

LETTER  
OF  
THE SECRETARY OF THE INTERIOR,

IN ANSWER TO

*A resolution of the Senate of 27th day of March, 1862, in relation to the slave vessel the "Bark Augusta."*

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APRIL 1, 1862.—Read and ordered to lie on the table.  
APRIL 3, 1862 —Motion to print referred to the Committee on Printing.  
APRIL 4, 1862.—Ordered to be printed.

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DEPARTMENT OF THE INTERIOR,  
*Washington, March 31, 1862.*

SIR: On the 27th instant I had the honor to receive from the Senate a resolution of that date in the following words, viz:

*"Resolved, That the Secretary of the Interior be instructed to furnish to the Senate copies of all correspondence in the possession of his department relating to the slave vessel the 'Bark Augusta,' and also the evidence taken by direction of himself, or any officer of the government, in said case."*

In obedience thereto I have the honor to communicate herewith copies of the correspondence and evidence alluded to, as specified in the accompanying list.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

Hon. HANNIBAL HAMLIN,  
*President of the Senate of the United States.*

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*List of papers accompanying the reply of the Secretary of the Interior of the 31st of March, 1862, to the resolution of the Senate of the 27th of the same month:*

No. 1. Letter of Robert Murray, United States marshal for the southern district of New York, to the Secretary of the Interior, dated July 3, 1861.

No. 2. Letter of the Secretary of the Interior in reply thereto, dated July 8, 1861.

No. 3. Letter of Marshal Murray to Secretary, dated November 6, 1861.

No. 4. Secretary's reply thereto, dated November 7, 1861.

No. 5. Letter of Marshal Murray to Secretary, dated November 26, 1861.

- No. 6. Letter of E. Delafield Smith, United States district attorney, to the Secretary of the Interior, dated November 26, 1861.
- No. 7. Letter of Secretary to the Hon. Wm. D. Shipman, dated December 3, 1861.
- No. 8. Letter of Secretary to District Attorney Smith, dated December 4, 1861.
- No. 9. Letter of District Attorney Smith to Secretary, dated December 6, 1861.
- No. 10. Letter of Hon. W. D. Shipman to Secretary, dated December 7, 1861.
- No. 11. Letter of Secretary to Judge Shipman, dated December 12, 1861.
- No. 12. Letter of Judge Shipman to Secretary, dated December 16, 1861.
- No. 13. Telegram of Secretary to Judge Shipman, dated December 17, 1861.
- No. 14. Telegram of Secretary to district attorney, dated December 17, 1861.
- No. 15. Telegram of Secretary to the marshal, dated December 17, 1861.
- No. 16. Letter of district attorney to Secretary, dated December 17, 1861.
- No. 17. Telegram of George C. Whiting to chief clerk, dated December 19, 1861.
- No. 18. Letter of chief clerk to George C. Whiting, dated December 19, 1861.
- No. 19. Letter of Judge Shipman to Secretary, dated January 3, 1862.
- No. 20. Letter of Secretary to Judge Shipman, dated January 8, 1862.
- No. 21. Letter of Secretary to district attorney, dated January 8, 1862.
- No. 22. Letter of Secretary to the marshal, dated January 8, 1862.
- No. 23. Letter of district attorney to Secretary of the Interior, dated January 11, 1862.
- No. 24. Letter of the marshal to Secretary, dated February 4, 1862.
- No. 25. Letter of Mrs. Sarah H. Whitman to Secretary, dated March 1, 1862.
- No. 26. Letter of Secretary to district attorney, dated March 3, 1862.
- No. 27. Letter of Secretary of Interior to Mrs. Whitman, dated March 5, 1862.
- No. 28. Letter of Secretary of Interior to district attorney, dated March 6, 1862.
- No. 29. Letter of district attorney to Secretary, dated March 8, 1862.
- No. 30. Testimony adduced before Judge Shipman, with the exhibits appended, marked A to Y, inclusive.
- No. 31. Judge Shipman's report, and opinion thereon, dated January 1, 1862.
- No. 32. Decision of the Secretary of the Interior, dated January 8, 1862.

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No. 1.

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, July 3, 1861.*

SIR: The bark "Augusta" was libelled by me under a process issued out of the district court of the United States for the southern district of New York, on the 19th of June last, at Greenport, Long Island, for being fitted out as a slaver by Appleton Oakes Smith, heretofore connected with that business. Her ostensible voyage was a whaling one, but from the quantity of water casks on board, and other articles not connected with a whaling voyage, but especially adapted for a slaver, and from admissions made by parties in interest that she

was going to the coast of Africa for a cargo of negroes, I have little hesitation in coming to the conclusion that such was her purpose and destination.

The vessel now lies at Greenport, with her hatches, &c., sealed, but I think the interests of the government would be subserved by bringing her to New York and having her cargo discharged and examined. In this Mr. Delafield Smith, the district attorney, coincides. The expense attending the bringing the vessel to New York and discharging her cargo, &c., may be from \$200 to \$300, and as I am not authorized to disburse this amount without your authority, I now ask it.

It will be utterly impossible to break up this business if I am not allowed to expend the necessary amounts requisite to examine the cargoes of these vessels, and in many instances I cannot estimate the amount necessary to defray the actual expenses. For instance, in the case of the bark Sarah, for which you only authorized me to expend \$300 for the examination and storage of cargo, from the length of time that has elapsed between the seizure and examination and the trial, which has not yet been decided, I do not suppose that double that amount will cover the expenses.

I remain, sir, respectfully, your obedient servant,

ROBERT MURRAY,

*United States Marshal.*

HON. CALEB B. SMITH,

*Secretary of the Interior.*

No. 2.

DEPARTMENT OF THE INTERIOR,

*Washington, July 8, 1861.*

SIR: Your letter of the 3d instant, requesting authority to expend from \$200 to \$300 in transferring the bark Augusta from Greenport to New York, discharging and examining her cargo, was received to-day. This appearing to be necessary, you have the authority asked for, but in order to avoid the expense of storage, as far as practicable, I would suggest that her cargo should not be broken sooner than may be absolutely necessary.

I do not understand fully your reasons for now supposing that the like expenses in reference to the bark Sarah will probably be double the amount of the estimate submitted in your letter of the 11th of May.

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

CALEB B. SMITH,

*Secretary of the Interior.*

ROBERT MURRAY, Esq.,

*U. S. Marshal, New York.*

No. 3.

UNITED STATES MARSHAL'S OFFICE,

SOUTHERN DISTRICT OF NEW YORK,

*New York, November 6, 1861.*

SIR: The bark, "Augusta," her tackle and cargo, was attached by me some three months ago, under and by virtue of a process issuing out of the district court of the United States for this district, on a charge of being fitted out for the slave trade. The case came on for trial at the last term of the district

court, and she was condemned, but an appeal was taken to the circuit court, which is still pending. In the interim the vessel and cargo have been bonded, and discharged from custody at what I consider less than her value, and she is now ready to proceed on the same illegal voyage with the same cargo.

Under these circumstances, would it not be advisable that I should be authorized to detain her or have her attached again on a new libel? Please reply at once, as the district attorney will not act in the premises without authority.

I am, sir, your most obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior, Washington, D. C.*

No. 4.

DEPARTMENT OF THE INTERIOR,  
*Washington, November 7, 1861.*

SIR: I am just in the receipt of your letter of yesterday in reference to the judicial proceedings in the case of the bark "Augusta," libelled and condemned as a slaver, and hasten to reply. While the department would regret the result apprehended by you, the question involved in your suggestion seems to be more of a legal than of an executive character, and one, therefore, which it cannot properly entertain. It is one which more properly falls within the cognizance of the United States district attorney; and I suggest that you confer with him upon the subject, and be guided by his advice. Your duty will then have been fully discharged.

If, since the first seizure, the parties have committed any new offence against the laws on this subject, that fact might constitute ground for new action; but as to that I am not informed, and must therefore leave it to the sound discretion of yourself and the district attorney on the facts, whatever they may be.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

ROBERT MURRAY, Esq.,  
*United States Marshal, New York City.*

No. 5.

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, November 26, 1861.*

SIR: The bark "Augusta" and cargo was libelled in July last for being fitted out and going from Greenport, in this district, on a slaving voyage to the coast of Africa. On the 8th of that month I addressed you a letter requesting authority to expend \$300 to transfer the vessel to New York, and have her cargo discharged and examined. This request was acceded to, and I immediately caused the vessel to be brought to New York, and had her cargo discharged and examined. The conviction in my mind, after the examination, was, and still is, from the character of the parties interested and the nature of the cargo, that she was fitted out for the express purpose of proceeding to the coast of Africa and bringing home a cargo of slaves.

From the most reliable sources I ascertained that the vessel had cost upwards of \$5,000, and that the cargo was worth some \$1,500; making a total of \$6,500. The case came to be tried in the United States district court during the last term of the court, and was condemned. An appeal was subsequently taken to the circuit court, which is still pending; but in the interim an application was made by the owners to bond the vessel and cargo, and appraisers were appointed to appraise the value of the same.

By some unaccountable mystery the appraisers valued the vessel and cargo at \$2,000; and I was informed that that amount would be paid into court, if the matter could be settled in that way. Feeling sure that some fraud was intended from some quarter, I remonstrated, and one of the appraisers (I believe the father-in-law of one of the assistants of the United States attorney) resigned and a new one was appointed; the result was, that the appraisement rose from \$2,000 to \$4,200; at which amount she was subsequently bonded, and afterwards discharged, though, in my opinion, at a much less amount than her real value.

After being bonded I discovered that she shipped the identical cargo she had previously had, and intended to sail for the same port on the coast of Africa.

Under these circumstances I deemed it advisable to procure fresh testimony as to his illegal voyage, in order to procure a new process against the vessel.

In the meantime I addressed a letter to the collector of this port requesting him to refuse a clearance until I could procure the necessary papers; to which he replied, he would obey my instructions.

I applied immediately to the district attorney to issue a new process, based upon the facts that she had taken on board the same cargo that I had previously examined, and was going to the port she had originally cleared for. This process I was unable to obtain from the district attorney until the 11th instant, when, on proceeding to execute it, I found that the bark had cleared coastwise, and had gone to Greenport on the 9th instant, notwithstanding the promise of the collector to detain her, and it has since cost me an immense amount of labor and an enormous outlay of money to again attach her, which you may have seen by the newspapers.

