniel T. Walden and Maunsel White, who claim the same: Now, therefore, the condition of this obligation is such, that if the above bounden Daniel T. Walden, David Files, Jotham S. Patten, John W. Simonton, and Saml. H. Garrow, or either of them, or their heirs, executors, or administrators, shall pay into the said Court aforesaid, for the use of the said United States, the sum of two thousand five hundred dollars, being the sum and appraised value aforesaid of the said schooner Constitution, her tackle, apparel, and furniture, in case the said schooner, her tackle, apparel, and furniture, shall, by the sentence and decree of the said Court, be adjudged to be forfeited or condemned to the use of the said United States, within twenty days after the said sentence and decree shall be pronounced, and if the said schooner or vessel, her tackle, apparel, and furniture, shall be acquitted, or if a decree shall pass in said Court in favor of the claimants, then, and in such case, if the above bounden Daniel T. Walden, David Files, Jotham S. Patten, John W. Simonton, and Samuel H. Garrow, or either of them, their heirs or administrators, shall, within twenty days after the sentence and decree shall be pronounced, pay into the said Court aforesaid, or to the officers thereof, respectively, all such costs and charges as shall, in that case, be taxed and allowed by the said Court

aforesaid to the said officers thereof; and if the said claimants shall in all things abide and perform such decree as shall be made by the Court aforesaid in the said cause, or respecting the premises, then this obligation shall be void; otherwise, the same shall be and remain in full force and virtue.

D. T. WALDEN,	[SEAL.]
DAVID FILES,	[SEAL.]
JOTHAM L. PATTEN,	[SEAL.]
J. W. SIMONTON,	[SEAL.]
S. H. GARROW.	[SEAL.]

Sealed and delivered
in the presence of

L. JUDSON.
W. Y. LEWIS.

Filed 30th July, 1818.

F. H. GAINES, D. C. G. C.

Know all men by these presents, that we, David Files, Jotham S. Patten, John W. Simonton, and Samuel H. Garrow, are held and firmly bound unto the United States of America in the sum of eleven thousand and seventy-eight dollars and eighty-eight cents, to be paid to the United States, for the payment of which, well and truly to be made, we bind ourselves, and each of us, ours, and each of our heirs, executors, and administrators, jointly and severally, firmly, by these presents; sealed with our seals, and dated this 25th day of July, in the year of our Lord one thousand eight hundred and eighteen.

Whereas a libel hath been filed in the General Court of the Alabama Territory, sitting at St. Stephen's, in admiralty, on the _____ day of _____ in the year of our Lord one thousand eight hundred and eighteen, by William Crawford, attorney for the said United States for the Alabama territory, on behalf of the said United States, against a certain quantity of sugar and coffee, comprising the cargo of the schooner Constitution, stating and alleging that, for the reason and causes specified in the said libel, the sugar and coffee, comprising the cargo of the said schooner, have been seized and become forfeited to the use of the said United States, and praying that the same may be condemned as forfeited to the use of the said United States: And whereas the said sugar and coffee have been attached, by the process of the said court aforesaid, in pursuance of said libel, and are now in custody by virtue thereof;

And whereas the said sugar and coffee hath been, by order of the court aforesaid, valued by the appraisers appointed by the court aforesaid, to wit: Henry D. Merritt, Daniel Duval, and Christopher Strong Stewart, at _____:

And whereas the said court aforesaid hath ordered the said sugar and coffee aforesaid, be bonded at the appraised value thereof, and delivered to David ———, or his agent, who claims the same:

Now, therefore, the condition of this obligation is such that, if the above bounden David Files, Jotham S. Patten, John W. Simonton, and Samuel H. Garrow, or either of them, or their heirs, executors, or administrators, shall pay into the said court aforesaid, for the use of the United States, the said sum of five thousand five hundred and thirty-nine dollars and forty-four cents, being the sum and appraised value aforesaid, of the said sugar and coffee, in case the said sugar and coffee shall, by the sentence and decree of the court aforesaid, be adjudged to be forfeited or condemned to the use of the United States, within twenty days after the sentence and decree shall be pronounced; and if the said sugar and coffee shall be acquitted, or if a decree shall pass, in the said court, in favor of the claimants, then, and in such case, if the above bounden David Files, Jotham S. Patten, John W. Simonton, and Samuel H. Garrow, or either of them, or either of their heirs, executors, or administrators, shall, within twenty days after the sentence and decree shall be pronounced, pay into the said court aforesaid, or to the officers thereof, respectively, all such costs and charges as shall, in that case, be taxed and allowed by the said court aforesaid, to the said officers thereof; and if the said claimants shall, in all things, abide and perform such decree as shall be made by the court aforesaid, in the said cause, or respecting the premises, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

DAVID FILES.
 JOTHAM S. PATTEN.
 J. W. SIMONTON.
 S. H. GARROW.

Sealed and delivered in presence of

L. JUDSON.
 W. Y. LEWIS.

Filed 30th July, 1818.

F. H. GAINES, D. C. G. C.

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

Whereas, at a general court, holden for said territory, in the town of St. Stephen's, on the first Monday in July, 1818, it was ordered that the vessel *Marino*, and cargo, the schooner *Louisa* and cargo, and the *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, John Whitehead, and Jotham S. Patten, or any four of them, David Files being one, as securities for the forthcoming of the vessels and car-

goes aforesaid, to abide the order and decree of the said court. And whereas an appraisal, on oath, of the valuation of the 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. Simon-ton, and S. H. Garrow, as securities; you are therefore required and strictly commanded that you deliver the said vessel, called the Consti-tution, her tackle, apparel, and furniture, unto Daniel T. Walden, who has claimed the same, and that you deliver unto David Nagle the car-go on board the said vessel, consisting of 100 boxes brown Havana sug-ar, weighing, nett, 42,156 lbs. and 75 bags of coffee, weighing, nett, 11,766 lbs. which said vessel, called the Constitution, and cargo afore-said, 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 to understand; and whatsoever you shall do in the premises, you shall certify to our judges of said court, in the town of St. Ste-phen's, on the first Monday of January next.

Witness, the Hon. Harry Toulmin, Esq. senior Judge of said court, the first Monday of July, 1818, and 43d year of American indepen-dence. Issued 30th July, 1818.

Attest

F. H. GAINES, D. C. G. C.

Received the 8th August, 1818.

J. P. KENNEDY, D. J.

Alabama Territory of the United States, }
General Court, July Term, }

Ordered, on the agreement of parties, that the one hundred and se-ven negroes found on board the vessel *Marino*, the schooner *Louisa*, and *Constitution*, and libelled in this court, be placed in the possession of James Caller, Benjamin S. Smoot, and David Files, on their enter-ing into bond, in such amount, and with such security, as may be ap-peared and agreed upon by the parties, conditioned that they have the said negroes forthcoming, to abide the order and decree of this court.

Whereas one hundred and seven African negroes have been brought within the jurisdiction, and have been 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 said negroes to forfeiture, could not be decided at July term, 1818, of the Alabama general court, sitting in ad-miralty, it was agreed, by and with the advice and consent of the said court, and of all the persons interested, either in the seizure of said negroes aforesaid, 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, by their officers, shall demand the same, the said negroes are to be re-

turned into the custody of the court aforesaid, to abide their decision in the premises; all casualties in reference to the said negroes to be from the liability of the said responsible persons.

Whereupon, James Caller, David Files, and Benjamin S. Smoot, 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 — them well, and return them into the court when demanded by the said court, — from all expense to any party concerned, under the penalty of one hundred thousand dollars, to be levied of their goods and chattels, lands and tenements, if they should make default in the stipulations herein mentioned.

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 S. Smoot, one hundred and seven African negroes, found on board the schooner *Marino*, *Louisa*, and *Constitution*, now riding at anchor in the port of Mobile, which said negroes you have seized and taken in 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 do in the premises, you shall certify to our said court, to be holden in the town of St. Stephen's, 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 forty-third year. 13th July, 1818.

Attest,

F. H. GAINES, D. C. G. C.

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

UNITED STATES

vs.

Schooner *Constitution* & Cargo & Slaves. }

In this case, Israel Pickens, Esq. filed the petition or supplemental libel of Curtis Lewis, as captor, and informed, viz:

State of Alabama.

Curtis Lewis being sworn, deposes and says, that, on the 6th July, 1818, he presented William Crawford, Esq. attorney for the United States, a copy of the 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 February, 1821.

ROBERT CARR LANE, *Clk. Alab. Dist.*

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 day of June, 1818, the said Lewis did command, as master, the boat aforesaid: that the boat was a commissioned vessel of the United States: that he, the said Lewis, commanding as aforesaid, and with the said vessel, and said crew on board thereof, on 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 of Mobile, did seize and take as forfeited, under the laws of the United States, a certain schooner or vessel called Constitution, of — tons burthen, together with her tackle, apparel, and the cargo and effects on board of said schooner, to wit: one hundred boxes of brown Havana sugar, and seventy-five bags of coffee; and also, seized on board of said vessel, eighty-four African negro slaves, 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 the District: And the said Lewis, in behalf of himself and his crew aforesaid, further propounds and declares, that the said schooner Constitution was, at the time of the seizure aforesaid, 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 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 eighty-four negro slaves from the foreign place of Havana, in the Island of Cuba, to the other foreign place of Pensacola, in West Florida: and that the said Curtis Lewis, also in behalf of his said crew, propounds and declares, that the said schooner Constitution after 22d 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 the said persons to sail from the said port of New Orleans, for the purpose of carrying on trade or 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 day of June, 1818, the said schooner was employed in carrying trade and traffic in slaves, contrary to the true intent and meaning of an 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 the 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 of June, 1818, on the high seas, within the jurisdictional limits of the United States, and of the District of Alabama, having on board eighty-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 on the 2d March, 1807, and was on the said 29th June, 1818, when seized, a vessel of the United States, and the Revenue Boat was then an armed vessel of the United States, and on a cruize.

All which premises are and were true, public, and notorious, of which true proof being made, the said Lewis prays the usual process of monition of this Honorable Court in this behalf to be made, and that all persons entitled in said schooner, tackle, apparel, furniture, goods, and effects, found on board, to be cited to appear and answer the premises, and that all due proceedings be had, that the said schooner, her tackle, apparel, and furniture, and goods found on board, and effects, may, for the causes appearing, and others not mentioned and appearing, be condemned as forfeited, and adjudged, &c.

CURTIS LEWIS.

By Israel Pickens, Att'y.

Filed 24th February, 1821.

R. C. LANE, Clerk.

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 84 negroes, taken on board the schooner Constitution: 19 negroes taken on board the Marino, and 6 negroes taken board the Louisa.

All of which negroes were seized and brought into the said port on or about the 29th day of 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 said negroes, as aforesaid, he was and still is the Collector of the 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 one 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 form of all the material matter 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. &c.

ADDIN LEWIS,

By J. Pickens, his Attorney.

Filed 27th February, 1821.

R. C. LANE, *Clerk.*

United States, }
vs. } February Term, 1821.
Schooners Constitution, Louisa, }
Marino, cargo and slaves. }

These cases are continued by consent of the captors and claimants, agree in the cases of the Marino and Louisa, the slaves are to be delivered to John Quinn, he giving bond for the safe-keeping and forthcoming of the said negroes, agreeably to the order of the Court, for their good treatment, and care of their health, in the sum of twelve thousand dollars, for the slaves imported in the Marino, and four thousand dollars in the case of the Louisa; and the Court accept of as securities in both the cases, Robertson & Barnwall, 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 securities of Geo. M. Brooke, the person to whom the slaves are to be bonded—John F. Everitt, Capt. A. L. Sands, Lt. Spencer, Richard B. Owen, G. W. Owen, E. Montgomery, A. Hollinger, B. S. Smoot, Webster & Griswold, Gilbert C. Russell, and Turner Starke. And it is ordered by the Court, that the Marshal of this District immediately take all the above negroes into possession, until the bonds are regularly given.

The United States
vs.
Schooners Marino, Louisa, Constitution, cargoes and slaves. } June Term, 1821.

Continued, by consent, until January Term, 1822.

United States,
vs.
Schooner Constitution and cargo. } January Term, 1822.

And now comes here Daniel T. Walden, by Saml. Acre, his proctor, and claims the schooner 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 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 King of Spain. This claimant further answering, sheweth, that while prosecuting the voyage aforesaid, and 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 of Barrancas, belonging to the King of Spain aforesaid, and within seven miles of the Town 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, that the negroes found on board of said schooner were brought by her 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 the territories thereof: and the claimant further saith, that the cargo of the said 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 the said vessel, is forfeited under any of the laws of the United States. Wherefore, the said David T.

Walden doth claim the said schooner, her tackle, apparel, and furniture, as the property of this claimant, and Maunsel White, hepeinbefore mentioned, and the cargo thereof, as the property of Colin Mitchell, of the City of Havana, a 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.

SAML. ACRE,

Proctor for Claimants.

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.

DANIEL T. WALDEN.

Sworn and subscribed before me this 12th day of January, 1822.

EDWARD HALL, J. P.

Filed 12th January, 1822.

R. C. LANE.

Monday, January 14th, 1822.