Under these circumstances I deem it very desirable, in fact, absolutely necessary, that an investigation should be had, to ascertain if any collusion or improper proceedings have existed or taken place between any and what parties, in relation to the proceedings against this vessel and cargo. If, in these slave cases, facilities shall be afforded to the owners and fitters out of vessels to get them appraised at less than half their value and discharged, and I cannot succeed in having their clearance refused at the custom-house, after notifying the proper officers of my intention to proceed against them again, then it is indeed idle to expect, with all the exertions I have used and am still using, and notwithstanding the urgent appeals of the government and the avowed wishes of all honest people, that the slave trade can ever be suppressed.

I am, sir, your most obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

Hon. CALEB B. SMITH, *Secretary of the Interior.*

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No. 6.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES  
FOR THE SOUTHERN DISTRICT OF THE STATE OF NEW YORK,  
*New York, November 26, 1861.*

SIR: Within the last two weeks or thereabouts it has been stated to me by several persons that Mr. Murray, the marshal of this district, has made injurious

insinuations against the probity of Mr. Woodford, one of my assistants, in respect to the course of the latter in attending to the details of the prosecution of the bark *Augusta*, condemned as an intended slaver.

The rumor was not in a very tangible shape, but it caused me to strenuously question Mr. Woodford on the subject, and to make inquiries of other persons. I could not discover any evidence in support of the marshal's injurious insinuations. Hoping that when Mr. Murray should return from Boston he would frankly inform me of the grounds of his accusations, I was surprised this morning to read in the *Tribune* newspaper the article of which I annex a copy.

Assertions and insinuations near the close of that article, respecting the proceedings relative to the last crew of the *Augusta*, are, to my personal knowledge, untrue and unjust.

With regard to the bonding of the vessel I am satisfied that no wrong was committed.

An investigation of the whole matter would, however, be agreeable to me, and is, in my judgment, called for.

I have no time, before the closing of the mail, to add more than to refer you to the enclosed copy of a correspondence between the marshal and myself.

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

E. DELAFIELD SMITH,  
*United States District Attorney.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

NOTE.—For copy of the article from the *Tribune*, above referred to, see exhibit marked Q, appended to the testimony.

G. C. W.

NEW YORK, *November 26, 1861.*

SIR: My attention has been attracted to the article in the *Tribune* of this morning relating to the case of the bark *Augusta*. I have just called at the office of the editors of that paper and inquired who furnished the data on which the article was founded.

Messrs. Dana and England replied that the article was written by Mr. Greeley, who would not be in until about four o'clock this afternoon, but Mr. England remarked that if I would apply to the marshal he would probably give me the facts by which the article was supported.

I therefore respectfully request you to furnish me forthwith any evidence within your reach justifying the charges of official corruption contained in the article in question, in order that I may be aided in the investigation which I deem it my duty to make in the matter.

I am, sir, respectfully,

E. DELAFIELD SMITH,  
*United States District Attorney.*

ROBERT MURRAY, Esq.,  
*United States Marshal.*

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, November 26, 1861.*

SIR: I beg leave to acknowledge receipt of your letter of this day's date, and in reply would state, that I feel convinced in my own mind that there has been

some official corruption, with regard to the proceedings against the bark "Augusta," libelled for being fitted out for the slave trade.

As I have been unable to ascertain where this corruption exists, I am desirous that a thorough investigation should be had in the matter; and to this end I have considered it advisable to lay the matter before the Secretary of the Interior, and request his directions in the case.

I am, sir, your most obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

E. DELAFIELD SMITH, Esq.,  
*United States Attorney for the Southern District of New York.*

No. 7.

DEPARTMENT OF THE INTERIOR,  
*Washington, December 3, 1861.*

SIR: Charges having been made in the public prints against some of the officers of the federal judiciary of collusion with persons suspected of being engaged in the African slave trade, I feel that it is incumbent on the department to have those charges thoroughly investigated. I desire, therefore, that you will repair to New York and conduct that investigation, and transmit the evidence, with your opinion thereon, to me at your earliest convenience.

Mr. Whiting of this department will be present to extend to you such aid as you may require.

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

Hon. W. D. SHIPMAN,  
*Judge United States Court, Connecticut.*

No. 8.

DEPARTMENT OF THE INTERIOR,  
*December 4, 1861.*

SIR: In reply to your letter of the 26th ultimo I have to inform you that I have requested the Hon. William D. Shipman, judge of the United States district court for the Connecticut district, to make the proper investigation into the facts and charges relative to the proceedings against the bark "Augusta." I have to request your active co-operation in effecting the objects of the examination.

Very respectfully, your obedient servant,

CALEB B. SMITH, *Secretary.*

E. DELAFELD SMITH, Esq.,  
*United States District Attorney,  
Southern District of New York, New York.*

No. 9.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES  
FOR THE SOUTHERN DISTRICT OF NEW YORK,  
*New York, December 6, 1861.*

SIR: Your letter, informing me of your action in relation to the case of the bark Augusta is received. My active co-operation will be given in effecting the objects of the investigation.

The character of the judge to whom you have intrusted this examination insures unsparing thoroughness, justice, and intelligence in the discharge of the duty. If, in the office of either the district attorney or marshal, there has been corruption, the guilty party will not easily escape detection in an investigation conducted by Judge Shipman, while, if unjust accusations have been made, the accused will have an opportunity of exculpation.

My efforts will be directed first, to discover the truth; secondly, to do fearlessly what the result of the investigation shall demand; and thirdly, to endeavor, as I uniformly have endeavored, to induce a more cordial state of feeling between my office and that of the marshal.

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

E. DELAFIELD SMITH,  
*United States District Attorney.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

No 10.

HARTFORD, *Connecticut, December 7, 1861.*

SIR: Your letter of the 3d, requesting me to proceed to New York and investigate certain charges made in the public prints against some of the officers connected with the administration of justice in that city, has just come to hand. Mr. Whiting, whose presence and aid I should very much desire, has, I learn, returned home very much out of health. My own official duties are very pressing just at this moment, as I am at work in writing my opinion in cases that I have heard but not decided, and for which I had set apart the present month. I would respectfully inquire, therefore, whether the investigation cannot be postponed till the last week of the present month, thereby giving me time to relieve my hands of business that has accumulated upon me during my judicial labors in New York, and also, I trust, securing to me the presence and aid of Mr. Whiting.

But if it is deemed indispensable that the investigation should proceed at once, I will enter upon it immediately.

I have the honor to be your obedient servant,

W. D. SHIPMAN.

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

No. 11.

DEPARTMENT OF THE INTERIOR,  
*Washington, December 12, 1861.*

SIR: I have the honor to acknowledge the receipt of your favor of the 7th instant, and to express my gratification at your prompt acquiescence in my request to attend to the proposed investigation in New York.

I do not wish to interfere with your present engagements by insisting upon an immediate performance of the duty, which can be as well attended to during the last week of the present month, the time indicated by yourself.

You will oblige me if you will name a day when you can conveniently com-

mence the investigation, and I will see that all proper arrangements shall be made, and Mr. Whiting will be in attendance.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

Hon. WM. D. SHIPMAN,  
*Judge of the U. S. District Court,  
Hartford, Connecticut.*

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No. 12.

HARTFORD, *December 16, 1861.*

SIR: Your favor of the —, with accompanying papers, was duly received. I have got along more rapidly with my opinions than I expected, and shall be ready to proceed to New York and enter upon the investigation at any moment, on receiving a despatch from you or Mr. Whiting, naming the day. When I wrote before, I mentioned the last week in the month, but as that is holiday week in New York, a time when it is almost impossible to do business there, I think an earlier day will be better. And as I am now situated, the earlier the better. I beg you, therefore, to notify Mr. Whiting and request him to name the earliest day that will suit him, and he can notify the parties in New York, and inform me of the day fixed upon, by telegraph. I will be there at the time named.

Yours, very respectfully,

WM. D. SHIPMAN.

Hon. CALEB B. SMITH,  
*Secretary of Interior, Washington.*

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No. 13.

[By telegraph ]

DEPARTMENT OF THE INTERIOR,  
*Washington, December 17, 1861.*

Be in New York on Thursday morning, and the parties will be in readiness to proceed with the investigation.

CALEB B. SMITH,  
*Secretary of the Interior.*

Judge WM. D. SHIPMAN,  
*Hartford, Connecticut.*

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No. 14.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,  
*Washington, December 17, 1861.*

Judge Shipman will enter upon the investigation on Thursday morning Mr. Whiting will be in New York to-morrow. Have all things ready.

CALEB B. SMITH, *Secretary.*

E. DELAFIELD SMITH, Esq.,  
*District Attorney, New York City.*

No. 15.

[By telegraph.]

DEPARTMENT OF THE INTERIOR,  
*Washington, December 17, 1861.*

Judge Shipman will enter upon the investigation Thursday morning. Mr. Whiting will be in New York to-morrow. Have all things ready.

CALEB B. SMITH,  
*Secretary of the Interior.*

ROBERT MURRAY,  
*United States Marshal, New York City.*

No. 16.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES  
 FOR THE SOUTHERN DISTRICT OF NEW YORK,  
*New York, December 17, 1861.*

SIR: I received your despatch to-day, and immediately addressed the marshal a letter, of which below is a copy:

On the 6th instant, on receiving your letter of the 26 ultimo, I wrote the marshal that I should "actively co-operate in a proceeding having for its purpose to ascertain the truth in respect to this subject," and I closed my letter as follows: "Requesting that you will afford to the investigation all the aid in your power, I shall be happy to confer with you at any time on the matter."

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

E. DELAFIELD SMITH,  
*United States District Attorney.*

HON. CALEB B. SMITH,  
*Secretary of the Interior.*

[Enclosure.]

DECEMBER 17, 1861.

SIR: I am officially informed by the Secretary of the Interior that Judge Shipman will, on the morning of Thursday of this week, enter upon the investigation directed by the Secretary in relation to the case of the bark "Augusta."

Mr. Whiting will be in this city to-morrow, and will give to the proceeding all the aid in his power. You are requested to spare no time or effort to produce all the evidence within your reach or knowledge which can contribute to a just and searching inquiry into all the facts relating to that case.

I am, sir, respectfully,

E. DELAFIELD SMITH,  
*United States District Attorney.*

ROBERT MURRAY, Esq.,  
*United States Marshal.*

No. 17.

[Telegram.]

NEW YORK, *December 19, 1861.*

Send me by next mail, care of United States marshal, a copy of Secretary's first letter to Judge Shipman, asking him to conduct the investigation.