The United States }
vs. }
The schr. Constitution and cargo. }
Antonio de Frias & David Nagle }
vs. }
Eighty-four Negroes. }

It is admitted by the Attorney for the captors as well as for the claimants, that the Louisa and Constitution cleared out from New Orleans, and the Marino from Mobile, all for the port of Havana; and that they were American vessels, with American registers.

That the Louisa and Constitution were cleared 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 of June, 1818; the Constitution on or about the 18th of June, 1818; and the Louisa on the 10th 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 Marino was captured within half a mile of the Barrancas, inside of the bar, in the harbor of Pensacola, by the United States Ketch Surprise, Captain McKeever. The Louisa was captured outside the bar, at Pensacola; was standing in, but hove to. The Constitution was captured under the guns of

Fort Barrancas, within the bar, by Col. 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 Revenue Boat. That at the time he boarded her, Captain Sans was on board, as agent for the captors arrival, he (C. Lewis) remained on board until she arrived in port, and reported her to the Collector of the port, as being captured by him. That he reported the same to the District Attorney, but not until Col. Brooke had 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 commission 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. That the commission was opened in open court; that Mr. Vincent Gray is a merchant in the Havana; that he was a commercial agent, and the person and persons 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 Asobel Gross.

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.

Antonio Fuche being sworn, saith, that he lived under the government of Spain, from the time of the arrival of O-Riley, until the country was taken possession of by the Americans.

That he knows that slavery is permitted in Spain; but does not know whether it is by any particular ordinance, or whether it is by custom.

Don Miguel Esclave being sworn, says that slavery is permitted in the Island of Cuba; but does not know whether it is by any particular ordinance or by custom.

Alabama Territory of the United States General Court.

The President of the United States to Messrs. Gray and John Murdoch, Esq., 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, agreeably to the annexed interrogatories, 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, and under your seals, to the Honorable the Judge of the General Court of the said territory, at the Court to be holden on the first Monday in January next, together with this writ.

Witness the Honorable 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 the forty-third year of the sovereignty and independence of the United States of America.

Issued 30th July, 1818.

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

Interrogatories to be administered to witnesses, in behalf of the claimants and libellers, in the following cases, to wit :

Alabama General Court in Admiralty.

The United States, <i>vs.</i> Schr. Marino and cargo.	}	The United States, <i>vs.</i> Schr. Louisa and cargo.	}	The United States, <i>vs.</i> Schr. Constitution and cargo.
Henry Diego Crispo, Francis Barros, Ignatius <i>vs.</i> Nineteen Negroes.	}	Joseph Noriago, Francis Bonal, <i>vs.</i> Six Negroes.	}	David Nagle, Antonio Frias, <i>vs.</i> Eighty-two negroes

INTERROGATORIES.

1st. You do know David Nagle, Antonio Frias, Diego Crispo, Francis Bonal, Ignatius Balderos, Joseph Noriago, Francis Barrios, and Henry Mitchelet, parties in the above suits, 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 merchants or persons residing within his dominions ?

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

4th. Have you any knowledge of the said Antonio Frias having shipped on board the schooner Constitution sixty-nine negroes, at Havana aforesaid, at 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 Banal, or the said Joseph Noriago, or some person or persons, 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 Bonal four negroes, and the said Joseph Noriago two negroes : and were they the true and bona fide property of the said Bonal and Noriago ?

6th. Have you any knowledge of the said Mitchelet, the said Diego Crispo, Francis Barrios, and Ignatius Balderos, or some person or

persons further, having, some time in the said month of June, at Havana aforesaid, shipped on board the American schooner *Marino*, nineteen negroes; that is to say, the said *Diego Crispo*, twelve negroes; the said *Henry Mitchelet*, four negroes; the said *Francis Barrios*, one negro; and the said *Ignatius Balderos*, 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 several foregoing interrogatories, purchased by the several persons therein set forth, as owned in Havana, to your knowledge, or by some person further, and in pursuance of their orders and instructions; and were they so shipped as to be delivered to them or to their order, at Pensacola?

8th. Have you any knowledge of the voyage upon which the aforementioned schooners *Constitution*, *Louisa*, and *Marino* sailed, from the port of Havana? Was it not understood between the master or persons having charge of the said vessels, the said owners or shippers, 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 of the aforesaid shipment of negroes took place, a preference was not given to shipping under the American flag to the Spanish, in consequence of the great danger apprehended of capture, by the insurgent privateers?

10th. Whether at the time the said schooner sailed from the port of Havana, it was not known that the American Congress had passed 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; passed the 20th of April, 1818—or whether, at the said time, the said schooner aforesaid, sailed from the port of Havana?

11th. Do you or do you not know any thing in reference to the cargoes shipped on board either of the said schooners *Louisa*, *Marino*, 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 proportion, 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? if so declare it?

F. H. GAINES, D. C. G. C.

Issued 30th July, 1818.

Alabama Territory of the United States:

I, Francis H. Gaines, Deputy Clerk of the General Court of said Territory, do certify, that the foregoing pages, numbered 1, 2, 3, 4.

5, 6, contain a true copy of the interrogatories now on file in the Clerk's Office of the said Court.

In testimony whereof I have hereunto set my hand and affixed my private seal, having seal of office at St. Stephen's, on the 30th July, 1818, and of the Independence of the United States the 43d year.

F. H. GAINES, D. C. J. C.

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 witnesses in a certain cause pending there between the United States, plaintiffs, and the Constitution, and those claiming her cargo, and African slaves on board, defendants, on the part of the defendants, 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, being 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 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, that Don David Nagle and Don Antonio de Frias are resident merchants of this city, and subjects of his Catholic Majesty.

3d. To the third interrogatory he saith, that Don 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 barancon of Don Antonio de Frias, and he remembers to have seen a clerk of the said Nagle, a Mr. Mitchell, in the office of the Secretary of this Government, obtaining a passport for said negroes, but as to the number he knoweth not.

4th. To this interrogatory he saith, that, to his knowledge, there were shipped on board the American schooner Constitution, by the house of Antonio de Frias, in the month of June last, sixty-nine African negroes, as he understood, for account, as expressed in the letter and passport hereto annexed, marked A B, which negroes were actually imported by the said Antonio de Frias from the coast of Africa, in the schooner called the Volorado, and reshipped from the barancon No. 13 of the said Frias, he, the deponent, having obtained the passport for the reshipment of the 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 the seventh interrogatory he saith, that twelve 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 Don 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 the Captain of the Constitution received the aforementioned sixty-nine African negroes, as well as the others shipped on 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.

9th. To the ninth interrogatory he saith, that, as insurgent privateers were almost constantly off this port, Matanzas, and Mariel, the preference was not only given to the transportation of the negroes to American vessels from hence, but that no person would risk a negro on board a Spanish vessel, for any place, except a vessel of war.

10th. To the tenth interrogatory, he saith, that he never heard of the act of Congress of the 20th of April, 1818, but that he had understood, for some years past, that neither African, 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 of Pensacola, by the troops under the command of Gen 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 this interrogatory he saith, that he knows no other matter or thing respecting the African negroes mentioned in the preceding interrogatories which can be useful to the claimants, defendants, or to the United States.

FRANCISCO ALVAREZ.

Havana, 13th October, 1818.

VINCENT GRAY,
JOHN MURDOCK.

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

1st. To the first interrogatory he saith, that he knows David Nagle, Don Antonio de Frias, Diego Crispo, and Ignacio Balderos, 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 Balderos, reside in this city, and he understands that Diego Crispo 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 the fourth interrogatory he says, 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 Diego Crispo and Ignacio Balderos, on board the schooner Marino, bound to Pensacola; that is to say, twelve by Diego Crispo, and two by Ignacio Balderos, and he understood from Diego Crispo, that he was about to purchase four or five negroes for his friend in Pensacola, and ship the same by the Marino.

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

8th. To the eighth interrogatory he saith, that he understood that the Marino 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 saith, that as insurgent privateers were numerous in those 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, a flag of truce who arrived here late in June last past, with troops on board, after the departure of the Marino, that information was received of the seizure and occupancy of Pensacola by the troops under the command of General Jackson.

11th. To the eleventh 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 can be useful to the claimants, defendants, or to the United States.

DOMINGO RODRIGUEZ.

Havana. 15th October, 1818.

VINCENT GRAY,
JOHN MURDOCK.

Don José Antonio Vidal y 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 :

1st. To the first interrogatory he saith, that he knows all the persons named in this interrogatory, except Henry Mitchellet and Ignacio Balderos.

2d. To the second interrogatory he saith, that David Nagle and Antonio de Frias are merchants of this city, and the others mentioned in this interrogatory known to him in Pensacola, and 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 the fourth he saith, that he has no knowledge of the shipment mentioned in this interrogatory.

5th. To the fifth interrogatory he saith, that he purchased for Joseph Noriago, of Pensacola, two negroes from the Barracon, and shipped them on board of the American schooner Louisa, under the care of Francisco Bonal, some time in June last past, for Pensacola, and understood that there were other negroes shipped on board the same vessel to Pensacola, but to whom they belonged he knows not.

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

7th. To the seventh interrogatory he saith, that he purchased the two negroes mentioned by him from Cucuthe, Mangual, & Brothers, and shipped them for account of Joseph Noriago, of Pensacola.

8th. To the eight interrogatory, he saith, that he has no knowledge of the voyage of the Constitution nor Marino; but, that, had not the Louisa been bound to Pensacola, he should not have shipped the negroes, which the captain thereof undertook to deliver in Pensacola.

9th. To the ninth interrogatory, he saith, that at the time the 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.

10th. 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 slaves could be introduced into the United States, under any circumstances ; and it was not known here, until some days after the departure of the schr. Louisa, that the troops under General Jackson, actually occupied Pensacola.

11th. 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.

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

Havana, 13th October, 1818.

J. A. VIDAL Y PASQUAL.

VINCENT GRAY.
JOHN MURDOCK.

AA.

HABANA, 15 de Junio, 1818.

Sr. don HENRIQUE MITCHELET :

Muy Sr. mioy amigo: He tomado la libertad de embarcar abordo de la Goleta Constitucion, su Capt. Don Henrique Peckham, á la consignacion de V. sesenta y nueve negros bosales, y asi mismo he sacado el pasaporte del escelentisimo Sr. Capitan General como propiedad suya á fin de facilitar la entrada en esa. Tengo hecha peticion á este Sr. 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 esta 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 dev indispensablemente consistir por otra ocasion que deve salir su tuvo, y me repito como siempre su afectisimo amigo y sêrvidor.

Por mi hermano D. ANTONIO,

NICOLAS DE FRIAS.

A DON HENRIQUE MITCHELET.

de Comercio de Panzacola.

B.

HABANA, 13 de Junio, de 1818.

Concedo licencia á Don Antonio de Frias de este comercio pa. que del cargamento de negros bosales con que entró vicitamente en esta puerto procedente de la Costa de Africa, la goleta española Voledora pueda hacer á Panzacola la remesa de sesenta y nueve de ellos al cargo de M. Packham para entragarlos á su dueño M. Henrique Mitchelet vecino á aquella plaza, segn. lo ha representado en memorial de este mes acreditando lo necesario en el asunto.

C.

José Cien Fuegos Jovellonos 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, subdela-

gado de la superintendencia de correos, postas, y estafetos, 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 Inerarity, residente en dicha plaza.

[SEAL.]

CIEN FUEGOS.

HABANA, 12 de Junio, de 1818.

*District of the United States,
January Term, 1822.*

<i>United States</i>	}
vs.	
<i>Schooner Constitution, and Cargo.</i>	}
<i>David Nagle, Antonio de Frias</i>	
vs.	}
<i>Eighty-four Negroes.</i>	

Tuesday, January 17, 1822.

DECREE.

It is ordered and decreed that the schooner Constitution, her tackle, apparel, and 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.

It is further ordered that the eighty-four negro slaves 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.

From which said decree the claimants prayed for, and obtained, an appeal to the Supreme Court of the United States.

I, Robert Carr Lane, Clerk of the District Court of the United States for the Alabama District, at Mobile, do hereby certify that the above and foregoing thirty-five pages contain a true copy of the record and proceedings had in said Court in the case of the United States vs. Schooner Constitution, and cargo, and David Nagle and Antonio de Frias vs. Eighty-four Negroes.

[SEAL.] Given under my hand and seal of office this twenty-fourth day of November, 1823.

ROBERT CARR LANE, Clerk.

*To the Honorable Henry M. Breckenridge, Judge of the Superior Court
of West Florida.*

Your memorialist, Francis Bonal, humbly represents, that, in the year of our Lord eighteen hundred and eighteen, your memorialist was returning from Havana in the schooner Louisa, to Pensacola.

the place of residence of your memorialist. That he, your memorialist, had on board the said schooner, four negro slaves. That when your memorialist arrived in the port of Pensacola, he found that place, as well as the Barrancas, occupied by the American army, under Gen. Jackson, but immediately under the command of Col. Brooke. That he had no sooner arrived, as aforesaid, than the said schooner *Louisa* was seized by the United States' Ketch *Surprize*, under the command of Lieut. McKeever, who was in the port of Pensacola, co-operating with the said army. That the said schooner, together with her cargo, amongst which were the said four negro slaves, belonging, as aforesaid, to your memorialist, was taken away, as your memorialist understood and believes, to the State of Alabama. That the said four negro slaves were totally lost to your memorialist, and that he has never received any compensation therefor. Your memorialist, therefore, prays that your honor will audit and adjust his account for losses as set forth in the premises, according to the ninth article of the treaty of cession, and the act of Congress thereupon, passed 3d March, 1823. And your memorialist, &c.