GEO. C. WHITING.

W. J. SMITH, *Chief Clerk Department of Interior.*

No. 18.

DEPARTMENT OF THE INTERIOR,  
*December 19, 1861.*

SIR: I have received a telegraphic despatch from you, dated to-day, requesting a copy of the first letter addressed by the Secretary to Judge Wm. D. Shipman.

A copy of said letter, dated the 3d instant, is herewith transmitted.

Very respectfully, your obedient servant,

WATT. J. SMITH, *Chief Clerk.*

GEORGE C. WHITING,

*Care of United States Marshal, New York City.*

No. 19.

[Unofficial.]

HARTFORD, *Connecticut, July 3, 1862.*

MY DEAR SIR: I have this day transmitted my opinion on the facts elicited in the recent investigation held in New York to Mr. Whiting, who was associated with me in the matter, and to whom I am greatly indebted for his enlightened aid and counsel. I should not have given an opinion if your letter had not called for it as a part of the duty required of me. Of course, should your own independent judgment arrive at a different result, you will not hesitate to express it and to set me right. Any ambiguities in the testimony or in my remarks upon it Mr. Whiting's familiarity with all the facts will enable him to clear up.

With sincere acknowledgments for the confidence reposed in me by the department in this matter, I remain, very truly, yours,

WILLIAM D. SHIPMAN.

Hon. CALEB B. SMITH, *Secretary of the Interior.*

No. 20.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 8, 1862.*

SIR: I have the honor to acknowledge the receipt of your report of the 1st instant, and the testimony adduced before you respecting alleged collusion between some of the officers of the federal judiciary at New York city and persons engaged in the African slave trade, which you inquired into at my request during the past month.

I have carefully examined and considered all the testimony taken in the case, and fully concur with you in the opinion that no such collusion or corrupt understanding existed, however much some of the surrounding circumstances were calculated to excite suspicion in the absence of the full explanations which your investigation has developed.

I desire also to express to you my gratification for the very prompt and highly satisfactory and judicious manner in which you have discharged the delicate duty which my request, per letter of December 3, devolved upon you.

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

CALEB B. SMITH,

*Secretary of the Interior*

Hon. WILLIAM D. SHIPMAN,

*Judge United States Court, Albermarle House, New York City.*

No. 21.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 8, 1862.*

SIR: I herewith send you the result of my examination of the evidence adduced at the investigation recently made by Judge Shipman into the allegations of official collusion with persons in New York city engaged in the slave trade.

While the facts which came to the knowledge of the United States marshal, unexplained as they now are, were well calculated to arouse the suspicions of one occupying his position, it has afforded me pleasure to find from the evidence that the officers of the federal government stand clear of any injurious imputation.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

E. DELAFIELD SMITH, Esq.,  
*United States District Attorney, New York City.*

No. 22.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 8, 1862.*

SIR: I herewith send you the result of my examination of the evidence adduced at the investigation recently made by Judge Shipman into the allegations of official collusion with persons in New York city engaged in the slave trade.

While the facts which came to your knowledge were well calculated to arouse the suspicions you entertained, until explained as they since have been by this investigation, it is gratifying to me to find, from all the evidence adduced, that none of the federal officers are justly chargeable with any complicity in the matter.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

ROBERT MURRAY, Esq.,  
*United States Marshal, New York City.*

No. 23.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES  
 FOR THE SOUTHERN DISTRICT OF NEW YORK,  
*New York, January 11, 1862.*

SIR: I have the honor to acknowledge your letter and report, in the matter of the *Augusta*, and to express my satisfaction that the result is so honorable to the accused. The course pursued by you, by your accomplished clerk, Mr. Whiting, and by Judge Shipman, to elicit the truth in respect to the suspicions and accusations of the marshal, expressed in a public newspaper, and otherwise, in relation to Mr. Woodford and Mr. Andrews, commands my admiration.

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

E. DELAFIELD SMITH,  
*United States District Attorney.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

No. 24.

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, February 4, 1862.*

SIR: It is due to Mr. Delafield Smith, the United States district attorney, as well as to myself, to state, as I do here, that the reports which have appeared in different newspapers, alleging a disagreement between us, and intimating that I have cast reflections upon him, are wholly unfounded. No one can more highly appreciate the uprightness, fidelity, and success of Mr. Smith than I do.

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

ROBERT MURRAY,  
*United States Marshal.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior, Washington, D. C.*

No. 25.

PROVIDENCE, *March 1, 1862.*

DEAR SIR: I write to you to ask your kind offices in the extension of any favor or indulgence which, in conformity with justice, can be accorded to Appleton Oakes Smith, now awaiting his trial for the alleged offence of owning or fitting out a vessel for the importation of slaves. I have ventured to appeal to you in this matter on account of his mother, Mrs. Elizabeth Oakes Smith, one of our most loyal and honored American women, who has for many years been known to the public, through her various literary productions, as a woman of great genius and culture. She is struck down by the blow which falls upon her son. My friend, Senator Anthony, has written to me that he would undertake to transmit to you any letter on the subject which I might address to you. Trusting to his introduction, I shall plead to you as a woman in behalf of the mother, the wife, and the young children of the accused, (all of whom are solely dependent upon him,) for any act of favor which may safely be extended to him. For their sakes I entreat you to spare him all unnecessary rigor and restriction while awaiting his trial. I address you personally, as representing the department of government by which he is held, and as possessing the influence by which the anxieties and great sufferings of his mother and wife may be alleviated.

Respectfully,

SARAH H. WHITMAN.

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

WASHINGTON, *March 3, 1862.*

SIR: I take pleasure in stating that the writer of the enclosed note is a most estimable lady, a friend and constituent of mine.

Very respectfully, your obedient servant,

H. B. ANTHONY.

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

No. 26.

DEPARTMENT OF THE INTERIOR,  
*Washington, March 3, 1862.*

SIR: In compliance with the verbal request made by you when recently in Washington, I herewith send you a certified copy of the evidence taken before Judge Shipman in the investigation made by him at New York city, in December last, and of the exhibits appended thereto.

A copy of Judge Shipman's report is being prepared, and will be forwarded as soon as completed.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

HON. E. DELAFIELD SMITH, Esq.,  
*United States District Attorney, New York City.*

No. 27.

DEPARTMENT OF THE INTERIOR,  
*Washington, March 5, 1862.*

DEAR MADAM: I have received, through the hands of Senator Anthony, your earnest appeal of the 1st instant, in behalf of the mother and family of Mr. Appleton Oakes Smith, recently arrested on a charge of being concerned in the African slave trade, and asking that he be spared any unnecessary rigor and restriction while awaiting his trial, and in reply have to state that while I sympathize with the family in their distress, I am without the power to accede to your request. The case is now within the control of the courts, with which it is not competent for this department to interfere.

I am, with much respect, your obedient servant,

CALEB B. SMITH,  
*Secretary of the Interior.*

MRS. SARAH H. WHITMAN,  
*Providence, Rhode Island.*

No. 28.

DEPARTMENT OF THE INTERIOR,  
*Washington, March 6, 1862.*

SIR: Herewith I transmit to you certified copies—

1. Of Judge Shipman's report on the investigation made by him in reference to alleged collusion between federal officers of the judiciary at New York and parties concerned in the bark Augusta;

2. My decision thereon; and—

3. My letter of the 8th of January last, transmitting a copy of the latter to you.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

E. DELAFIELD SMITH, Esq.,  
*United States District Attorney, New York City.*

No. 29.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES  
FOR THE SOUTHERN DISTRICT OF NEW YORK,  
*New York, March 8, 1862.*

SIR: I have received your letter of the 6th instant, accompanying Judge Shipman's report on the investigation in relation to the bark "Augusta," with a copy of your report, and of your letter of 8th January last, on the same subject. I had previously received a certified copy of the testimony.

The plan devised by you to obtain the truth in this matter, with the firm and impartial manner with which you awaited and determined the result, attests your wisdom and justice, and entitles you to the thanks of all concerned. I ought not to say more; I could not say less.

I am, honored sir, with great respect, your obedient servant,  
E. DELAFIELD SMITH,  
*United States District Attorney.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

No. 31.

SIR: On the evening of the 18th instant, I came to New York to enter upon the investigation which I was requested by you to make, concerning certain charges against United States officials, of collusion with parties engaged in the slave trade. I met here, agreeably to appointment, George C. Whiting, esq., whom you had commissioned to act with me. The 19th was spent in examining the charges, in obtaining from the marshal the information that would enable us to judge somewhat of the range of the investigation, and in settling upon the proper plan on which to conduct it.

It was at once apparent that the inquiry must take a wide scope, and that the witnesses must be permitted to state hearsay information, as well as their own personal knowledge. As the investigation could not well be conducted with that technical strictness that governs courts, it was evident that legal counsel could render no material aid in the attainment of the end proposed by it. It was therefore decided to call before us all persons who, we supposed, could shed any light on the transactions complained of, and examine each one separately, and in the absence of the others. Each one was put under oath and called on to disclose every fact within his knowledge, whether derived from personal observation or from the reports of others. No one was informed of what any other had testified until the testimony had all been taken and signed by the witnesses respectively, when the officials in both the marshal's and district attorney's offices who had testified, were assembled, and the whole evidence carefully read over to them. They were then called upon for such explanations and additional statements as they desired to make. These additional statements and explanations were taken down in writing in their presence, and read over to them. Every opportunity was given for the presentation of any facts that would tend to shed light on the subject of our inquiry.

In order to keep the chronology of events clearly in mind, and avoid confusion in examining the charges and applying the evidence, it will be well to state the order in which some of the principal events occurred.

The bark *Augusta* was seized at Greenport, near the east end of Long Island, in June last, and was immediately libelled in the district court for the southern

district of New York. The cause was brought on for trial before the undersigned on the 13th of August, and continued until the 19th, when the case was closed.