FRANCISCO BONAL.

January 8, 1824.

The United States, Dr.

To Francisco Bonal.

To four negro slaves, lost by the said Francisco, in consequence of the United States' army, in 1818, at \$800 each, - - - \$3,200

Document B, accompanying a record of the proceedings in the General Court of Alabama, in the case of the United States vs. the Schooner Louisa and her cargo, and Joseph Noriago and Francisco Bonal, vs. six Negroes.

For the same reasons as were given in the case of the cargo of the schooner *Louisa*, I am of opinion that the seizure of the negroes, on board said schooner, was illegal, and that, under the 9th article of the Florida treaty, the claimant is entitled to compensation to the full amount claimed.

H. M. BRACKENRIDGE,

Judge Sup. Court W. F. and Commis.

Alabama Territory of the United States—General Court—Special Term of said Court, to be holden on the 4th Monday of July, 1818.

Before you, the honorable Judges of the General Court, in and for said territory, come the United States of America, by William Crawford, their attorney for said territory, and give the court here to un-

derstand, 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, and of the burthen of 30 $\frac{4}{3}$ tons, or thereabouts, owned, in 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 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, was found, seized, and taken possession of, by Isaac McKeever, Esq. commander of the United States' Ketch, a vessel called the *Surprise*, on the high seas, and having on board, also, a valuable cargo, consisting of ten pipes of taffia, thirty cases sugar, thirty-three dozen pots of sweet meats, 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 do. sweet meats, 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 sugar, one do. of coffee, ship stores, and other articles: and that the said vessel, called *Louisa*, together with her cargo, and the negroes on board, have been brought, by the said Isaac McKeever, Esq. commander, to the port of Mobile, in the district of Mobile, and are now in the jurisdiction of this court, for a violation of an act of Congress, entitled "An act to prohibit the importation 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 section of said act. The said United States, by their said attorney, further shew 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 of the American vessel, called the "*Louisa*," owned in whole by an American citizen, viz. by Samuel Paxton, and transported from the Island of Cuba, being 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 holding the said negroes as slaves: and that the said vessel, called the *Marino*, together with a valuable cargo, and the said negroes, was, on or about the twenty-first day of June, in the year eighteen hundred and eighteen, 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*, and that the said vessel, called the *Louisa*, together with her cargo, and the said negroes, have been brought by the said Isaac McKeever, Esq. commander, &c. to the port of Mobile, in the district of Mobile, and within the jurisdiction of the 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, 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 day of April, in the year 1818, divers citizens of the United States fitted, equipped, and prepared at, and caused 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 the 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 said 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 foreign 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. Wherefore, the said United States pray that a citation may issue, and that the said vessel, the *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 may be distributed according to law. And the said United States further pray, that the said six 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 such sale be distributed according to law.

WILLIAM CRAWFORD,

Attorney of the United States for the District of Mobile.

JOHN ELLIOTT, for captors.

Filed 25th June, 1818.

F. H. GAINES, D. C. Gen. 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 a. anchor in the port of Mobile, together with the tackle, apparel, and furniture of said vessel, likewise the cargo of the said vessel, consisting of the following wares, goods, and merchandise, viz: ten pipes of tafia, thirty cases of sugar, thirty-three dozen pots of sweet meats, 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 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 of coffee do. and likewise six negroes, which were found on board 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 Territory of Alabama, 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 a 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 show cause to the said court, when in session, if any they have, or can, why the said vessel, called the *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 honorable Harry Toulmin, senior Judge of our said court, the twenty-fifth 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. G. C.

Recorded 27th June.

Executed 29th.

J. P. KENNEDY, D. J.

General Court of the Alabama Territory, June term, 1818.

The United States
 vs.
 Schooner Louisa and cargo. }

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 General Gaines, Colonel King, and Captain Call, or either of them : and that the said depositions be taken as evidence, as well in the case of the United States, against the said vessels and cargoes, as in the several libels for restitution, and the negroes on board the said vessel, 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 in the appraised value thereof, conditioned to have the property forthcoming, to abide the judgment of the Court.

In the General Court of the Alabama Territory, in Admiralty sitting.

The United States
 vs.
 The Schooner Louisa and cargo. }

Unto the said Court comes Augustine Valverde, Francis Bonales, Pedro Rivero Pinalvere, by their attorney, David Rust, and claims the said cargo mentioned in the libel of the United States, in this behalf filed, as their own lawful property, 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.

D. RUST, *Proctor.*

Alabama Territory of the United States, General Court.

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

Whereas, six African negroes found on board the American schooner, 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, Jose Noriega and Francis Bonal, subjects of the king of Spain, residing in the town of Pensacola and province of West Florida, a part of the dominions of the king of Spain, have claimed the aforesaid negroes,

as being their true, lawful, and bona fide property, and praying that they may be restored : you are therefore, commanded, and strictly enjoined, to cite and admonish all persons having and pretending to have any interest in the condemnation of the aforesaid six African negroes, to be, and appear before the Honorable General Court of Alabama Territory, to be holden on the first Monday in January next, while in session, if any they have or can, why the aforesaid six African negroes should not be restored to the said Joseph Noriega 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 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 Sovereignty and Independence of the United States of America the forty-third year.

Issued 29th August, 1818.

Attest,

F. H. GAINES, D. C. G. C.

Advertised.

J. HANES, Marshal.

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

LIBEL.—The libel of Joseph Noriega 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 twelfth day of June one thousand eight hundred and eighteen, did ship in and on board a certain American schooner called the Louisa, six negro slaves, to wit : the said Joseph Noriega two negro slaves, the said Francis Bonales four negro slaves, the true, lawful, and bona fide property of your libellants, to be transported in, and on board said schooner Louisa, 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, colonies, provinces, 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 the 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 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, Lieutenant Isaac McKeever, Commander, and sent 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 the 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 six negroes that the usual monition may issue, and that they may be decreed to be restored to them, with costs, &c.

DAVID RUST, *Proctor.*

Let Admiralty process issue.

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

10th July, 1818.

Issued 29th August, 1818.

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

GENERAL COURT.

Ordered, that Samuel H. Garrow, Lewis Judson, David Files, John W. Simonton, John Whitehead, and Jotham S. Patton, or any four of them, David Files be one, being accepted as securities to the bonds to be given under this order, and that Henry D. Merrit, Christopher Strong Stewart, and Daniel Duval be appointed as appraisers of the vessels and cargoes aforesaid.

Valuation of the schooner Louisa, and cargo, appraised by Christopher S. Stewart, D. Duval, and Henry D. Merrit.

Schooner Louisa, including her tackle and apparel, valued			
at six hundred dollars.	-	-	\$600 00
13,916 lbs. of Havanna brown sugar, at 7 cents,	-	-	974 12
884 do. white coffee, - a 18 do.	-	-	159 12
238 do. tallow, - a 7 do.	-	-	16 66
772 gallons tafia, - a 50 do.	-	-	386 00
347 do. rum, - a 50 do.	-	-	173 50
60 do. colmenar wine, a 80 do.	-	-	50 40
108 do. claret, 2 casks, at \$30 each,	-	-	60 00
20 hampers ale, - at \$1 50	-	-	30 00
1 box of claret, - - -	-	-	4 00
4 boxes vermicelli, 266 lbs. at 6 cents,	-	-	15 96
5 bales Spanish tobacco, 341 lbs. a 14 cents,	-	-	47 74
24 tubs of fish, damaged, at 1 dollar 50 cents,	-	-	36 00
30 boxes of sweetmeats, at \$11,	-	-	330 00

2 cases of platillas, containing 25 pieces each, is 50 pieces, at \$5½,	-	-	-	275 00
2 bales of checks, containing 96 pieces, at \$3,	-	-	-	288 00
2 bales blue gurrals, containing 100 pieces, at \$2½	-	-	-	250 00
1 trunk, containing remnants of dry goods,	-	-	-	25 00
				\$3,121 50

The above valued exclusive of duties.

MOBILE, July 31, 1818.

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

Filed 11th September, 1818.

F. H. GAINES, D. C. G. C.

COLLECTOR'S OFFICE,

Port of Mobile, August 25, 1818.

I certify that the tonnage duties 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, at the date above written.

ADDIN LEWIS, Collector.

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 *Marino* 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 in to the appraised value thereof, with Samuel H. Garrow, Lewis Judson, David Files, John W. Simonton, John Whitehead, and Jotham S. Patten, or any four of them, David Files being one, as securities, conditioned to have the property forthcoming, to abide the judgment of the Court; and whereas, an appraisalment 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 Jotham S. Patten, 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 Paxton, who has claimed the same, and that you deliver to Augustus Valverde, Francis Bonales, Pedro Rivero, and — Penalven, the cargo of the aforesaid schooner *Louisa*, consisting, as appears from the appraisement, of

1,3916 lbs. Havana brown sugar; 884 do. white coffee; 238 lbs. tallow; 772 gallons taffia; 347 do. rum; 63 do. Colmenar wine; 108 do. claret; 2 casks, 20 hampers ale; 1 box claret; 4 boxes vermicelli, 266 lbs.; 5 bales Spanish tobacco, 341 lbs.; 24 tubs of fish, damaged; 30 boxes sweetmeats; 2 cases platillas, containing 25 pieces each, is 50 pieces; 2 bales checks, containing 96 pieces; 2 do. blue gurrachs, containing 100 pieces; 1 trunk containing remnants of 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 her libel we give to understand. And whatsoever you shall do in the premises, you shall certify, under your hand and seal, to the Honorable the Judges of our said Court, at the Court to be holden in the Town of St. Stephen's, on the first Monday of January next.

Witness, the Hon. Harry Toulmin, Esq. Senior Judge of our said Court, the first Monday of 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 the 11th Sept. 1818.

Attest,

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

Delivered, as will appear by the receipt endorsed.

J. P. KENNEDY, D. M.

Know all men by these presents, that we, David Files, John W. Simonton, Samuel H. Garrow, and Jotham S. Patten, are held and *firmly* bound unto the United States of America, in the *sum* of seven thousand four hundred and forty-three dollars, to be paid to the said United States, 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, jointly and severally, firmly by these presents. Sealed with our seals, and dated — of August, in the year of our Lord one thousand eight hundred and eighteen.

Whereas, a libel has been filed in the General Court of the Alabama Territory, sitting in admiralty on the — day of — in the year of our Lord one thousand eight hundred and eighteen, by William Crawford, Esq. Attorney of the United States for the Territory aforesaid, on behalf of the said United States against a certain

vessel or schooner, called the *Louisa*, her tackle, apparel, and furniture, and cargo, and six negroes on board, stating and alleging that, for the reason and causes expressed in the said libel, the said schooner or vessel, her tackle, apparel, and furniture, cargo and negroes on board, have been seized and become forfeited to the said United States, and praying that the same may be condemned as forfeited to the use of the said United States. And whereas, the said schooner or vessel, her tackle, apparel, and furniture, cargo and negroes on board, have been attached by the process of the said Court aforesaid, in pursuance of the libel aforesaid, and are now in custody by virtue thereof. And whereas the said schooner or vessel, her tackle, apparel, and furniture, and cargo, exclusive of the six negroes on board, have been, by order of the said Court aforesaid, appraised by appraisers appointed by the said Court aforesaid, to wit, Christopher Strong Stewart, Daniel Duval, and Henry D. Merritt, and which said appraisers have appraised and valued the said schooner, her tackle, apparel, and furniture, and cargo, at three thousand seven hundred and twenty-one dollars and fifty cents. And whereas the Court aforesaid have ordered that the said schooner, her tackle, apparel, and furniture, and cargo aforesaid, should be bonded at the appraised value of the same.

And, whereas, the above bounden, David Files, John W. Simonton, Samuel H. Garrow, and Jotham S. Patten, are content and willing to become bound to the said United States in manner and to the effect following:

Now, therefore, the condition of this obligation is such, that if the above bounden, David Files, John W. Simonton, Samuel H. Garrow, and Jotham S. Patten, or either of them, or either of their heirs, executors, or administrators, shall pay into the said Court aforesaid, for the use of the said United States, the said sum of three thousand seven hundred and twenty-one dollars and fifty cents, being the appraised value aforesaid, of the said schooner aforesaid, called the *Louisa*, her tackle, apparel, and furniture, and cargo aforesaid, in case the said schooner, her tackle, apparel, and furniture, and cargo, shall, by the sentence and decree of the Court aforesaid, be adjudged to be forfeited or condemned to the use of the said United States, within twenty days after the sentence and decree shall be pronounced, and if the said schooner or vessel, her tackle, apparel, and furniture, and cargo aforesaid, shall be acquitted, or if a decree shall pass in said Court, in favor of the claimants, then, and in such case, if the above bounden, David Files, John W. Simonton, S. H. Garrow, and Jotham S. Patten, or either of them, or either of their heirs, executors, or administrators, shall, within twenty days after the sentence and decree shall be pronounced, pay into the said Court aforesaid, or to the officers thereof, respectively, all such costs and charges as shall, in that case, be taxed and allowed by the said Court aforesaid, to the said officers thereof, and if the claimants shall in all things abide and perform such decree as shall be made by the said Court aforesaid, in

the said cause, or respecting the same, then this obligation shall be void, and, otherwise, the same shall be remain in full force and virtue.