On the 20th of September I filed my opinion condemning the vessel and outfit, and on the 25th of September a decree was entered in conformity thereto. There is nothing which occurred prior to the 25th of September, when the decree of condemnation was entered, that has been in any manner called in question, and nothing that now calls for notice, except a remark in Deputy Marshal Horton's testimony. He says that after he seized the *Augusta*, he communicated the facts in his knowledge to Mr. Woodford, the assistant district attorney, and that "there appeared to be a coolness or indisposition on part of the latter to proceed with the case." Horton adds, that whether this coolness or indisposition was the result of ignorance of that kind of business, or from other causes, he cannot say. I dismiss this with the single observation that there is no evidence whatever that Mr. Woodford failed to do his entire duty in the preparation and trial of the case. I personally know that he conducted the cause during the trial with ability, zeal, and diligence, and that it was evident to me, as the cause progressed, that he had bestowed great care on its preparation. My familiarity with cases very similar to this, which I prepared myself when I held the office of United States attorney for the district of Connecticut, enabled me to thoroughly appreciate the true character of Mr. Woodford's labors, and prepared me to notice any imperfection in the case presented by the government. I treat, therefore, Mr. Horton's idea, that there was any reluctance on part of Mr. Woodford to do his duty in the matter, as an unfounded suspicion. The alleged remark of Mr. Woodford, that he thought it a weak case, is unworthy of notice.

We come now to the events which transpired subsequent to the condemnation of the vessel; and, as the charges are not in the technical and well-defined forms of legal accusations, I will endeavor so to condense them as to enable us to present them clearly, and to correctly apply the evidence. They are gathered from the letter of the marshal of the 26th of November, addressed to the Secretary of the Interior, and the article in the *Tribune* of the same date.

These were the only documents containing any accusations transmitted to me by the Secretary, and no others have been presented from any quarter. Arranging these charges in the order in which the alleged improper acts must have occurred, if they occurred at all, they are substantially as follows:

1. That there was a collusive attempt to bond the vessel for \$2,000—a sum much below her value.

2. That she was actually bonded at too low a sum.

3. That after she was bonded she was permitted to clear from the custom-house, after the collector had been notified and had promised that she should not be cleared.

4. That after she was bonded there was a reluctance exhibited in the district attorney's office to furnish the necessary papers to secure her rearrest.

5. That there was reluctance exhibited in the district attorney's office, after the rearrest of the *Augusta* and arrest of her supposed crew, to secure the detention of the latter by the United States commissioner, for trial.

A careful perusal of the evidence will show the first and fourth of these charges to be the only ones that require much attention.

Let us examine the first. The marshal states, in his testimony, (page —) that between the condemnation of the vessel and the commencement of the proceedings to appeal, his deputy, Horton, informed him that he thought something wrong was going on in relation to the *Augusta*, because Mr. Woodford and Oaksmith, the agent of the claimant, had dined that day and the day before together at Delmonico's, and the latter had been round the court-house for four or five days. It is important to fix the date of this communication of Horton to the marshal, as the suspicious circumstances relied on to implicate Mr. Wood-

ford, or any one else, in the alleged attempt to bond the vessel for \$2,000 occurred near this time. The marshal says that it was between the condemnation of the vessel and the commencement of proceedings to appeal; but he fixes it more exactly when he says that on the *next day* his deputy, John H. Smith, handed him a slip cut from the New York Sun, (Exhibit A.) This paragraph appeared in the Sun on the 9th of October. That evening Smith says (page —) that he cut it out, and the next day showed it to the marshal, which must have been on the 10th. It follows that the statement of Horton to the marshal must have been made on the 9th. With regard to the circumstance of Mr. Woodford's dining with Oaksmith, I think it was an indiscretion; but the explanation of Mr. Woodford is satisfactory to my mind, and I think entirely vindicates him from any improper motives. And I ought to add that Oaksmith, on the trial of the *Augusta*, stated that he had studied law, although he had not practiced. He appeared to be a person of education and intelligence, and I supposed him at the time to be acting as associate counsel in the cause. It appears, therefore, that the first suspicion raised in the marshal's mind was suggested by Mr. Horton on the 9th of October. Now, it will be seen by Horton's own testimony that all his suspicions about the integrity of Mr. Woodford in the matter (except what was suggested by the dining together) arose out of what the latter had stated to him. It is evident that Horton refers to two distinct conversations between him and Woodford, although they are somewhat confused in Horton's narrative of them. He says that Mr. Woodford suggested that the claimants would pay the amount of the appraisement into court, and would not appeal, and that would be the last of it; *provided the Secretary of the Interior or the government was satisfied with it.* This statement of Mr. Horton carries the vindication of Mr. Woodford on its face. The precise date of this conversation is not given, but it is evident that Mr. Woodford spoke with full reference to what Mr. Smith, the district attorney, had said to him when the matter had been first spoken of at the house of the latter, and while he was ill. The district attorney told Mr. Woodford that if anything was done it must be done with the sanction of the marshal's office, and those interested in the seizure, and the authorities at Washington. Mr. Woodford then has a conversation with Horton, (who says that he stood on the record as the informer,) and who, with John H. Smith, was entitled to one-half the value of the vessel and cargo. It will be seen, by reference to the first part of John H. Smith's testimony, that Mr. Woodford also mentioned to him the fact that there was a proposition to bond the *Augusta* for \$2,000. Now, the pith of the charge is, that there was a collusive attempt to have her bonded at \$2,000 for the benefit, of course, of her owners or claimants. But at whose expense and to whose detriment was this to be done, if done at all? Clearly, at the expense and detriment of the United States, Luther Horton, and John H. Smith. These were the only parties interested in the pecuniary features of the transaction, except the claimants.

We here then find Mr. Woodford openly and frankly communicating the suggestion that had been made to him by the district attorney, (on whom not a shadow of suspicion rests,) the representative of the United States, to Mr. Horton and Mr. Smith, the other interested parties, and at the same time informing one of them at least that the whole matter must be submitted to the Secretary of the Interior for his rejection or approval! Of course the statement of the facts must pass to the Secretary through the hands and with the full knowledge of the district attorney. Now, it is incredible that Mr. Woodford could have been engaged in any collusion with Oaksmith, or any one else, to secure a false and corrupt valuation of this vessel. He not only communicated all the facts to the parties who were to suffer by the alleged swindle, but he knew very well that they were perfectly aware what the vessel and her outfit cost, as that was fully proved on the trial, in which Horton and Smith were both witnesses, and

the evidence of which Horton had brought from Sag Harbor in the person of Mr. Gilbert H. Cooper. It is not pretended that Mr. Woodford made any secret of the matter, or that he enjoined privacy on Smith or Horton; or that he suggested any improper inducements to them to yield their assent; or that he used any inducements whatever beyond the remark that the expense of future litigation, if the appeal was carried forward, would eat up all the proceeds, or that nothing would be made. Something of this kind Smith says Woodford suggested to him; but it is evident, in looking to this part of Smith's testimony, that if anything of the kind was said by Mr. Woodford, it must have had reference to the alternative of bonding her for \$2,000, paying the amount into court, or not bonding her at all; because if bonds were given, in whatever amount, the costs accruing thereafter would be small, even if the case were appealed. But, on the contrary, if she was not bonded, as the case could not reach the Supreme Court before December, 1862, the costs of keeping her and the loss from her deterioration would be very great. The costs at the time of this alleged conversation were over \$500; but whether this was the alternative or not, it is impossible to believe that Mr. Woodford intended anything wrong, if we judge him by this evidence even. No man ever entered into a conspiracy by which other parties were to be defrauded, and then went and laid the details of the proposed fraud before all the intended victims and asked their advice upon it. But if the statements of Horton and Smith had cast a shadow on the integrity of Mr. Woodford, although I do not think they have, his frank and lucid statement, under oath, has dispelled it, in our judgment.

There is another conversation which Horton refers to between him and Mr. Woodford, in which the former says the latter intimated that he knew about what the appraisement to be made by Colonel Capen would be, although the *official report had not been filed*. Now, by comparing Horton's account (page —) of this conversation with Woodford's and Sawyer's account (pages —) of what took place on the afternoon of the 10th of October, when Colonel Capen first brought in his appraisement, it will at once be seen that this second conversation between Horton and Woodford took place on that day, and *after* Sawyer had told Mr. Woodford what the amount of Colonel Capen's appraisement was. When Sawyer informed Woodford, the latter immediately went from his office into the hall of the court-house to find Mr. Capen, and seeing Horton at the court-room door (the latter being nearly opposite the door of the district attorney's office) he went immediately to him and informed him what the appraisement made by Colonel Capen was to be, and expressed his dissatisfaction at it in Horton's presence.

Now, the only point in this second conversation with Horton that is material is the alleged admission of Mr. Woodford that he knew about what the appraisement would be, thus raising the inference that there was some collusion about the amount. But the testimony entirely dispels any such idea. It is clear that there had been no collusion or understanding whatever between Mr. Woodford and Mr. Capen, or between the latter and anybody else; and it is equally clear that as soon as he (Woodford) found that Colonel Capen had fixed the amount at \$2,000, he instantly repudiated the appraisement, and insisted that it should not be received. And if anything were wanting to render this view conclusive, it may be found in the very fact that he did communicate at once to Horton his knowledge on the subject of the amount at which it was proposed to appraise her. A careful review of the whole facts touching the appraisal of Colonel Capen leaves in one's mind no suspicion that either Mr. Woodford or Colonel Capen was guilty of any attempt to defraud, or of any collusion or understanding whatever as to the amount of the appraisal.

Our conclusion is, therefore, that the first charge is not proved, but is entirely disproved.

The second charge is, that she was, in point of fact, bonded at too low a sum.

After the resignation of Colonel Capen, Mr. Thomas Stanton (who is highly recommended to the district court as a man of excellent judgment and integrity, and well qualified to appraise ships) was appointed to act with Mr. Stack, one of the appraisers originally appointed by the court. The two, Mr. Stack and Mr. Stanton, did appraise her at \$4,250, cargo included, and she was bonded at that sum. I was aware, from the original evidence on the original trial of the *Augusta*, that Oaksmith had paid \$4,900 for the vessel and a *part* only of her cargo. As the appraisal at which she was bonded, including the additions made to her cargo, and the repairs that had been put on her, was less than she cost, I was anxious to secure the best evidence on that point within our reach. We therefore selected Mr. Cooper and Mr. Willets, who had been part owners of the *Augusta*, and the former of whom, as agent of the owners, had sold her to Oaksmith and his associates. They are gentlemen well acquainted with all kinds of vessels of the class to which the *Augusta* belonged. They are possessed of great intelligence, of irreproachable character, and were material witnesses for the United States on the trial which resulted in her condemnation. They were unbiased, and in a situation to be impartial.

We think it will be seen from their evidence, as well as that of Mr. Stanton, that the appraisal was not much below the mark, and that whatever difference exists between the value as fixed by Cooper and Willets, and that fixed by Stack and Stanton, it may be fairly attributed to an honest difference in judgment. Messrs. Cooper and Willets place the amount somewhat above that fixed by Stack and Stanton, but it will be seen that they assumed the articles in the list of the cargo to be in a *merchantable condition*. Stack and Stanton place the *vessel* higher than Cooper and Willets, while the latter fix the value of the *cargo* higher than the former.

We think the inference from the whole evidence on this point is, clearly, that the vessel and cargo were appraised at their full value. But even if they were undervalued, there is not the slightest evidence before us that this resulted from any improper conduct on the part of any body.

As to the third charge, we are entirely satisfied with the explanation which the marshal says he received from the custom-house, and think it an ample exoneration of the officers of the latter from intentional wrong.

The fourth charge is, that after she was bonded there was a reluctance exhibited in the district attorney's office to furnish the necessary papers to secure her re-arrest.

The evidence in support of this charge, like that in support of the first, is aimed at Mr. Woodford. No critical examination of the evidence on this point can aid the mind in arriving at a conclusion. It should be read, and the different statements of the witnesses compared; the marshal's statement, (pp. 19 *et seq.*) Mr. John H. Smith's (pp. 40 *et seq.*) Mr. Woodford's (p. 117;) also the evidence of Mr. Buell that he delivered to the marshal's office the letter (Exhibit N) on Saturday, November 9.

There is a wide discrepancy in the statement of Mr. John H. Smith, as made before us, and that which the marshal says he made to him at different times on Friday, Saturday, and Monday, the 8th, 9th, and 11th November. The marshal says that he sent Smith up to the district attorney's office after the process *three or four* times on Friday, the 8th, and *three or four* times on Saturday, the 9th. That he returned repeatedly and said that there was something wrong, and that "they," (meaning, I suppose, Mr. Woodford,) "did not mean to give it to him." "There is something wrong." Now, Mr. John H. Smith says, in his sworn statements before us, that he went to the district attorney's office for this process but *three* times in all, including once on Monday, the 11th, and that he is not certain that he saw Mr. Woodford more than *twice* when he did go; and furthermore, that Mr. Woodford never objected at all to giving him the process.

It is quite obvious that there has been a great mistake on the part either of the marshal or his deputy, Mr. Smith, as the latter wholly fails to sustain before us the facts which the marshal says he communicated to him; and, of course, so far as Mr. Smith's acts or language touch Mr. Woodford at all, we must rely on his sworn statement before us.

What he said to the marshal may explain the ground of the latter's suspicion, but cannot inculcate Mr. Woodford, especially when opposed by his (Smith's) testimony before us. We have no hesitation in saying that we hold Mr. Woodford exonerated from this fourth charge.

As to the fifth charge, that there was reluctance exhibited in the district attorney's office after the rearrest of the *Augusta* and the arrest of her supposed crew, to secure the detention of the latter for trial, it would be enough to say that the marshal in his statement entirely exonerates the district attorney's office and the United States commissioner, as well as every one else, from any wrong in the premises.—(Marshal's testimony, p. 21.) But the testimony of Mr. Smith, the district attorney, and of Mr. Andrews on this point show conclusively that every exertion was made by the district attorney and his assistant (Andrews) to detain these men until the marshal's return from Boston. They succeeded. The men were detained, and the marshal returned, and having no more evidence by which to hold them than the district attorney had, he took them to Fort Lafayette.

The result of our investigation is, that we are satisfied that there has been no collusion or corrupt understanding whatever between officers of the government in New York and parties concerned in the slave trade.

It will be seen by the testimony of James Lee, on page 147 *et seq.* of the minutes of testimony, that he had a conversation with Jacob A. Appley, in which Appley is alleged to have made statements tending to implicate some one in a collusive attempt to let the *Augusta* escape on payment of a sum of money. But the fact that Appley had sworn, in his answer on the former trial, that he was the *bona fide* owner of the *Augusta*, and was therefore the principal in the guilty enterprise, or the stupid or pliant tool of others, together, with his absurd, vulgar, and indefinite statements to Lee, in our judgment rendered any testimony he might give entitled to no consideration. No evidence from such a source could *vindicate* a public officer from any plausible charge of corruption, and no amount of it should be allowed to fasten such a charge upon him. The desperate character of men who knowingly engage in the slave trade renders their word wholly unworthy of credit, and their testimony in an investigation of the present character could have no weight. Their well known tactics would never bring them forward as witnesses to implicate those who had endeavored to aid their schemes, but if anybody's character were to be assailed by them they would direct their assaults against those whose official fidelity they had most to fear. For these, we think, obvious reasons we declined to call Mr. Appley as a witness.

Some importance seems to be attached by the marshal to the conversations between him and Mr. Woodford at the office of the former, but we do not see its materiality in the inquiry before us. It is true that the marshal and Mr. Woodford differ somewhat as to the statements that there passed between them; but it was never yet within the experience of man that both parties to an excited conversation should agree in a subsequent statement of what that conversation was. But it may be said that the marshals account of it is confirmed by Devoe, (page 45.) If we deemed it important to get at the exact conversation which passed between the marshal and Mr. Woodford on that occasion, we should not resort to the testimony of the witness Devoe. The marshal says distinctly, in his testimony, (page 13,) that when Mr. Woodford came in, the latter said he wished to see the marshal in private; that he, the marshal, then ordered the room to be cleared, and the impression that the testimony left upon our minds was, *that all left the room except the marshal and Woodford.* Mr. Woodford directly

and emphatically confirms the marshal on this point. Now, this man Devoe says he was in the room all the time, and not more than eight feet from the marshal and Woodford. We do not credit this. As to Smith's statement of what he heard, or rather overheard, while holding the door, we have only to say that the testimony of listeners at the door of a room where an avowedly private conversation is going on should, in our judgment, be received with extreme caution.

But, as we have already said, we do not deem the question important as to which is right in the account they give of the conversation, whether the marshal or Mr. Woodford, when we know how frequently honest and intelligent men differ in their statements of past conversations which have arisen in the course of controversies; we are disposed to regard this as a case of misunderstanding as to what was really said on those points where they differ.

We think we have noted all the points in the evidence that call for remark, and it gives us unfeigned pleasure to submit an unqualified judgment that no official corruption or misconduct has been proved against any one.

The examination of witnesses and the taking of testimony was commenced on Friday morning, the 20th, and continued to the evening of the 26th of December.

I desire to add that Mr. Whiting's services in the investigation have been invaluable, as his assiduity has been unremitting; and I am greatly indebted for whatever success has attended my labors to his good sense and efficient co-operation.

Although I undertook this service reluctantly, and its labors have been much more protracted and arduous than I anticipated, I shall not regret any personal inconvenience if the result of our labors shall meet with your approval.

The exhibits will be found attached to the minutes of testimony, under the seal of the circuit.

Respectfully submitted,

W. D. SHIPMAN.

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

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No. 32.

DEPARTMENT OF THE INTERIOR,  
*Washington, January 8, 1862.*

Upon a careful examination of all the testimony adduced at the recent investigation held before Judge Shipman, I am satisfied that no collusion existed between any of the officers of the federal judiciary at New York city and the parties who were interested in the "bark Augusta."

The appointment of the father-in-law of Mr. Woodford as an appraiser, upon Mr. Woodford's nomination, coupled with the appraisement made by him at a sum so low as to excite surprise and remonstrance on the part of Mr. Woodford, was calculated to excite suspicion of an attempt to have the vessel discharged upon an insufficient bond. The additional fact that Mr. Woodford, on three several occasions, dined with Oaksmith, who was interested in the discharge of the vessel, while the proceedings were pending, was well calculated to add to that suspicion, and afford a sufficient excuse for the opinion expressed by Marshal Murray, that "something was wrong." The whole evidence, however, affords a sufficient explanation of these facts, and satisfies me that Mr. Woodford has acted in the matter with strict integrity.

The nomination by Mr. Woodford of his father-in-law as appraiser can be as rationally accounted for upon the assumption that his desire to secure a fair and

just appraisement induced him to name a person whom he knew to be upright and supposed to be competent, as upon the theory that he desired, through his influence with him, to secure an improper appraisement. Besides, the difference in the appraisements is in part accounted for by the fact that Colonel Capen appraised the vessel only, and was not informed that the cargo was to be appraised. The difference in the appraisement of the vessel made by Colonel Capen and that subsequently made being but \$1,000, is not sufficient to justify a suspicion of fraud or collusion. A difference of opinion, equally great, seems to have existed between the other appraisers, and a joint appraisement was effected only by one of the appraisers yielding his own judgment.

The good nature manifested by Mr. Woodford in acceding to the invitations of Oaksmith to dine with him, while it does not prove a want of integrity on his part, shows a lack of that worldly caution which would prevent him from placing himself in a position which might subject him to a suspicion of improper motives.

The very commendable zeal which Marshal Murray has manifested in his efforts to break up the horrible slave traffic, which has heretofore disgraced our government, entitles him to the gratitude of the country; and it is not surprising that his anxiety to perform his duty to the country should render him more liable to suspect the fidelity of others upon facts which, however innocent in themselves, are liable to be misinterpreted.

In my judgment, the evidence wholly fails to convict Mr. Woodford of any collusion or improper conduct, and, so far as the matters involved in this investigation are concerned, he stands above reproach or suspicion.

CALEB B. SMITH,  
*Secretary of the Interior.*

No. 30.

*Testimony taken in an investigation ordered by the Secretary of the Interior at New York, December, 1861, with exhibits attached, from A to Y, inclusive.*

CHARGE—COLLUSION OF FEDERAL OFFICERS WITH PARTIES ENGAGED IN THE SLAVE TRADE.

*Examination of witnesses.*

DECEMBER 20, 1861.

ROBERT MURRAY, esq., United States marshal, sworn:

I am marshal of the United States for the southern district of New York, and have been since the 20th of April, 1861.

In the early part of June last Mr. Clearman, of the firm of Sturges & Clearman, shipping merchants of New York, called at my office to see me in relation to a vessel they were about selling. He said that her name was the Augusta, and that she had been a whaling bark; had been on a long cruise, and had sunk a large amount of money, and that certain suspicious parties had made application to purchase her, naming among them Appleton Oaksmith; that they had not agreed upon a price; offers had been made and rejected. If they did sell her to those parties he would communicate with me immediately; for he believed if they bought her, they intended to fit her out for a slave voyage.