DAVID FILES.
J. W. SIMONTON.
S. H. GARROW.
J. S. PATTEN.

Sealed and delivered in presence of
TERRY M. CUSKER.

Filed 11th September, 1818.

F. H. GAINES, D. C. G. C.

GENERAL COURT, JULY TERM.

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

Whereas, one hundred and seven African negroes have been brought within the jurisdiction, and placed within the custody, of this Court, as being liable to forfeiture under the laws of the U. States, and whereas certain persons have claimed said negroes, and deny their liability to forfeiture, as aforesaid; and whereas the said causes in reference to the liability of said negroes to forfeiture, could not be decided at July Term, 1818. of the Alabama General Court, sitting in Admiralty: it was agreed, by and with the consent of the said Court, and all the persons interested, either in the seizure of said negroes aforesaid, as those claiming restitution of the same, 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 the said negroes are to be excepted from the liability of the said responsible persons. Whereupon, James Caller, David Files, and Benjamin S. Smoot, 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 return them into 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 in the stipulation herein mentioned.

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

The United States }
vs. }
The Schooner Louisa, }
Cargo and Slaves. }

These cases are continued by the consent of the captors and claimants, and agreed in the cases of the *Marino* and *Louisa*, the slaves are to be delivered to John Juinn, he giving bond for the safe-keeping and forthcoming of the said negroes, agreeable to the order of the Court for their good treatment and care of their health, in the sum of twelve thousand dollars for the slaves imported in the *Marino*, and four thousand dollars in the case of the *Louisa*, and the Court accept of as security in both cases, Robertson and Barnewall, F. W. and 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 security of George M. Brooke, the person to whom the the negroes are to be bonded, John F. Everitt, Captain A. L. Sands, Lieut. Spencer, Richard B. Owen, George W. Owen, E. Montgomery, A. Hollinger, B. S. Smoot, Webster & Griswold, Gilbert C. Russell, and Turner Stark. And it is ordered by the Court, that the Marshal of this District [take] immediately all the above negroes into possession, until the bonds are regularly given.

JUNE TERM, 1821.

The United States }
vs. }
Schooner Louisa, }
Cargo and Slaves. }

Continued, by consent, until the January Term, 1822.

JANUARY TERM, 1822.

The United States }
vs. }
Schooner Louisa, }
and Cargo. }

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 tenth day of June, in the year

eighteen hundred and eighteen, 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 United States 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 jurisdictional limits of the United States; and this claimant further answering, saith, that the negroes found on board 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 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 sustained, and his damages, occasioned by the seizure and detention of the said schooner, so unlawfully made to his —

SAMUEL ACRE,
Proctor for Claimant.

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

W. H. ROBERTSON.

R. C. LANE, *Clerk.*

MONDAY, January 14, 1822:

<i>United States,</i>	}
vs.	
<i>Schooner Louisa,</i>	}
<i>and Cargo.</i>	
<i>Francis Bonales</i>	}
<i>Joseph Noriage</i>	
vs.	}
<i>Six Negroes.</i>	

It is admitted, by the Attorney for the captors, as well as for the claimants,

That the *Louisa* and *Constitution* cleared out from New Orleans, and the *Marino* from Mobile, all for the port of Havana; that they

were American schooners with American registers, that the *Louisa* and *Constitution* were cleared from the latter port of New Orleans, and the *Marino* for Mobile, at the different periods mentioned in the commissions sent to Havana, viz: the *Marino* on the 2d June, 1818, the *Constitution* on or about the 18th June, 1818, and the *Louisa* on the 18th 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 *Marino* was captured within a mile and an half of the Barrancas, inside of the bar in the harbor of Pensacola, by the U. States Ketch *Surprise*, Capt. 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 Col. George M. Brook, of the U. 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 Revenue Boat, that the time he boarded her, Captain *Sans* was on board as agent of the captors arrived, he (C. Lewis,) remained on board until she arrived in port, and reported her to the Collector of the port as being captured by him. That he reported the same to the District Attorney, but not until Col. Brooke had 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 commission 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; that the commission was opened in open Court; that 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 *Marino* was on board, and that the register of the vessel was in the name of William H. Robertson and Asobel Gross; 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.

“Antonio Fische being sworn, says, that he lived under the government of Spain from the time of the arrival of O’Kelly, until the country was taken possession of by the Americans. That he knows that slavery is permitted in Spain, but does not know whether it is by any particular ordinance, or whether it is by custom.”

“Don Miguel Eslava being sworn, says, that slavery is permitted in the Island of Cuba, but does not know whether it is by any particular ordinance or by custom.”

*Alabama, Territory of the United States, }
General Court.*

The President of the United States to Messrs. Gray and John Murdock, Esq. 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, agreeably to the annexed interrogatories, 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 and under your seals, to the honorable the judge of the General Court of the said Territory at the court to be holden on the first Monday in January next, together with this writ, witness the honorable 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, the forty-third year of the sovereignty and independence of the United States of America.

Issued 30th July, 1818.

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

Interrogatories to be administered to witnesses in behalf of the claimants and libellers in the following cases, to wit :

ALABAMA GENERAL COURT IN ADMIRALTY :

The United States vs. Schooner Marino and cargo.

The United States vs. Schooner Louisa and cargo.

The United States vs. Schooner Constitution and cargo.

Henry Mitchelet, Diego Crispo, Francis Barras, Ignatius Balderos, vs. nineteen negroes.

Joseph Noriego, Francis Bonal, vs. six negroes.

David Nagle, Antonio Frias, vs. eighty-two negroes.

INTERROGATORIES.

1st. Do you know *David Magle*, Antonio Frias, *Diego Frispo*, Francis Bonal, Ignatius Balderos, Joseph *Moriago*, Francis *Barrias*, and Henry Mitchelet, parties in the above suits, 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 merchants or persons residing within his dominions ?

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

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

5th. Have you any knowledge of the said Francis Bonal, and the said Joseph Noriego, or some person or persons 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 Bonal four negroes, and the said Joseph Noriego two negroes; and were they the true and bona fide property of the said Bonal and Noriego ?

6th. Have you any knowledge of the said Mitchellett, the said Diego Crispo, Francis Barrias, and Ignatius Balderas, or some person or persons further having some time in said month of June, at Havana aforesaid, shipped on board the American Schooner Marino, nineteen negroes; that is to say: the said Diego Crispo, twelve negroes; the said Henry Mitenclet, 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 several foregoing interrogatories purchased by the several persons therein set forth, as owners in Havana, to your knowledge, or by some person for them in pursuance of their orders and instructions; and were they so shipped to be delivered to them or their orders at Pensacola ?

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

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

10th. Whether at the time that the said schooner 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, in the year of our Lord 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 schooner 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 Louisa, Marino, 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 of either the United States, the captors, claimants, or libellants aforesaid, and, if so, declare it.

Issued 30th July, 1818.

F. H. GAINES, *D. Clk.*

Alabama, Territory of the United States :

I. Francis H. Gaines, Deputy Clerk of the Court of said Territory, do certify that the foregoing pages numbered 1, 2, 3, 4, 5, 6, contain a true copy of the 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, [L. s.] on the 30th day of July, in the year of our Lord one thousand eight hundred and eighteen, and the forty-third year of sovereignty and independence of the United States of America.

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

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 witnesses, in a certain cause then pending and at issue between the United States plaintiff, 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, dispatch clerk in the house of Don Antonio De Frias, he, the said Frias, being in Europe, and his brother and Attorney Don Nicholas, being 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 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, that Don David Nagle and Don Antonio De Frias, are resident merchants in this city, and subjects of His Catholic Majesty.

3d. To the third interrogatory he saith, that Don 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 Barracon of Don Antonio De Frias, No. 73, and he remembers to have seen a clerk of the said Nagle or Mr. Mitchelet, in the office of the Secretary of this Government, obtaining a passport for said negroes; but, as to the number, he knoweth 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 the month of June last, sixty-nine African negroes, as he understood, for account as expressed in the letter and passport hereto annexed, and marked A and B, which negroes were actually imported by the said Antonio De Frias from the coast of Africa, in the Schooner called the Volorado, and re-shipped from the Barracon of said Frias, No. 13 he, the said deponent, having obtained the passport for the reshipment of the said negroes from the Captain General, for account of the said Frias.

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

7th. To the seventh interrogatory he saith, that twelve 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 Don Antonio De Frias, and shipped 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 the Captain of the Constitution received the aforesaid sixty-nine African negroes, as well as the others shipped on 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.

9th. To the ninth interrogatory he saith, that, as insurgent privateers were almost constantly off this port, Matanzas and Mariel, the preference was not only given to the transportation of negroes in American vessels hence, but that no person would risk a negro on board a Spanish vessel for any place, except a vessel of war.

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 African or 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, and 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 the eleventh 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 can be useful to the claimants, defendants, or to the United States.

Havana, 13th October, 1818.

FRANCISCO 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 these depositions named, doth depose and declare as follows, viz :

First. To the first interrogatory he saith, that he knows David Nagle, Antonio de Frias, Diego Crispo, and Ignacio Balderos, but is not acquainted with the other parties named in this interrogatory.

Second. To the second interrogatory he saith, that David Nagle, Antonio de Frias, and Ignacio Balderos reside in this city, and he understands, that Diego Crispo resides in Pensacola, and that they are all subjects of his Catholic Majesty.

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

Fourth. To the fourth interrogatory he saith, that he hath 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.

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

Sixth. To the sixth interrogatory he saith, that he has knowledge of the purchase and shipment of fourteen negroes by Diego Crispo and Ignacio Balderos on board the schooner Marino, bound to Pensacola; that is to say: twelve by Diego Crispo, and two by Ignacio Balderos, and he understood from Diego Crispo, that he was about to purchase four or five negroes more for his friend in Pensacola, and ship the same by the vessel Marino.

Seventh. To the seventh interrogatory he saith, that he had no other knowledge of the purchase of the negroes mentioned in the foregoing interrogatories than stated in the preceding answers.

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

Ninth. To the ninth interrogatory he saith, 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.

Tenth. To the tenth interrogatory he saith, that he never heard of the act of Congress mentioned in this interrogatory, and it was not until the arrival of the schooner Washington Flag of Truce, who ar-

rived here late in June last past, with troops on board, after the departure of the *Marino*, that information was received of the seizure and occupation of Florida by the troops under the command of General Jackson.

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

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

Havana, 13th October, 1818.

DOMINGO RODRIGUEZ.

VINCENT GRAY,
JOHN MURDOCK.

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

First. To the first interrogatory he saith, that he knows all the persons named in the interrogatory except Henry Mitchelet and Ignacio Balderos.

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

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

Fourth. To the fourth interrogatory he saith, that he has no knowledge of the shipment mentioned in this interrogatory.

Fifth. To the fifth interrogatory he saith, that he purchased of Joseph Noriago, of Pensacola, two negroes from the Barracon, and shipped them on board the American schooner *Louisa*, under the care of Francisco Bonal some time in June last past 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.

Sixth. To the sixth interrogatory he saith, he has no knowledge of the shipment of negroes on board the *Marino* mentioned in this interrogatory.

Seventh. To the seventh interrogatory he saith, that he purchased the two negroes mentioned by him from Custa, Man, Gual & Brothers, and shipped them for account of Joseph Noriago of Pensacola.

Eighth. To the eighth interrogatory he saith, that he has no knowledge of the voyage of the *Constitution* nor the *Marino*, but that had the *Louisia* not been bound to Pensacola, he should not have shipped the negroes, which the Captain thereof undertook to deliver in Pensacola.

Ninth. 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 these seas, consequently the preference was given to American vessels.

Tenth. 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 slaves could be introduced into the United States under any circumstances, and it was not until some days after the departure of the schooner *Louisa*, that it was known here that the troops under General Jackson had actually occupied Pensacola.

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

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

Havana, 13th October, 1818.

JOSE ANTONIO VIDAL Y PASQUAL.

VINCENT GRAY,
JOHN MURDOCK.

A. A.

Habana, 15 de Junio, de 1818.

Muy Sen. mio y Amigo : He tomado la libertad de embarcar aborrido de la Goleta Constitucion, su Capn. Don Henrique Peckham, à la consignacion de V. sesenta y nueve negros bosales, y asi mismo he sacado el pasaporte del Excelentisimo Señor Capitan General, como propiedad suya à fin de facilitar la entrada en esa.

Tengo hecha peticion à esta Señor Intendente General para el pago de tierra que V. me tiene indicado sobre del 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 à suplicarle el pronto desembarco de los Esclavos, y sus amistosas atenciones à 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.

A DON HENRIQUE MITCHELET.

Del Comercio de Pensacola.

B.

Habana, 13 de Junio. de 1818.