In a few days after this conversation with Mr. Clearman (I can't say how many) he called to see me again, and informed me that they had sold the bark to Oaksmith and his associates, and that she was then lying at Sag Harbor, and that the purchasers were going to remove her the next day to Greenport, and load her ostensibly for a whaling voyage, but really, in his opinion, for the

coast of Africa for negroes. I ought to add that, between the two interviews I had with Clearman, Horton had got information that there was a vessel loading at Greenport as a slaver.

I immediately detailed Mr. Luther Horton and John H. Smith to watch the bark and the cargo that might go on board of her; collect the proofs, with a view of seizing her if the facts should warrant it. (Mr. Horton is one of my deputies, appointed soon after I came into office. Mr. Smith is a detective of the metropolitan police, detailed by the police commissioners for duty at my office.)

I stated to those two men that I wanted them to pay strict attention to the vessel and cargo, and to get the testimony in good shape; and that whatever the act of Congress gave them in the event of the condemnation of this vessel I wished them to have. I made this proposition to them with the view to make them more active in getting the proofs to secure her condemnation. I instructed them to report to me everything that occurred from time to time, in order that I might render them any assistance in case they got befogged in the case.

They obeyed my instructions, reporting to me almost every day. I was making suggestions to them, putting them on the track of getting testimony every day as the case progressed.

Nothing extraordinary occurred during the progress up to the time of the trial. The trial took place before Judge Shipman in August, 1861, and in September he filed his opinion condemning the vessel.

Between the condemnation of the vessel and the commencement of proceedings to appeal, Mr. Horton called into my office, and stated to me that he thought there was something wrong going on about the bark Augusta. I asked him why he thought so. He replied that Oaksmith and his counsel and Mr. Stewart L. Woodford (the assistant United States district attorney) had dined together at Delmonico's that day and the day previously; that he had seen Oaksmith around the United States court-house for four or five days previous to that; and that he was apprehensive that we were going to be sold out. I then told him to notice particularly everything that was going on, and report to me. The next day Mr. White, the clerk of the circuit court, sent for me to come to his office. I went. In crossing the hall I noticed Mr. Oaksmith, his counsel, Benjamin F. Sawyer, (I believe that is his name,) Mr. Woodford, and Mr. Smith, the United States district attorney, standing at the bottom of the stairs, apparently in conversation together. Mr. Smith, the district attorney, stepped out one side and spoke to me, and said there was a proposition to bond the bark Augusta. I replied that I understood there was a proposition to bond her for two thousand dollars. I told him that if she was bonded for anything less than her value, I would seize her over again immediately, and that I would never let her leave this port with the same cargo on board. Mr. Smith said Mr. Woodford had charge of the matter. The matter dropped here, and I went into Mr. White's office, and remained a few moments in conversation with him, and then returned to my own office. As I returned the four gentlemen I have named still remained at the foot of the stairs talking together. On the morning of this same day, and before the conversation with the district attorney just referred to, John Smith, the detective I sent with Horton to watch the Augusta originally, brought me in a slip which, he said, was cut from the Sun newspaper. The following is the slip:

## EXHIBIT A.

[From the New York Daily Sun of October 9, 1861.]

"*A slaver bonded.*—The slaver Augusta was bonded, pending the appeal taken in the case. Henry S. Capron and Thomas Stock were appointed appraisers."

I then directed him to go to Mr. Woodford and inquire if the *Augusta* had been appraised.

He returned, and stated to me that he had made the inquiry, and that Mr. Woodford had replied that she was not. He said, as he was about leaving Mr. Woodford, the latter requested him to sit down; he wanted to talk with him; and that Woodford then stated to him that there was a proposition made to bond the *Augusta* for two thousand dollars. That the owners would pay that amount into court and abandon the appeal. That Woodford then inquired of him (*i. e.*, Smith) what he thought of it. Smith said he replied that he thought the vessel was worth a great deal more money than that. That Woodford said he thought the best way was to have the money paid into court, and by that means we should make some money by it; otherwise we should not make a cent. That they would prosecute their appeal, and the vessel would eat herself up.

I immediately sent for Mr. Joseph Thompson, my first deputy, and related to him what Mr. Smith had told me, and requested him to notify Oaksmith & Co. that if that vessel was bonded for anything less than her value I would seize her again immediately. That I would not permit her to leave this port with the same cargo on board. Mr. Thompson left, and afterwards informed me that he had given the notice. I then addressed a note to Mr. Barney, the collector, a copy of which I did not keep, but the purport of which was that the bark *Augusta* had been bonded at what I considered much less than her value, and was putting on board the same cargo she had on board when she was condemned, and requesting him to refuse a clearance; he answered by a note addressed to me. (Note hereto annexed, marked B.) On the same day I addressed a letter to the Secretary of the Interior, touching the *Augusta*, under date 6th November, 1861. (Compared copy of same hereto annexed, marked C.)

My object in addressing that letter to the Secretary was to obtain authority from him to arrest the vessel, Mr. Woodford having advised me that I could not arrest her under a new libel. On the morning of the 8th I received an answer from the Secretary. (Compared copy hereto annexed, marked D.)

While I was reading this letter Mr. Woodford came down into my office, and I handed him the letter to read, and told him I wanted another process for that vessel immediately. I stated to him that Mr. John H. Smith would make the necessary affidavit to obtain the process. Mr. Woodford told me that it was of no use to obtain a new process for that vessel unless I obtained fresh proof. I replied that I had it. He then wanted me to disclose what the nature of it was. I replied that I was not prepared to do that, but assured him that I had fresh proof, and that was sufficient. He then asked me for the letter of the Secretary (D,) to take up stairs to his office. I told him I would send him a copy immediately, which I did; and asked him again to give me the process, repeating that Smith would go up and make the affidavit. Woodford replied that I should have the process in an hour. He and Smith then left my office together. Some-time after, say half an hour, Smith returned; I asked him if he had the process. No, he said, he had not made his affidavit yet; he said "there is something wrong, they don't want to give it to me." I sent him up three or four times that day, and he returned every time saying it was not ready. On Saturday, the next day, I saw Mr. Woodford myself, and told him I must have that process immediately. He said, Now, Murray, are you sure you have got fresh proof? I replied, "have not I told you that I have?" He asked "what is it?" I replied, I shant disclose it; I want the process; that vessel shan't go to sea. Oh, says he, you shall have it immediately; I'll have it for you in an hour. I told Smith to go up and wait for it, and as soon as he got it to bring it to me, and as soon as I got it I would depute him to attach the vessel. He returned in about an hour, and I inquired of him if he had the process. He replied, No; they did not want to give it to him. I sent him three or four times that day;

he did not get it. I then, same day, sent for First Deputy Thompson; I stated to him that there was evidently a disposition to let that vessel escape, up stairs, and asked his advice as to what I should do. He said he did not know how to advise me; he thought she could not escape, inasmuch as the collector had refused to clear her, and that I should have to wait till I got the process; that there was evidently something wrong. On Monday morning I directed Smith to go up stairs again and see if he could get the process. He went, and came back in company with Mr. Woodford. Mr. Woodford had Smith's affidavit in his hand. Says I, Mr. Woodford, I want that process and must have it, and it is wrong for you to have kept me out of it so long. He then inquired again if I had fresh proof. I told him I certainly had, as I had already told him several times. He asked "what is it?" I said I was not prepared to disclose it, nor neither would I. He started up stairs, and said I should have the process immediately. I sent Smith with him. After half an hour or more Mr. Smith returned without the paper, and said they did not mean to give it to him. I sent him up again, and he returned without it again. At 12 o'clock I sent for Deputy Thompson, and told him to go up and demand that process, and not leave the district attorney's office till he had got it. After 4 o'clock in the afternoon Mr. Thompson returned with the process. I immediately sent Mr. Smith over to the Atlantic dock to attach the vessel. He returned some time after dark and reported that she was gone, and seen going through the sound on Sunday. I then stated to him that I wanted him to be at my office the next morning at 8 o'clock. I met him there at that time, and sent him by the 9 o'clock train to Greenport with the process.

While he was gone I wrote the collector, Mr. Barney, (compared copy hereto annexed, marked E;) to which he replied the next day, (original hereto annexed, marked F.) Mr. Eubree (deputy collector) brought the letter (F) to me. He explained the matter in this way: He said that he had charge of the foreign clearance department; that upon receipt of my note of the 6th, Mr. Barney had referred the matter to him, and notified him not to clear the vessel, but had inadvertently omitted to notify the coastwise clearance department, and that he (Mr. Barney) was very sorry that the thing had occurred; that he was sure that there was no collusion or criminality in it. I replied that I could readily see how the omission took place, but that mistakes of this kind should not be permitted to occur, particularly in these slave cases. He stated that he and the collector were ready and willing to afford me any facilities in their power to recapture her. I then requested him to telegraph to the surveyor of Greenport, directing him to arrest the bark at all hazards, which message he sent by telegraph, signing Mr. Barney's name to the despatch. On the same day I received this letter (original hereto annexed, marked G) from Mr. King, coastwise inspector of Greenport.

After this, I think the next morning, Mr. Smith returned from Greenport, and reported to me that the Augusta was lying about twelve miles from Greenport, and that Oaksmith went down to Greenport in the same car with him; that Oaksmith had inquired of him if he had another process for the vessel, and that he gave him an indirect reply, without letting him know what the fact was. Smith also said that on his arrival at Greenport he called on Mr. Skinner, surveyor of Greenport, and requested his assistance in recapturing the ~~Augusta~~, but that there was no steam tug or other conveyance to get to her; that after looking round some time they chartered a small sloop; that as soon as the men on board the Augusta saw they were coming in that direction they took up their anchor, made sail, and put out to sea; that the Augusta was so much ahead of them they gave up the chase, and he (Smith) returned to New York.

While Smith was on his way to New York I received this despatch by telegraph, (despatch hereto annexed, marked H.) Within, say, an hour I received this despatch from Mr. Skinner, (despatch annexed, marked I.) To both of these

despatches I replied, to seize anything that they suspected was going on board of the *Augusta*, and that I would send an officer.

Smith arrived home that afternoon, and I sent him back the next morning with instructions to procure a necessary vessel at Greenport at any price, and the necessary amount of men to take the vessel. I then sent Deputy Marshal Lee to the custom-house to procure a revenue cutter. Lee returned and informed me that Mr. Barney replied that he had no cutter that he could give me; that he had but two—one stationed at Throgg's Neck, and the other at the Narrows. I then sent Lee after a steam tug, and he chartered the *Achilles*. I made a requisition on Mr. Barney for eight marines, which he gave me. The *Achilles* went in search of the *Augusta*, with Deputy Marshals Lee and MaKay on board, and, as I understand, secured her and returned with her into port. I was in Boston at the time.

On or about the 16th of November Mr. Woodford called into my office and stated that he wanted to have a private conversation with me. I requested all in the office to leave except Mr. Woodford, and requested Mr. John H. Smith to remain outside the door and not let any one in.

Mr. Woodford then stated to me that he understood that I had some hard feelings against him in relation to the bonding of the *Augusta*, and that he did not want to lose my good opinion; that I had been the best friend he had ever had; that I had given him the first law business he had ever had, and had recommended all my friends to him; and that perhaps he was more indebted to me for his position—assistant district attorney—than to any other person.

I replied to him that I had never been acquainted with a young man in New York that I thought as much of as I did him, but that his connexion with the bark *Augusta* looked very black, and that unless it could be explained I did not wish to have anything more to do with him. I then asked him how he came to dine at Delmonico's two days in succession with Oaksmith and his counsel. He said, perhaps I have been indiscreet there; that Oaksmith had come to him and told him he was ruined, and cried, and worked upon his feelings, and that he had believed him. I replied to him that if a man like Oaksmith had worked upon his feelings it was evidence to my mind that he was unfit for his position.

I then asked him to explain how he came to appoint his father-in-law as one of the appraisers in the *Augusta*. I said to him, you know that I know that your father-in-law knows nothing about vessels, never having had any experience in that line; and his appointment as appraiser, in connexion with the proposition to bond her for two thousand dollars, and the money to be paid into court, and they not prosecute the appeal, looks to me like a deliberate fraud on the government.

He replied that if any one was responsible for this two thousand dollar business it was my deputy, Mr. Horton. "He made the proposition to me, and foolishly I have entertained it." Very well, I said, I will dismiss Mr. Horton the moment he comes into the office. Don't you do it, says Woodford. I did not state this to you as marshal, I stated it to you as a private friend. I replied that it made no difference how I got information of that character. "I shall act upon it immediately." He begged of me not to do it, but asked me to hold up for two months, and then do it. I said no. I shall do it the moment he comes in. I will not have a man of that character around me. He then asked me if I would not do him the favor of deferring it for one month. I refused. I said it should be done as soon as I got my eyes on him. Woodford then started to go out. He said, "I hope I have satisfied you that I have done nothing wrong." I told him he had not; that the statements he had made me satisfied me that there was collusion somewhere, and that I was determined to probe it to the bottom. He said he was very sorry, and left the office. I then sent for Mr. Thompson, and inquired if Horton was about the building. He told me

that he had not seen him. I told him to dismiss him as soon as he comes in. Thompson asked for what? I replied that Woodford had told me that Horton was the man who had induced him to consent to bonding the *Augusta* for two thousand dollars, and that I would not have a man of that kind around the building. Thompson left me then, and after half an hour or more returned and informed me that he had seen Horton and dismissed him, as I had told him. But Mr. Thompson remarked that he thought I was rather fast. I inquired why he thought so. He said that Horton denied ever making the proposition to Woodford, but insisted that Woodford had made it to him, and that he, Horton, protested against it, insisting that the vessel itself was worth forty-five hundred dollars. Thompson also stated that Horton was very much excited, and that he denounced Woodford as a scoundrel, and was about to go up stairs and chastise him, when he, Thompson, quieted him down.

I then asked Thompson what he thought of the case; that the more we got into it the more it was complicated. He advised me to submit the whole case to the Secretary of the Interior, which I did, by this letter, dated November 26, 1861, (copy hereto annexed, marked R.)

Thompson then inquired what he should do with Horton. I told him to let him remain till this investigation took place. I have omitted to state in the proper place in my narrative the interview I had with Mr. Stanton, the appraiser appointed in place of Mr. Capen, who had resigned.

Mr. Stanton called upon me the morning after he was appointed appraiser, and stated that he had been appointed in place of Mr. Capen. I replied I was glad to hear it, and that I had known him for a number of years and believed him an honest man. He then said, "Mr. Murray you have known something about the value of vessels, and what is your opinion of the value of the bark *Augusta*?" I replied that I thought she was worth five thousand dollars; that I knew Oaksmith had refused to take that for her. Mr. Stanton said he thought about forty-five hundred dollars was her value. I said I would not object to that, but I thought in those slave cases, where there was any doubt about the value of the vessel, the government should have the benefit of that doubt; that I went in to punish those fellows whenever I could. He then handed me a note which he had received from Oaksmith. I read it, and handed it back to him, and stated to him if Oaksmith was an honest man he never would have written that note. Mr. Stanton replied, "That is my judgment." He then said, I will go over and look at the bark, and come and see you to-morrow morning.

In the morning he called again to see me, and stated that he had examined the bark thoroughly, in connexion with some one—I believe his son-in-law—and he thought she would fetch forty-five hundred dollars. He then handed me another note, which he said he had received from Oaksmith, which I read and handed back to him. He left me after a moment's further conversation, in which he said he would have a hard time of it with Stack, and I saw no more of him in relation to the matter.

As to the arrest of Oaksmith and the crew of the *Augusta*, I have to say that on Sunday night, the 17th, I was at the harbor police station, waiting for the arrival of the *San Jacinto*, which had Mason and Slidell on board, and on which I was to proceed to Boston. During that evening, early part, I received a despatch from Fire island, stating that a sloop had come on shore at Fire island light, with sixteen or eighteen men on board, evidently sailors, and supposed to be the crew of a privateer, or, perhaps, a crew which had murdered their officers and escaped. I telegraphed back, directing the sheriff of Suffolk county to arrest and hold them, and I would send officers down in the morning by the first train.

In the morning (which was Monday) I received another despatch, stating that the persons arrested were in the service of Oaksmith and his brother, and

were the crew of the bark *Augusta*, an escaped slaver. I sent down that morning, in the first train, eight officers, with irons, to bring them to the city. In about half an hour after they left a custom-house officer came up from Fire island and related to me all the particulars of their arrest. I then telegraphed Mr. Seward, Secretary of State, for authority to confine Oaksmith and Jacob Appley (the latter the registered owner of the *Augusta*) in Fort Lafayette. I stated in my despatch to Mr. Seward that I would send him on the papers in the case. I was then momentarily expecting the arrival of the San Jacinto, and gave Mr. Thompson (deputy) instructions that if those prisoners did not arrive before the San Jacinto, he was to take Oaksmith to Lafayette immediately on his arrival, and confine the sailors in the Tombs until I returned from Boston.

So far as the subsequent proceedings relating to these sailors are concerned, from the time I left on the San Jacinto for Boston until my return, when I sent them to Fort Lafayette, I have no personal knowledge, and no complaint against any one, either Mr. Many, the United States commissioner, or Mr. Andrews, of the district attorney's office, or any one else. And I wish especially to bear testimony to the faithful and honorable efforts of Mr. Andrews, in seconding my exertions for the suppression of the slave trade whenever I have had occasion for his services as the representative of the district attorney.

After my return from Boston, and before the appearance of the article in the *Tribune* of the 26th of November, several gentlemen connected with the press of New York city called on me and asked me if I was entirely satisfied with the bonding and escape of the bark *Augusta*. I told them that I was not; that I was investigating the matter then. Mr. Olcott, a gentleman connected with the *Tribune*, called at my office the evening of the 25th and asked me the same question, to which I made the same reply as before. He then inquired of me what were the grounds of my suspicion. Well, I gave him briefly the grounds of my suspicion. I saw he had an inkling of the matter already. When I stated the matter to Mr. Olcott I had no idea that he intended to make any public use of it, as none of the other gentlemen of the press had done so. If I had supposed he was going to publish it, I should not have made the statement to him. The first I knew of it the article appeared in the *Tribune*. I had no conversation with Mr. Greely on the subject.

ROBT. MURRAY.

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JOSEPH THOMPSON :

I am first deputy marshal of the southern district of New York, and have been for the last twenty years. I know of the bark *Augusta*, that she was seized last June, libelled in the district court for being fitted out as a slaver, tried in August, and in September condemned.

After her condemnation an attempt was made on the part of Appleton Oaksmith to have her bonded. Mr. Murray, the marshal, sent for me and told me that he understood there was a proposition to have her bonded for two thousand dollars.

This was previous to her discharge on bonds, and after the appeal was taken, but the precise time I can't state. The marshal asked me if I was acquainted with Appleton Oaksmith, or any of his friends. I replied I was well acquainted with Oaksmith, and had been for twelve or thirteen years.

He then directed me to see Oaksmith, and say to him that if he or any of his friends attempted to bond that vessel and cargo for less than five thousand dollars a new libel would be obtained, and that she would be stopped or prevented from going on her voyage; or that if she took the same cargo on board that she had when she was first seized he would also have her stopped by

process. I informed Oaksmith, who replied that he would arrange that matter up stairs.

On the 28th of October the vessel and cargo were bonded in the sum of four thousand two hundred and fifty dollars, and discharged.

Immediately after that the marshal sent a note to the collector of the port, Mr. Barney, requesting him to refuse a clearance to the bark *Augusta* and cargo until a new process could be obtained from the district attorney.

The collector wrote a reply to the marshal, that his request should be complied with. (Exhibit B shown the witness and identified.) On the 8th of November the marshal instructed John H. Smith, a police detective detailed to the marshal's office, who, in conjunction with Horton, seized the *Augusta* originally, to proceed to the district attorney's office and obtain a process for her arrest, as she had taken on board her old cargo.

On the following morning, which was Saturday, I saw John Smith standing at the door of the district attorney's office. He told me he was waiting to see Mr. Woodford, in order to make the necessary affidavit to procure this process, which he had been unable to get the day before. I did not see Smith again till Monday about two o'clock in the afternoon, when he informed me he had not yet been able to get the process from the district attorney's office. I immediately went to the district attorney's office and had an interview with Mr. Woodford, who accompanied me at my request to the marshal's office, when the marshal insisted to Mr. Woodford that there had been great loss of time and delay in issuing the process; when Mr. Woodford replied that he would have the process out that afternoon, which he did that afternoon at four o'clock. That same afternoon I was informed that the bark had obtained her clearance from the custom-house on the previous Saturday, and proceeded on her voyage. The next day Mr. John Smith was sent with the process to Greenport to arrest the *Augusta*. Previous to the bonding of this vessel, and while it was under consideration, the marshal sent for me to his office and told me that Mr. Woodford had made a charge to him against Mr. Horton, one of his officers, of settling and disposing this matter by paying into court the sum of two thousand dollars, which was to be the last of it. That under these circumstances he could not longer retain him in the office, and directed me to discharge him. I thought it my duty to apprise Mr. Horton of the charge that had been made against him, which I did that same day. Mr. Horton emphatically denied the charge, and said that the proposition for bonding the vessel for two thousand dollars and settling the case emanated from Mr. Woodford. I returned to the marshal and related to him what Mr. Horton had said, and added that I thought he was too hasty and impulsive in discharging Mr. Horton without having the matter fully investigated, and suggested to him that he lay the facts before the Secretary of the Interior and apply for an investigation, which he did.