Concedo licentia á D. Antonio Frias, de esta comercio para que del cargamento de negros bosales con que entró vicitamente, en este puerto procedente de la Costa de Africa, la Goleta Espanola Valadora, pueda hacer á Panzacola la vemesa de sesenta y nueve de ellos al cargo de M. Pachen para entragarlos á sue dueno M. Henrique Mitchelet, vecino de aquella plaza, segn. lo ha representado en memorial de este mes acreditando lo necesario en el asunto.

JUAN JUINN.

Don Jose Cien Fuegos Jovellanos Caso y Ramirez, Caballero Gran Cruz, de la real Militar Orden de S. Hermenegillo, 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 Compania 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 Ynerarity, residente en dicha plaza.

Habana, 12 de Junio, de 1818.

JUAN JUINN.

<p><i>The United States</i> vs. <i>Schooner Louisa and</i> <i>Cargo, and</i> <i>Marino and Cargo.</i></p>	}	<p>DISTRICT COURT OF THE UNITED STATES. <i>January Term, 1822.</i></p>
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Samuel Acre, Esq. moved to dismiss the libels against these two vessels and cargoes.

First. Because the libel concludes contrary to the form of the statute.

Second. Because no admiralty process has issued. Which motion is not sustained by the Court.

The United States
 vs.
Schooner Louisa and Cargo. }
Joseph Noriago,
Francis Bonales, }
 vs.
Six Negroes. }

TUESDAY, January 17, 1822.

It is ordered and decreed, that the schooner *Louisa*, her tackle, apparel, and 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.

It is further ordered, that the six negroes be and remain subject to the laws of the State of Alabama, and that the distribution of the said negroes be reserved for the further order of this Court.

From said decree, the claimants and libellants for restitution, prayed for, and obtained, an appeal to the Supreme Court of the United States.

I, **Robert Carr Lane**, Clerk of the District Court of the United States, for the Alabama District, at **Mobile**, do hereby certify, that the above and foregoing twenty-five pages, contain a true copy of the record and proceedings had in the said Court, in the case of the United States vs. the schooner *Louisa* and cargo, **Joseph Noriago** and **Francis Bonales**, vs. six negroes.

Given under my hand and seal of office, this 24th November, 1823.
ROBERT CARR LANE, *Clerk.*

To the *Honorable Henry M. Brackenridge*, *Judge of the Supreme Court*,
 &c.

The memorial of **Francisco Bonal**, a Spanish inhabitant of West Florida, respectfully represents, that some time during the Spring, or early in the Summer of 1818, your memorialist, then a Spanish subject, residing in the City of Pensacola, shipped on board the American schooner *Louisa*, bound from Havana to the port of Pensacola, a valuable cargo of groceries and merchandise, the property of your memorialist: that on the arrival of the said [schr.] in the port of Pensacola, contrary to the expectations of your memorialist, Pensacola was in the possession of the troops of the United States: that amongst other articles shipped on board the said schooner, were two slaves, the property of **Joseph Noriago**, also a Spanish inhabitant of Florida: that, in consequence of the importation of the said slaves, after the said schooner had anchored in the port of Pensacola, the said schooner was seized by one of the armed vessels of the United States, for an alleged violation of the laws, which were unknown and inoperative in Florida, and carried to **Mobile** for condemnation: that your memorialist, in order to recover his said property, has expended much time and labor, and incurred great expense, without effect: that the cargo, so far as your memo-

rialist was interested, is mentioned and detailed in the copy of the manifest of the said vessel, herewith filed, and accompanying. The articles herein mentioned, marked F B, those marked F F, and those marked R, being the property of your memorialist: And your memorialist further represents, that the said goods were all entirely and totally lost to your memorialist, to his damage \$4,889 03; and that he has received no compensation therefor. Your memorialist, therefore, prays your honor to audit and adjust this his claim, against the United States, according to the provisions of the Treaty of Cession, and the Act of Congress passed in aid thereof, March 3d, 1823.

FRAN'CO BONAL.

A.

Account of the Goods shipped in Havana, on board the schooner Louisa, Pedro Rivero, master, bound for Pensacola, on account and risk of Francisco Bonal, and which were seized in the bay of Pensacola by the United States ketch Surprise, Capt. M-Keever.

F B.	5 pipes Taffia, at \$125,	-	-	-	625
"	ten bags Coffee, wt. 43 arr. 7d. 4 rl.	-	-	-	405
"	four boxes Fidoes w'g. 50 lb. each. 4 rl.	-	-	-	100
"	six kegs Olives, 6 4.	-	-	-	39
"	one demijohn Anniseed of Magna,	-	-	-	24
"	4 bbls. Malaga Wine, at 30,	-	-	-	120
"	six cases Gin, at 13,	-	-	-	78
"	two half pipes Red Wine, at 70,	-	-	-	140
B.	twelve hampers Porter, cont'g. one dozen each, 6,	-	-	-	72
F B.	six boxes Wine, at 12,	-	-	-	72
"	fifteen boxes sugar w'g. 244 arr. 9 rs. at 1½ rl.	-	-	-	1,145 3½
"	seven barrels do. w'g. 60 9.	-	-	-	282 7½
"	six tierces tobacco, w'g. 22 2, a 8 rl.	-	-	-	552
"	one case cont'g 80 dozen small boxes sweetmeats, 4 rs.	-	-	-	480
"	two boxes superfine Segars, at \$16,	-	-	-	32
F F.	twenty-five bbls. (Sardines,) at 20,	-	-	-	500
"	two loads Plantain, at 20,	-	-	-	40
"	fifteen dozen Pine Apples, at 4,	-	-	-	60

Taken out of Mr. Bonal's apparel trunk, by the officers who boarded the schooner.

Six dozen Madras Handkerchiefs,	-	-	-	72
Two pieces Calico, at 25,	-	-	-	50

4,889 3

So much paid a lawyer in Mobile,	-	-	-	150
So much expended by Mr. Bonal, in two trips to Mobile, with one servant, &c.	-	-	-	350
Protest, &c. &c. &c.	-	-	-	60

E. E.

\$5,419 3

PENSACOLA, June 26, 1823.

Francisco Bonal, being duly sworn, deposeth and saith, that the within is a just and true account of the losses which he sustained by the operations of the army of the United States in Florida, in 1818, and that he has received no compensation therefor.

FRAN'CO BONAL.

Sworn to and subscribed before me, this 27th day of September, 1823.

ROBT. MITCHELL.

Justice of the Peace.

PENSACOLA, the 10th — 1823. — Personally came before me, a Justice of the Peace for the County of Escambia, and Territory of Florida, Henry Michelet, Emanuel del Barco, and Pablo Palmes, who being duly sworn, declares, and says, that the prices of the same articles in the annexed invoice, were the current price of the same articles in the year 1818, when the American army occupied the place.

HENRY MICHELET,
MANUEL DEL BARCO,
PABLO PALMES.

Sworn and subscribed before me, this 10th July, 1823.

ROBERT MICHELL,

Justice of the Peace.

Personally appeared, this 27th day of August, 1823, Peter Alba, junior, of lawful age, who, being duly sworn, deposeth and saith, that the within inventory is a true copy and translation from the original invoice of the cargo of the schooner Louisa, seized and taken by the armed vessel of the United States, in the year of our Lord eighteen hundred and eighteen, at the port of Pensacola.

ROBT. MITCHELL.

Justice of the Peace.

Deposition taken this 27th day of September, in the year of our Lord 1823, in support of a claim of Francisco Bonal, for compensation from the United States, for injuries done to his property by the operations of the American army of the said United States in Florida, in the year 1818, under the 9th article of the Treaty of Cession, and the Act of Congress passed March 3d, 1823.

Personally appeared before me, a Justice of the Peace, in and for Escambia County, Peter Alba, junior, who, being duly sworn, deposeth, that he knows, that, in the month of February, in the year 1818, Francisco Bonal, a Spanish inhabitant of West Florida, sailed from the Port of Pensacola for the Havana, with a view of getting satisfac-

tion for some claims which the said Francisco, and Peter Alba, senior, held upon the Spanish Government, and appropriating the money received upon said claims, to the purchase of a cargo of goods shipped for Pensacola: that, as this deponent thinks, on the twentieth day of June, in the said year, the said Francisco arrived, on his return from the Havana, in the Port of Pensacola: that, on the 28th day of May, preceding the arrival of the said Francisco, the American forces had taken possession of Pensacola and the adjacent country: that the said Francisco arrived in the American schooner Louisa, and that the said schooner was seized by an armed vessel of the United States Government, called the Surprise, commanded by Capt. M'Keever, and taken to Mobile. And this deponent further says, that he saw the bills of lading of the cargo of the said schooner Louisa, and that from them it appeared, that nearly the whole of the said cargo was shipped in the name and for the use of the said Francisco: And this deponent further says, that the copy of the manifest, signed by Addin Lewis, Collector of the Port of Mobile, dated 21st April, 1823, contains, to the best of his recollection, an inventory of all the goods mentioned in the said bills of lading, all the articles marked F B, those marked F F, and those marked R, being the property of the said Francisco; and further this deponent saith not.

P. ALBA.

Sworn to and subscribed before me, this 27th September, 1823.

ROBT. MITCHELL,

Justice of the Peace.

Deposition taken this 27th day of September, eighteen hundred and twenty-three, in support of a claim of Francis Bonal against the United States, in Florida, in the year 1818, under the ninth article of the Treaty of Cession, and the Act of Congress thereupon passed, the third day of March, 1823.

This day, personally appeared before me, a Justice of the Peace for Escambia County, Sebastian Carro, of lawful age, who, being duly sworn, deposeth and saith, that he, this deponent, was living in Pensacola in the year 1818: that, in June of the said year, the arrival of the schooner Louisa was expected in the said Pensacola, by several persons who had an interest in her cargo: that, about the twentieth day said month of June, the said schooner came into port, from the Havana, and that, immediately on her arrival, she, the said schooner Louisa, together with her cargo, was seized and carried away, as this deponent understood, to Mobile; and this deponent further says, that shortly after the said seizure of the said schooner, this deponent accompanied the said Francisco Bonal to the said Town of Mobile, to endeavor to recover so much of the said cargo of the said vessel as belonged to the said Francisco: that, on his arrival at Mobile, this deponent found the said goods in the hands of T. M. Kuscard & Co. of

the said Town of Mobile : And this deponent further says, that, after being satisfied that these goods were the same which had been taken on board the said schooner Louisa, in the said Port of Pensacola, he examined them, and found that such of them as were admitted to be the property of the said Francisco, agreed with the goods mentioned in the accompanying manifest, marked with the letters F B and R ; And this deponent further says, that the said Francisco was at a great expense in endeavoring to recover said goods, but that he could not succeed in regaining any part of them : And this deponent further says, that the said schooner was seized by a ketch commanded by Captain M. Keever, who was at that time co-operating with the army of the United States, then in possession of Pensacola, and of the Fort at the Barrancas : And this deponent further says, that he, the said Francisco, was supercargo on board the schooner Louisa; and further, that he, this deponent, examined the bills of lading of the said cargo, and found that they corresponded with the said manifest, and showed that the said articles in the said manifest, marked F B, and R, were the property of the said Francisco : And this deponent further says, that he, the said Francisco, then was, and had long been, a Spanish inhabitant of West Florida. And further this deponent saith not.

SEBASTIAN CARRO.

Sworn to and subscribed before me, this 27th day of Sept. 1823.

ROBT. MITCHELL,

Justice of the Peace.

Documents accompanying.

A. Certified copy of the manifest of the cargo of the schooner Louisa.

B. Certified copy of the valuation of the schooner Louisa and cargo.

C. An account of the goods shipped by M. Peñalber in Havana, on board the schooner Louisa.

From the evidence in this case, it appears that an American schooner, the Louisa, was seized in the port of Pensacola, with her cargo and several slaves on board, and carried into the Port of Mobile, for adjudication, on an alleged violation of the laws of the United States, in relation to the importation of slaves. The cargo and slaves belonged to Spanish subjects, and were imported into Pensacola in 1818, under the belief that this place was still under the dominion of Spain. In my opinion, there was no intention on the part of the owner of the articles before mentioned, to violate the municipal laws of the United States, nor were they under any obligations to observe them excepting in places where those laws were actually in force. The Government *de facto* of West Florida, was at that time exercised by the officers of the United States, but the laws of the United States had not been extended, and it is a clear principle, that even in the case of a conquered country, the existing municipal laws continue in force until repealed, or others are enacted to supply their place. No act of

Congress appears to have been extended to West Florida, at that period, and such importations were not forbidden by the laws of Spain. Under the circumstances of the case, I am of opinion that this claimant is entitled to compensation for the cargo specified in his account, to the full amount thereof.

\$5,449 37½

H. M. BRACKENRIDGE,

*Judge Sup'r Ct. W. F. and
Commissioner under the 9th Art. of the Treaty.*

WEST FLORIDA, ss.

I do hereby certify, that the foregoing contains a true copy of all the evidence exhibited and taken in support of the claim of Francisco Bonal, received by the Judge of the Superior Court of West Florida, and on file at my office.

In testimony whereof I have hereunto set my hand and seal of office, the 21st day of January, 1824, in the City of Pensacola.

[L. s.]

JOHN MILLER,

C'k. Sup. Ct. W. Florida.

By **W. HAZELL HUNT, D. C.**

To the Hon. **H. M. BRACKENRIDGE,**

Judge of the Superior Court of West Florida,

The memorial of Joseph Noriega respectfully represents: that, some time in the month of May, 1818, your memorialist, then a Spanish subject of West Florida, shipped from the port of Havana, in the Island of Cuba, on board of the American schooner *Louisa*, bound to the port of Pensacola, two valuable African slaves, and two boxes of segars, the property of your memorialist.

That Pensacola, though at that time a Spanish port, and subject alone to the jurisdiction of the Spanish authorities, was, at the time of the arrival of the said schooner, though contrary to the expectations of your memorialist, in the peaceable possession of the Army and Navy of the United States, and that, after the said schooner had been safely moored in the port of Pensacola, she, with her cargo, and the slaves and segars of your memorialist, was forcibly seized, for an alleged violation of the laws of the United States, which was at that time unknown and inoperative in this Territory. That the said schooner and cargo, with the slaves of your memorialist, and the said segars, were finally carried to Mobile for adjudication.

That your memorialist, in order to recover his said property, has made several fruitless and unavailing efforts, which have only been attended with loss of time and other expenditures. That the money

expended by your memorialist, for this purpose, when added to the true value of the said slaves and the said segars, will exceed the sum of two thousand dollars. Wherefore, your memorialist prays that your Honor will examine his said cause of complaint, and that he may receive, by the award of your Honor, such indemnity, as has been provided in such case, by the 9th article of the Treaty of Cession, and the act of Congress, approved the 3d day of March, 1823.

And your memorialist, as in duty bound, will ever pray.

JOSEPH NORIEGA.

Personally appeared before me, a Justice of the Peace, in and for Escambia County, Joseph Noriega, who being duly sworn, deposeth and saith, that the following is a just and true account of the losses of the said Joseph, by the operations of the Army of the United States, in 1814, and that he has received no compensation for the same, or for any part thereof, to wit:

One negro man, worth	-	-	-	-	§ 800
One other negro man, worth	-	-	-	-	800
Two boxes segars	-	-	-	-	32
					<hr/>
					§ 1,632
					<hr/>

JOSEPH NORIEGA.

Sworn to and subscribed before me, this 27th day of August, 1825.

ROBERT MITCHELL,

Justice of the Peace.

Deposition of Col. Geo. M. Brooke, taken the 18th day of August, 1813, in support of a claim of Joseph Noriega, under the 9th article of the Treaty of Cession, and the act of Congress thereupon, approved March 3, 1823, for injuries done to the property of the said Joseph, by the operations of the Army of the United States, under General Jackson, in the year 1818.

Personally appeared before me, a Justice of the Peace in and for Escambia County, this 18th day of August, 1823, Geo. M. Brooke, who, being duly sworn, deposeth and saith, that he, this deponent, was, in 1818, attached to the army of Gen. Jackson, which entered Florida; that this deponent commanded the detachment which took possession of Pensacola and the Barrancas. That that possession was taken on or about the 27th day of May, and that, in June following, whilst this deponent commanding at the Barrancas, it was reported to him that a vessel had arrived at the port of Pensacola from the Havana, laden, in part with negroes. After inquiring more particularly into the circumstances and cause of the detention of the said vessel, whose name was the Louisa, this deponent ordered her to be

restored to her owners. That the said vessel had on board, amongst other things, two negroes, belonging to the said Joseph Noriega, which had been purchased in the Havana, and shipped on board said vessel for the said Joseph, residing at Pensacola, aforesaid. And this deponent further represents, that, after he, this deponent, had so, as aforesaid, ordered the said vessel and cargo to be re-delivered to their owners, the said vessel and cargo were seized upon by Lieutenant M. Keever, commanding the Naval forces at Pensacola, and taken to Mobile, amongst which said cargo, were the said two negroes of the said Joseph. And this deponent further says, that the said two negroes have never been returned to the said Joseph, and this deponent believes that he, the said Joseph, has never received any compensation for the loss of the same.

And this deponent further says, that the said two negro men were well-looking, hearty slaves, worth, as this deponent supposes, the sum of five hundred dollars each. And this deponent further says, that the said Joseph was then, and had long been, a Spanish inhabitant of the Territory of Florida.

And further this deponent saith not.

GEO. M. BROOKE.

Sworn to and subscribed before me, this 18th August, 1823.

ROBT. MITCHELL,

Justice of the Peace.

Deposition taken the 27th day of August, 1823, in support of a claim of Joseph Noriega, under the 9th article of the Treaty of Cession, and the act of Congress thereupon, passed the third day of March, 1823, for injuries done to the property of the said Joseph, by the operations of the Army of the United States, under the command of General A. Jackson, in 1818.

Personally appeared before me, a Justice of the Peace in and for the County of Escambia, Francisco Bonal, who being duly sworn, and of lawful age, deposes and saith, that, about the middle of June, 1818, this deponent arrived at the port of Pensacola, from the Havana, in the Schooner Louisa, which was commanded by Peter Revara. That, on his arrival, this deponent was surprised to find Pensacola and the Barrancas in the possession of the Army of the United States. And this deponent further says, that, very shortly after his arrival, as aforesaid, the said schooner was forcibly and violently seized upon by an armed vessel of the United States Government, and carried, as this deponent has since been informed, to Mobile, together with her whole cargo. And this deponent further says, that, amongst other things on board the Schooner Louisa, were two negro men, belonging to the said Joseph Noriega, and two boxes of segars: which said negro men were delivered in the city of Havana, by Don J. Antonio Vidal, for Joseph Noriega, to this deponent, having been, as this

deponent understood, purchased by the said Vidal, for the said Joseph; and this deponent further says, that the said negro men were from nineteen to twenty years old, and worth, as this deponent supposes, about the sum of eight hundred dollars each, at that time, in Pensacola, and the said segars, about sixteen dollars per box. And this deponent believes that the said Joseph has never received any compensation for the loss of the said two negro men, or the said two boxes segars, though, as this deponent believes, they were totally lost to the said Joseph.

And this deponent further says, that the said Joseph Noriega was then, and had long been, a Spanish inhabitant of West Florida. And further this deponent saith not.

FRANCIS BONAL.

Sworn to and subscribed this 27th day of August, 1823.

ROBT. MITCHELL,

Justice of the Peace.

For the same reasons which I have assigned in the case of Francisco Bonal, claiming compensation for the cargo of the *Louisa*, I am of opinion, that the claimant in this case, is entitled to compensation, at the rate of six hundred and fifty dollars, each, for the said negroes, and for the segars, sixteen dollars per box.

\$ 1,352.

H. M. BRACKENRIDGE,

*Judge Sup. Court, W. F. and Acting as Commissioner
under the 9th Article of the above Treaty.*

West Florida, ss.

I do hereby certify that the foregoing contains a true copy of all the evidence exhibited and taken in support of the claim of Joseph Noriega, received by the Judge of the Superior Court of West Florida, and filed in my office.

In testimony whereof, I have hereunto set my hand and seal of office, at Pensacola, this, the 21st day of January, 1824.

JOHN MILLER,

Clerk Sup. Court West Florida.

By

W. HAZELL HUNT, D. C.

*To the honorable Henry M. Brackenridge, Judge of the Superior Court
for the District of West Florida.*

Your memorialist Francisco Barrios, Ignacio Balderas, Diego Crispo. and Henry Mitchellet, humbly represents: That, in the year of our Lord eighteen hundred and eighteen, they, and each of them

were Spanish inhabitants of Florida : that, in May or June, of the above mentioned year, a certain schooner called the Marino claimed and owned by Wm. H. Robertson and Asabel Gross, came to the port of Pensacola, in the then province of West Florida, from the port of Havana ; and your memorialists would further represent that there were shipped on board the said schooner, at the said port of Havana, for the use and benefit and as the property of your memorialists, nineteen negro slaves, which had been purchased in the city of Havana by the agent of your memorialists conformably to their orders and directions. And your memorialists further represent, that, at the time of the arrival of the said schooner as aforesaid, the port of Pensacola was occupied by the Army of the United States, and that the United States ketch Surprise, commanded by Lieutenant M'Keever, was in the waters of Pensacola Bay co-operating with the said army ; that the said schooner Marino was, shortly after her arrival, seized and captured by the said United States vessel and the said schooner and cargo, together with the said nineteen negro slaves, belonging as aforesaid to your memorialists, were taken by the said M'Keever to the State of Alabama and that the said negro slaves were totally lost to your memorialist in consequence of the said seizure, and that they have never received any compensation therefor. And your memorialist further represent that the said nineteen negro slaves, averaging the whole number, were worth the sum of six hundred and fifty dollars each : Wherefore they say, that they have sustained damage to the amount of twelve thousand three hundred and fifty dollars, and they pray your honor to audit and adjust the claim set forth in the premises, according to the provisions of the ninth article of the treaty, and the act of Congress thereupon, passed March 3d, 1823. And your memorialists will ever pray. &c.

FRANCISCO BARRIAS,
 IGNACIO BALDERAS,
 DIEGO CRISPO,
 HENRY MITCHELET.

THE UNITED STATES,

To FRANCISCO BARRIOS,
 IGNACIO BALDERAS,
 DIEGO CRISPO,
 HENRY MITCHELET. DR.

To 19 negro slaves, at \$650 each, - - - \$12,350

Document A. accompanying

A record of proceedings to the General Court of Alabama, in the case of the United States vs. the schooner Marino, and Diego Crispo, and others. vs. nineteen negro slaves.

For the same reasons as were given in the case of Francisco Bonal, in his claim for the loss of the cargo of the schooner Louisa, I

am of opinion that the seizure of the negroes on board the schooner *Marino* was illegal, and that the owners ought to be compensated therefor, estimating the value of the said negroes at \$ 600 each.

H. M. BRACKENRIDGE,

Judge Supreme Court, W. F. and acting as Commissioner, &c.

WEST FLORIDA, ss.

I do hereby certify, that the foregoing contains a true copy of the petition and account of Francisco Barrios, Ignacio Balderas, Diego Crispo, and Henry Michelet, received by the Judge of the Superior Court of West Florida, and filed in my office.

In testimony whereof, I have hereunto set my hand and seal of office, this the twenty-fourth day of January, A. D. 1824.

[SEAL.]

JOHN MILLER, Clerk

Superior Court W. Florida.

By W. HAZELL HUNT, D. C.

ALABAMA TERRITORY OF THE UNITED STATES.

General Court, July Term, 1818.

Before you, the Honorable Judges of the General Court in and for the said Territory, the United States of America, by William Crawford, their attorney for the said Territory, and give the Court here to understand and be informed, that the ninth day of June, in the year of our Lord one thousand eight hundred and eighteen, the American vessel called the *Marino*, having an American register, and of the burden of seventy-five tons or thereabouts, owned in whole by American citizens, viz: by Ashael Gross and William H. Robertson, having on board nineteen negroes, having some time previously taken on board the 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 McKeever, Esq. Commander of the United States' ketch, or vessel, called the *Surprize*, 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 hogsheads of molasses, eighteen hogsheads of sugar, twenty-five boxes of sugar, ninety boxes of segars, fruits, straw hats and baskets, two boxes of sugar, one barrel of coffee, one keg of olives, two jars of olives, ship stores and other articles; and the said vessel called *Marino*, together with the cargo and the negroes on board, have been brought by the said Isaac McKeever, Esquire, commander, into the port of Mobile, in the district of Mobile, and are now in the jurisdiction of

this court for a violation of an act of Congress, entitled "An act to prohibit the importation 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 section of 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 Marino, owned in whole by American citizens, Asbael 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 holding the said negroes as slaves: and that the said vessel called the Marino, together with a valuable cargo and the said negroes, was, on or about the ninth day of June, in the year eighteen hundred and eighteen, found, seized, and taken possession of, in the bay of Pensacola, within the jurisdictional limits of the United States, by Isaac M'Keever, Esq. commander of the United States' ketch or vessel called the Surprise, and that the said vessel called the Marino, together with her cargo, and the said negroes, have been brought by the said Isaac M'Keever, Esq. commander, 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 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 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 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 25th day of April, in the year 1818, divers citizens of the United States fitted, equipped, and prepared, and caused to sail, the American vessel called the Marino, having an American register, from the port of Mobile, within the jurisdiction of the United States, for the purpose of procuring cargoes 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,—25th day of April, in the year 1818, but now and on the 9th day of June, in the year 1818, in the possession of the United States of America, and thence to Mobile, a port in the District of Mobile within the United States, and that the said vessel called the Marino, together with her cargo and nineteen negroes, taken on board of the said vessel at the Island of Cuba aforesaid, were, on the 9th day of June, in the year 1818, found, seized, and taken possession of in the bay of Pensacola, navigable from the sea by vessels of ten tons burden and upwards, by Isaac M'Keever, 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, Esq. commander, hath brought the said vessel *Marino*, together with her cargo and the said nineteen 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 to prohibit the introduction of slaves in 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."

Wherefore, the said United States pray that a citation may issue, and that the said vessel *Marino*, 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 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, in pursuance of the acts of Congress in such cases, be and declared by a decree of this court to be forfeited, and may be condemned to be sold, and the proceeds of such sale distributed according to law.

WM. CRAWFORD,

*Attorney of the United States,
for the Alabama Territory.*

Filed 16th June, 1819.

F. H. GAINES, D. C. G. C.

*Alabama Territory of the United States, } ss.
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 *Marino*, now riding at anchor in the port of Mobile, in said Territory, together with her tackle, apparel, and furniture and the said cargo found on board of her, consisting of the following goods, wares, and merchandise, viz: 44 hogsheads of molasses, 18 hogsheads of sugar, 25 boxes of sugar, 90 boxes of segars, fruits, straw hats, and baskets, 2 boxes of sugar, 1 barrel of coffee, 1 keg of olives, 2 jars do. ship stores, and other articles; also, nineteen negro slaves which were imported in the said schooner *Marino*, contrary, as is alleged to the laws of the United 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, interest, or claim in or to the said schooner *Marino*, 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 Court [county] of Washington, in said Territory, on the first Monday of July, in the year 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 Honorable Harry Toulmin, Senior Judge of our said Court, the first Monday of January, in the year of our 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. G. C.*

Received 15th June, 1818, and executed the 18th, on the enclosed memorandum of goods and schooner.

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

GENERAL COURT.

<p>THE UNITED STATES. vs. <i>Schooner Marino and cargo.</i></p>	}	<p>In the General Court of the Alabama Territory of the Admiralty.</p>
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Unto the said Court comes William H. Robertson and Asahel Gross, by David Rust, their proctor, and claims the schooner *Marino* her tackle, apparel, and furniture, and merchandise and cargo found on board of said schooner, and mentioned in 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 United States contained; they aver that the said schooner, her tackle, 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 him with costs, &c.

DAVID RUST, *Proctor.*

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

WILLIAM H. ROBERTSON.

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

R. C. LANE, *Clerk.*

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

To the Honorable the Judge of the General Court of the Alabama Territory, in admiralty sitting:

The libel of Francis Barrias, Ignatius Balderos, Diego Crispo, and Henry Mitchelet, all and each of them subjects of the King of Spain, residing in the town of Pensacola, in the province of West Florida, a port of the dominion of the King of Spain, most respectfully alleges, propounds, and States, that your ——— on or about the third day of June, in the year of Christ one thousand eight hundred and eighteen, in and on board a certain American schooner called the *Marino*, nineteen negro slaves, to wit: the said Francis Barrias one negro slave, the said Ignatius Balderos two negro slaves, the said Diego Crispo twelve negro slaves, and the said Henry Mitchelet, 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 Havana, in the island of Cuba, a port of the dominions of 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 king of Spain aforesaid, and that the said schooner did *provide*, [proceed,] on his said voyage, with the said negroes on board, with the intention to land and deliver the same at Pensacola aforesaid to your ——— according to the undertaking and agreement of the master of the said vessel; 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 inhabitants and forces of the King of Spain; that 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, crew, 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 the said negroes now are in custody of the Marshal of the Court, and proceeding instituted against them in the 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 nineteen negroes, and that the usual monition may issue, and that they may be decreed to be returned to them with costs, &c.

D. RUST, *Proctor*.

Let admiralty process issue, 9th July, 1818.

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

Issued 20th August, 1818.

E. H. GAINES, D. C. G. C.

Alabama Territory of the United States General Court.

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

Whereas nineteen African negroes, found on board the American schooner called the *Marino*, 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, Ignacius Balderos, Diego Crispo, and Henry Mitchelet, 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 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. Stephen's 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 aforesaid nineteen African negroes should not be restored to the said Francis Barrias, Ignacius Balderos, Diego Crispo, and Henry Mitchelet; and whatsoever you shall do in the premises, you shall duly certify under your hand and seal to 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. G. C.

Advertised.

J. HANES, Marshal.

General Court of the Alabama Territory, July Term, 1818,

UNITED STATES, }
 vs. }
Schr. Marino and cargo. }

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 General Gaines, Colonel King, and Captain Call, or either of them, and the said depositions be taken as evidence, as well of the cases of the United States against the said vessels and cargoes, as in the several libels for restitution, and the negroes on board said vessel; and that the vessels and cargoes in the

cases be delivered to the claimants on board, 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 judgment of the Court.

Ordered, that Samuel H. Garrow, Lewis Judson, David Files, John W. Simonton, John Whitehead and Jotham S. Patten, or any four of them, David Files being one, be accepted as securities to the the bonds to be given to this order, and that Henry D. Merritt and Christopher S. Stewart be appointed appraisers of the vessels and cargoes aforesaid.

Ordered, on the agreement of the parties, that the one hundred and seven negroes found on board the vessel Marmo and the schooners Louisa and Constitution, and libelled in this Court, be placed in the possession of James Callier, Benjamin S. 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 said negroes to forfeiture, could not be decided at July term, 1818, of the Alabama General Court sitting in admiralty, it was agreed, by and with the advice and consent of the said Court, and of all the persons interested either in the seizure of said negroes aforesaid, or 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 the said negroes to be excepted from the liability of the said responsible persons.

Whereupon James Callier, David Files, and Benjamin S. Smoot, 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 return them unto 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 these should make default in the stipulation herein mentioned.

Valuation of the Schooner Marino and cargo, appraised by Christopher S. Stewart, D. Duvall, and Henry D. Merritt.

Schooner, valued at nine hundred dollars,	-	-	900 00
6 Boxes brown sugar, 2,392 lbs. at 7 cts.	-	-	167 44
19 do white do 7,644 lbs. at 10 cts.	-	-	764 40
44 Hogsheads of molasses. 4,479 gals. at 40 cts.	-	-	1,791 60
18 do Muscovado sugar, 13,693 lbs. at 8 cts.	-	-	1,095 36
72 quarter boxes segars, Spanish, at \$2 50	-	-	180 00
2 half boxes do do 5	-	-	10 00
3 whole boxes do do 10	-	-	50 00
23 gentlemen's chip hats, at 50 cts.	-	-	11 50
3 large brimmed do at \$1	-	-	00
22 Palmetto baskets, at 6½ cts.	-	-	13 75

Sales of fruits, by the marshal, not returned.

The above valuation, exclusive of duties, filed 50th July, 1818.

CHRISTOPHER S. STEWART.
D. DUVALL.
HENRY D. MERRITT.

F. H. GAINES, D. C. G. C.

Know all men by these presents, that we, Wm. H. Robertson, David Files, Jotham S. Patton, John W. Simonton, and Samuel H. Garrow, are held and firmly bound unto the United States of America in the sum of ten thousand two hundred and eighteen dollars, to be paid to the said United States, for the payment of which, well and truly to be made, we bind ourselves, and each of our heirs, executors, and administrators, jointly, and severally, firmly, by these presents. Sealed with our seals, and dated this — day of July, in the year of our Lord one thousand eight hundred and eighteen.

Whereas a libel hath been filed in the General Court of the Alabama territory, sitting in St. Stephen's, in admiralty, on the — day of —, in the year of our Lord one thousand eight hundred and eighteen, by William Crawford attorney of the said United States for the Alabama territory, in behalf of the said United States, against a certain schooner, or vessel, called the Marino, her tackle, apparel, and furniture, and the goods, wares, and merchandise, composing the cargo of said schooner, stating and alleging that for the reasons and causes specified in the said libel, the said schooner or vessel, her tackle, her apparel, and furniture, and her cargo aforesaid, have been seized and become forfeited to the use of the said United States, and praying that the same may be condemned as forfeited to the use of the said United States. And whereas the said schooner or vessel, her tackle, apparel, and furniture, and her cargo aforesaid, have been attached, by the process of the court aforesaid, in pursuance of the said libel, and are now in custody by virtue thereof.

And whereas the said schooner, her tackle, apparel, and furniture, together with the cargo, hath been, by order of the court aforesaid, valued by appraisers, approved by the court aforesaid, to wit: Henry D. Merritt, D. Duvall, and Christopher S. Stewart at five thousand one hundred and nine dollars seventy-five cents: And whereas the said court aforesaid hath ordered the said *court* [*Schr.*] aforesaid, her tackle, apparel, and furniture, and cargo aforesaid to be bonded at the appraised value thereof, and delivered to the said William H. Robertson and Asahel Gross, who claims the same.

Now, therefore, the condition of this obligation is such, that, if the above bounden William H. Robertson, David Files, Jotham S. Patten, J. W. Simonton, and Samuel H. Garrow, or either of them, or their heirs, executors or administrators, shall pay unto the said court aforesaid for the use of the said United States, the said sum of five thousand one hundred and nine dollars, being the sum and appraised value aforesaid, of the said schooner or vessel, called the *Marmo*, her tackle, apparel, and furniture, and the cargo aforesaid, in case the said schooner or vessel, her tackle, apparel, and furniture, and her cargo aforesaid, shall, by the sentence and decree of the said court aforesaid, be adjudged to be forfeited or condemned to the use of the said United States, within twenty days after sentence and decree shall be pronounced: and if the said schooner or vessel, her tackle, apparel, and furniture, and her cargo aforesaid, shall be acquitted, or *if a decree in the said court, in favor of the claimants*, then, and in such case, if the above bounden Wm. H. Robertson, David Files, Jotham S. Patten, J. W. Simonton, and Samuel H. Garrow, or either of them or either of their heirs, executors, or administrators, shall, within twenty days after the sentence and decree shall be pronounced, pay unto the said court aforesaid, or to the officers thereof, respectively, all such costs and charges as shall, in that case, be taxed and allowed, by the said court aforesaid, to the said officers thereof; and if the said claimants shall, in all things, abide and perform such decree as shall be made by the court aforesaid, in the said cause, or respecting the premises, then this obligation shall be void, otherwise the same shall be and remain in full force and virtue.

WM. H. ROBERTSON.
DAVID FILES.
JOTHAM S. PATTEN.
J. W. SIMONTON.
S. H. GARROW.

Signed, sealed, and delivered, in the presence of
J. JUDSON.
W. Y. LEWIS.

Filed 30th July. 1818.

F. H. GAINES, *D. Clk.*

Alabama Territory of the United States.

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

Whereas, at a General Court, holden for said territory, in the town of St. Stephen's, on the first Monday of July, 1818, it was ordered that the vessel *Marino*, and cargo, the schooner *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, John Whitehead, and Jotham S. Patten, or any four of them, David Files being one, as securities for the forthcoming of the vessels and cargoes, to abide the order and decree of the said court. And whereas an appraisement, on oath, of the valuation of the vessel *Marino* 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 the said court, with David Files, Jotham S. Patten, J. W. Simonton, and Samuel H. Garrow as securities; you are therefore commanded that you deliver unto William H. Robertson and Asahel Gross, the said vessel, called the *Marino*, her tackle, apparel, and the cargo, on board the same, consisting of

- 6 boxes of brown sugar, weight 2,392 lbs.
- 1 do white sugar, do 7,644
- 44 hogsheads of molasses, containing 4,474 gallons
- 18 hogsheads Muscovado sugar, 3,693 lbs.
- 72 quarter boxes Spanish segars
- 2 half boxes of the same
- 5 whole boxes of the same
- 33 gentlemen's chip hats
- 3 large brimmed do and
- 22 Palmetto baskets

together with the proceeds of the sale of the fruits, being a part of the said cargo, which said vessel, called the *Marino*, 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 to understand. And whatsoever you shall do in the premises, you shall certify to our judges of the said court, at the court to be holden for said territory, in the town of St. Stephen's, on the first Monday of January next.

Witness, the Honorable Harry Toulmin, Esq. Senior Judge of said Court, the first Monday of July, A. D. 1818, and 43d year of American independence. Issued 31st July, 1818.

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

Received the 6th August, 1818.

J. P. KENNEDY, *D. Marshal.*

Delivered agreeable to the within order.

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

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

THE UNITED STATES
vs.
Schooner Marino and Cargo. &c. }

These cases are continued by the consent of the captors and claimants; and the slaves in the cases of the *Marino* and *Louisa* are to be delivered to John Jaim, he giving bond for the *same* [safe] keeping and forthcoming of the said negroes, agreeably to the order of the said court, for their good treatment, and care of their health, in the sum of twelve thousand dollars, for the slaves imported in the *Marino*, and four thousand dollars for the case of the *Louisa*: and the court accept, as security, in both cases, Robertson and Barnwell, F. W. and 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 securities of George M. Brooke, the person to whom the negroes are to be bonded, viz: John F. Everitt, Capt. A. L. Sands, W. Spencer, Richard B. Owen, George W. Owen, E. Montgomery, A. Hollinger, B. S. Smoot, Webster and Griswold, Gilbert C. Russell, and Turner Stark. And it is ordered by the court, that the marshal of the district immediately take all the negroes into possession until the bonds are regularly given.

THE UNITED STATES
vs.
The Schooner Marino and Cargo. }

June Term, 1821, continued, by consent, until the January Term, 1822.

THE UNITED STATES
vs.
Schooner Marino and Cargo. }

January Term, 1822.

And now comes here William H. Robertson, by Samuel Acre, his proctor, and claims the schooner *Marino*, her tackle, apparel, and furniture, and cargo, and for his claim, and answer unto the said iibel, he saith, that the said schooner and the said cargo are the bona fide property of this claimant and Asahel Gross; that, on or about the 10th day of June, 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 was and still is, peace and amity; and by the Commander of the gun-vessel ketch Surprize, sent into the port of Mobile within the jurisdictional and territorial 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 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 port or place of the United States, or 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 William H. Robertson doth claim the said schooner, her tackle, apparel, and furniture, and cargo, as the bona fide property of himself and Asahel Gross aforesaid and prays that 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.

W. H. ROBERTSON.

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

R. C. LANE, *Clerk.*

Monday, January 14th, 1822.

United States
vs.
Schr. Marino and cargo. }

Francis Barrías, Ignatius }
Balderos Diego Crispo, }
Henry Mitchelet, }
vs
Thirteen Negroes. }

It is admitted by the Attorney for the captors, as well as for the claimants, that the Louisa and Constitution cleared out from New Orleans and the Marino from Mobile, all for the port of Havana; that they were American schooners, with American registers; that the Louisa and Constitution were cleared from the lat-

“ter port for New Orleans, and the Marino for Mobile, at the different periods mentioned in the commission sent to Havana viz :
 “the Marino, on the 2d June, 1818; the Constitution, on or about
 “the 18th June, 1818; and the Louisa, on the 10th 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 Marino was captured
 “within one and a half miles of the Barrancas, inside of the bar, in
 “the harbor of Pensacola, by the United States’ ketch Surprise,
 “Capt. McKeever. The Louisa was captured outside of the bar at
 “Pensacola; and was standing in, but hove to. The Constitution was
 “captured under the guns of Fort Barrancas, within the bar, by
 “Col. 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 Gen. 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 revenue boat; that,
 “at the time he boarded her, Capt. 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 being
 “captured by him; that he reported the same to the District Attorney,
 “but not until Col. Brooke had 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 return of the commission 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.

“That the commission was opened in open court; that Mr. Vincent Gray is a merchant in the Havana; that he was a commercial
 “agent of the person intended for the commission to issue to; that
 “the cargo of the Marino was on board, and that the register of the
 “vessel was in the name of William H. Robertson and Asahel
 “Gross; 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.”

Antonio Fuche, being sworn, says that he lived under the Government of Spain from the time of the arrival of O’Reilly, until the country was taken possession of by the Americans; that he knows that slavery is permitted in Spain, but does not know whether it is by any particular ordinance, or whether it is by custom.

Don Miguel Eslava, being sworn, says that slavery is permitted in the island of Cuba, but does not know whether it is by any particular ordinance, or whether it is by custom.

ALABAMA TERRITORY OF THE UNITED STATES.

General Court.

The President of the United States to Messrs. Gray and John Murdock, Esqrs. Greeting :

Know ye that we, reposing special 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, agreeably to the annexed interrogatories, 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 examination and depositions by you taken, you are to send sealed up under your seals, to the Honorable the Judges of the General Court of this said Territory, at the court to be holden on the first Monday of January next, together with this writ.

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

Issued 30th July, 1818.

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

Interrogatories to be administered to witnesses in behalf of the claimants and libellers in the following cases, to wit :

ALABAMA GENERAL COURT.

In Admiralty.

The United States vs. Schr. Marino and cargo.	The United States vs. Schr. Louisa and cargo.	The United States vs. Schr. Constitution and cargo.
Henry Mitchelet, Diego Crispo, Francis Barrias, Ignatius Balde- ros, vs. Nineteen Negroes.	Joseph Noriago, Francis Bonal, vs. Six Negroes.	David Nagle, Antonio Frias, vs. Eighty-two Negroes.

Interrogatories.

First. Do you know David Nagle, Antonio Frias, Diego Crispo, Francis Bonal, Ignatius Balderos, Joseph Noriago, Francis Barrias, and Henry Mitchelet, parties in the above suits, or any of them?

Second. Where do they generally reside; are they, or are they not, subjects of His Catholic Majesty the King of Spain, or merchants, or persons residing within his dominions?

Third. 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 African negroes on board the Constitution, to be transported to the port of Pensacola? Were the said negroes the property of the said David Nagle, and bona fide?

Fourth. Have you any knowledge of the said Antonio Frias having shipped on board the 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.

Fifth. Have you any knowledge of the said Francis Bonal, 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 Bonal four negroes, and the said Joseph Noriago two negroes? and were they the true and bona fide property of the said Bonal and Noriago?

Sixth. Have you any knowledge of the said Mitchelet, the said Diego Crispo, Francis Barrias, and Ignatius Balderos, or some person or persons for them, having, some time in said month of June, at Havana aforesaid, shipped on board the American schooner Marino nineteen negroes, that is to say, the said Diego Crispo twelve negroes, the said Henry Mitchelet four negroes, the said Francis Barrias one negro, and the said Ignatius Balderos 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?

Seventh. Were the negroes mentioned in the several foregoing interrogatories purchased by the several persons therein set forth as owners in Havana, to your knowledge, or by some persons 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?

Eighth. Have you any knowledge of the voyage upon which the aforementioned schooners Constitution, Louisa, and Marino, sailed from the Port of Havana? Was it not understood between the Masters or persons having charge of the said vessels, the said owners or shippers, 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?

Ninth. Whether, at the time of the aforesaid shipment of negroes took place, a preference was not given to shipping under the American flag, the Spanish, in consequence of the great danger apprehended of capture by the Insurgent privateers?

Tenth. Whether, at the time that 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, in the year of our Lord 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 Gen. 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 *Marino*, *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 of either the United States, the captors, claimants, or libellants aforesaid, and if so declare it?

Filed 30th July, 1818.

F. H. GAINES, D. C.

Alabama Territory of the United States :

I, Francis H. Gaines, Deputy Clerk of the General Court of 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 forty-third year 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 13th 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 witnesses in a certain cause there 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, 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, being 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, that Don David Nagle and Don Antonio de Frias, are resident merchants in this city, and subjects of his Catholic Majesty.

3d. To the third interrogatory he saith, that Don 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 Barracon of Don Antonio de Frias, No. 13, and he remembers to have seen a Clerk of the said Nagle, or Mr. Mitchell, in the office of the Secretary of this Government, obtaining a passport for said negroes, but as to the number he knoweth 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 the month of June last, sixty-nine African negroes, as he understood, for account, as expressed in the letter and passport here annexed, and marked A and B; which negroes were actually imported by the said Antonio de Frias, from the coast of Africa, in the schooner called the Volorado, and re-shipped from the Barracon of said Frias, No. 13: he the said deponent having obtained the passport for the re-shipment of the said negroes, from the Captain General, for account of the said Frias.

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

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

7th. To the seventh interrogatory he saith, that twelve 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 Don 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 the Captain of the Constitution received the aforementioned sixty-nine African negroes, as well as others shipped on board the said vessel, on the express condition as he understands, that he would land them in Pensacola, at which port he was to touch on his voyage to New Orleans.

9th. To the ninth interrogatory he saith, that as Insurgent privateers were most constantly off this port, Matanzas, and Mariel, the preference was not only given to the transportation of negroes in American vessels from hence, but that no person would risk a negro on board a Spanish vessel, for any place, except a vessel of war.

10th. To the tenth interrogatory he saith, that he never heard of the act of Congress of the 20th of April, 1818; but that he had understood for some years past, that neither African or 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, 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 the interrogatory than that already stated.

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

Havana 15th October,

FRANCISCO ALVAREZ.

VINCENT GRAY,
JOHN MERDOCK.

Don Domingo Rodriguez, of the City of Havana, Clerk, aged 24 years, being produced, sworn, and examined, in behalf of the defendants, on the title of these depositions named, doth depose and declare as follows, viz :

1st. To the first interrogatory he saith, that he knows David Nagle, Antonio de Frias, Diego Crispo, and Ignacio Balderos, 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 Balderos, reside in this city, and he understands that Diego Crispo 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 the fourth 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 the interrogatory.

6th. To the sixth interrogatory he saith, that he has knowledge of the purchase and shipment of fourteen negroes, by Diego Crispo, and Ignacio Balderos, on board the schooner *Marino*, bound to Pensacola : that is to say, twelve by Diego Crispo, and two by Ignacio Balderos : and he understood from Diego Crispo, that he was about to purchase four or five negroes more for his friend in Pensacola, and ship the same in the vessel *Marino*.

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

8th. To the eighth interrogatory he saith, that he understood that the *Marino* 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 saith, 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 the interrogatory; and it was not until after the arrival of the schooner *Washington*, flag of truce, who arrived here late in June, last past, with troops on board, after the departure of the *Merino*, that information was received of the seizure 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 the 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 can be useful to the claimants, defendants, or to the United States.

Havana, 13th October, 1818.

DOMINGO RODRIGUES.

**VINCENT GRAY,
JOHN MURDOCK.**

Don Jose Antonio Vidal y 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 :

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

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

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

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

Fifth. To the fifth interrogatory he saith that he purchased for Joseph Noriago, of Pensacola, two negroes from the Barracon, and shipped them on board the American schooner *Louisa*, under the care of Francisco Bonal, some time in June last past 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.

Sixth. To the sixth interrogatory he saith, that he has no knowledge of the shipment of negroes of board the Marino, mentioned in the interrogatory.

Seventh. To the seventh interrogatory he saith, that he purchased the two negroes mentioned from Cuesta, Manzanual, and Brothers, shipped them for account of Joseph Noriago, of Pensacola.

Eighth. To the eighth interrogatory he saith, that he has no knowledge of the voyages of the Constitution, nor Marino, 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.

Ninth. 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 these seas, consequently the preference was given to American vessels.

Tenth. To the tenth interrogatory he saith, the hath no knowledge of the act of Congress mentioned in this interrogatory, but he has understood for some pears past that no negro slaves could be introduced into the United States under any circumstances, and it was not known here till some days after the departure of the schooner Louisa, that the troops under General Jackson had actually occupied Pensacola.

Eleventh. 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.

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

JOSE ANT. VIDAL Y PASQUAL.

VINCENT GRAY,
JNO. MURDOCK.

Havana, 13th October, 1818.

A. A.

Hubana, 15 de Junio, de 1818.

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

Tengo hecha peticion à esta Señor Intendente General para el paño de tierra que V. me tiene indicado sobre del Escambia, y concedido que me sea no tendra dificultad en concurrir con las miras de V. (con algunas modificaciones.) pero trataré extensamentesobre este asunto en otra carta seperada, limitandome en esta à suplicarle el pronto

desembarco de los Esclavos, y sus amistosas atenciones à 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.

A DON HENRIQUE MITCHELET.

Del Comercio de Pensacola.

B.

Habana, 13 de Junio, de 1818.

Concedo licentia à D. Antonio Frias, de esta comercio para que del cargamento de negros bosales con que entró vicitamente, en este puerto procedente de la Costa de Africa, la Goleta Espanola Valadora, pueda hacer à Panzacola la venesa de sesenta y nueve de ellos al cargo de M. Pachen para entregarlos à sue dueno M. Henrique Mitchelet, vecino de aquella plaza, segn. lo ha representado en memorial de este mes acreditando lo necesario en el asunto.

JUAN JUINN.

Don Jose 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 Compania de la Habana, y de la renta de tabacos, &c. &c.

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

Habana, 12 de Junio, de 1818.

JUAN JUINN.

District Court of the United States, January Term, 1822.

UNITED STATES
vs.
Schrs. Marino and Louisa, their cargo and slaves. }

Samuel Acre, Esq. moved to dismiss the libels against these two vessels and cargoes.

First, Because the libel concludes contrary to the form of the statute.

Second, Because no admiralty process has issued. Which motion is not sustained by the Court.

Tuesday January 17, 1822.

The United States
vs.
Schooner Marino and cargo. }

It is ordered and decreed, that the schooner Marino, her tackle, apparel, and 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.

Francis Barrias,
Ignatius Balderos,
Diego Crispo,
Henry Mitchelet,
vs.
Nineteen African Negroes. }

It is further stated, that the nineteen negro slaves 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.

From which said decree the claimants and libellants for restitution prayed for and obtained an appeal to the Superior Court of the United States.

I, Robert Carr Lane, Clerk of the District Court of the United States for the Alabama District at Mobile, do hereby certify, that the above and foregoing twenty eight pages contain a true copy of the record and proceedings had in the said Court in the case of the United States vs. schooner Merino and Diego Crispo et al vs. nineteen negroes.

Given under my hand and seal of office this twenty-fourth day of November, eighteen hundred and twenty-three.

ROBERT CARR LANE, *Clerk*

Amount of the several sums of money paid to the claimants of the cargo of the Schooner Louisa, the dates of payments, and the authority under which they have been made, under the act of the 3d of March, 1823.

DATE OF PAYMENT.	NAMES OF CLAIMANTS.	AMOUNT.
1825.		
March 8,	Joseph Noriega, for part of the cargo of the schooner Louisa,	1,332 00
" "	Francisco Bonal, for do. and for 4 negroes,	8,649 37
" "	Henry Mitchelet, for $\frac{1}{4}$ of the amount allowed for 19 negroes,	3,087 50
Dec'r 24,	Ignatio Balderos, do. do.	3,087 50
	Dollars	16,156 37

All of which sums were allowed under the authority of the Secretary of the Treasury, (William H. Crawford.)

TREASURY DEPARTMENT,

Register's Office, April 17, 1826.

JOSEPH NOURSE, Register.

[Doc. No. 168.]