JOSEPH THOMPSON.

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LUTHER HORTON:

I am and have been a deputy marshal for the southern district of New York since April last. I was in the same position four years under Marshal Hylyer, during Mr. Pierce's administration.

In the month of June last I received information that the bark *Augusta* was fitting at Greenport for the slave trade. Previous to issuing the process against her, which was about the 19th of June, I made the necessary affidavit to obtain the process. I informed Mr. Thompson of the facts, and he filed my claim in reference to the vessel in the district attorney's office. The same evening I informed the marshal, and he sent one of his special deputies, John H. Smith,

with me to Greenport to seize her. We went and seized her on the 23d of June, and after my return to New York I communicated the information in my possession to Mr. Woodford, assistant United States attorney. There appeared to be a coolness on the part of Mr. Woodford to proceed with the matter, whether from ignorance of that kind of business or other causes I cannot say. In order that the proper evidence should be obtained, and the necessary steps taken to procure the conviction of the vessel, I employed Charles Donohue, esq., as my counsel, to look after and watch my interest—to see that no stone was left unturned to procure a legal conviction.

Mr. Donohue then prepared a plan of prosecution which I submitted to Mr. Woodford, who promised to carry it out. I subsequently, and a few days previous to the trial, proceeded, in company with Mr. Woodford, to Greenport to obtain the names and subpoena the witnesses necessary to be examined on the trial. He left me at Southhold, a place ten miles this side of Greenport, promising to meet me the next day at 12 o'clock at the latter place.

Finding it necessary to proceed the next morning before 12 o'clock to Sag Harbor to obtain evidence, I did not see Mr. Woodford again till I arrived in New York, the next day. Then I saw him, when he informed me that it was a thin case, and that he did not expect to obtain a condemnation of the vessel. The next day the trial came on in the district court. After the trial was closed Mr. Woodford, in presence of Mr. Donohue and myself, said he did not expect a condemnation.

The vessel and cargo was condemned. After the decision of the court was rendered I frequently met Mr. Woodford, and asked him if he knew whether the claimant was going to appeal the case. On one occasion he said he had seen the parties, and they had partly made him believe the bark was going a legal voyage. I laughed at the idea, but he insisted that it was impossible that the parties should lie to him in that way.

About this time the appraisers were appointed to appraise the vessel and cargo. I learned then through the marshal that one of the appraisers was the father-in-law of Mr. Woodford. Mr. Woodford suggested to me that the parties would pay into the court the amount of appraisal, and it would be the last of the matter; that the parties would not appeal, provided the Secretary of the Interior or government (he might have said both) were satisfied. I then asked him if he knew what amount they were going to appraise her at. He replied that he knew pretty near about what they would appraise her at, but that he had not received the official report of the appraisal.

He then told me to get the marshal's costs up to that date. I went and asked the marshal for his costs, and he referred me to Mr. Thompson, his deputy. The latter said they were in the neighborhood of six hundred dollars. (There is a receipt in the files of the case showing that the marshal's costs were paid before the vessel was discharged.—William D. Shipman.) I communicated the amount to Mr. Woodford. I then asked him if he knew the amount they were to appraise her at. He said he understood two thousand dollars. I replied that I would never consent that the vessel and cargo should be bonded at less than five thousand dollars, unless the amount was paid into court, when a trifling difference might be made; my idea being that it would be better to have the money paid into court at an amount a little below her value rather than to run the risk of bond. I then told Mr. Woodford that I had a standing offer of thirty-five hundred dollars for the vessel independent of the cargo, and that two thousand dollars would not be half her value; and that after taking out the marshal's expenses it would leave but very little. He then said, in an excited state, that he was ignorant of the value of the vessel, and would not receive the report, but would have new appraisers appointed, or at least would have his father-in-law resign, which he did. Subsequently the vessel and cargo were appraised at forty-two hundred and fifty dollars, bonded

in that amount on or about the 28th of October, and then discharged. My intercourse with the district attorney's office touching the matters about which I have testified have been exclusively with Mr. Woodford, unless, perhaps, Mr. Andrews drew up my affidavit upon which the seizure was made.

LUTHER HORTON.

JOHN H. SMITH :

I am a member of the detective department of the New York police, detailed to the marshal's office by Superintendent John A. Kennedy, and also appointed special deputy marshal by Marshal Murray. I have thus been connected with the marshal's office since April last.

I know the bark Augusta; I assisted Deputy Horton in seizing her; she was afterwards condemned. I felt great interest in having her condemned, for I had understood that there never had been a vessel condemned in this slave business that had been seized at the docks.

I watched the case generally as it was progressing. One evening I noticed in the Sun newspaper of that day a notice. (Notice referred to in Murray's testimony handed to witness and identified, Exhibit A.) The notice related to the bonding of the Augusta, and gave the names of the appraisers. I brought the notice down the next morning, and asked him if he knew who had been appointed appraisers of the Augusta. He said he did not. I then handed him the notice, and he asked me if I knew who they were. I told him I understood that Mr. Capen was the father-in-law of Mr. Woodford, and that I once subpoenaed him in the case of Gordon. (Colonel Capen was a witness for the United States in the trial of Gordon, and called to prove his birth-place.—William D. Shipman.)

Mr. Murray then told me to go to Mr. Woodford and ask him if the bark had been appraised. I did. Woodford said she had not been appraised. He said to me, what do you think of the bonding of this bark? I told him I did not know. He said, I will tell you what I think—I think we had better let her be bonded for two thousand dollars, then they will pay that into court, and let it go by default. But, he said, in case she was bonded for a heavy amount they would carry it up, and it would take a year or two before the case was ended, and that we would not make anything; but if she was bonded at two thousand dollars we should make something. I understood from Mr. Horton that I was entitled to a share of her avails.

I told Mr. Woodford that I thought it was rather a low bond, as I understood she cost over four thousand dollars, and that I thought her cargo ought to be worth from five hundred to a thousand dollars.

I then went down and told the marshal of the conversation I had had with Mr. Woodford. The marshal said if she was bonded for anything less than her value he would seize her again. He then ordered me to look out for her, and if I heard anything to let him know.

On Thursday, November 7, the marshal ordered me to go to the Atlantic dock and see if they were loading the bark, and how near she was loaded. I went and returned, and I told the marshal that she was nearly loaded, and that the ship-keeper told me that they would get away about Saturday following.

On Friday, the next day, the marshal told me to go to Woodford and tell him that he wanted a libel for the bark Augusta. Mr. Woodford said he would see the marshal. On Saturday the marshal told me to go up again, and tell Mr. Woodford that he wanted the libel. I am not certain whether I saw Mr. Woodford on Saturday or not.

On Monday, the 11th, about 1 o'clock, the marshal came into the office and I

informed him that I had learned that the *Augusta* had left the Atlantic dock at 12 o'clock on Sunday.

The marshal then told me to go to Mr. Woodford and tell him that he wanted that libel right away for the bark. I did. Mr. Woodford wanted to know who would make the affidavit. I replied that I would. I made the affidavit before Commissioner Osborne, and then left. The marshal then sent me to the Atlantic dock to ascertain whether she had certainly left. I went, and found she was gone, and returned and informed the marshal.

He, the marshal, then handed me the process, and ordered me to go to Greenport and seize her if I could find her.

I went to Greenport, found the *Augusta* down towards Montauk Point, and as I approached her in a yacht, I found she was moving off to sea; I found I could not catch her, and returned to Greenport. I then came to New York the next morning. The marshal having learned that she was still near Montauk, he directed me to return and get her if possible. When I got to Greenport I found Mr. King, inspector of customs at Greenport, and Dr. Skinner, surveyor of that port, had gone after her in a small sloop; I stayed at Greenport till they brought her in; I then served my process on her, and took her into my custody. She was afterwards brought to New York where she now lies.

This is all I know about the matter, except I overheard a conversation between Mr. Murray, the marshal, and Mr. Woodford in the marshal's office; I stood just outside the door, keeping people out of the office; all I heard of this conversation was this: I heard Mr. Horton's name mentioned, and then I heard the marshal say "by God I will discharge him; I will be damned if he shall stay with me an hour." Woodford replied, "for God's sake don't do that; I don't tell you this as marshal." I think Mr. Devoe, a detective policeman, was in the marshal's private office at the time. Mr. Woodford, the marshal, and Mr. Devoe were all that were in the room, I believe, at the time of this conversation; I think Mr. Devoe was in the marshal's room when Mr. Woodford came in, but am not certain. I went to the district attorney's office, to Mr. Woodford, three times to get the process. Whether I saw Mr. Woodford more than twice I can't say. Mr. Woodford made no objection to giving me the process. The first time I asked him he said he would see the marshal; this was on Friday. On Monday when I asked him for it he inquired who would make the affidavit. I said I would. Mr. Woodford then came down to see the marshal; this was the last I saw of Mr. Woodford that day. Before the trial Mr. Woodford told me that he thought it was a very weak case. I have stated all that took place between Mr. Woodford and me in relation to the bonding and rearrest of the *Augusta*. This is all I recollect about the *Augusta* matter.

JOHN H. SMITH.

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#### ELY DEVOE:

I am a detective of the New York police. I am specially detailed by the superintendent and metropolitan police commissioner for service at the United States marshal's office, and have acted as such for the last six months. I know the bark *Augusta*, and that she was seized and condemned in the district court for being fitted out as a slaver.

One morning in October last, when I was in the marshal's private office, Mr. Stanton came in, and said to the marshal that he had been appointed an appraiser of the bark *Augusta*. Mr. Murray then said to him (Stanton) that he understood that they were going to appraise her for two thousand dollars, and if they did so he would seize her the next minute.

Mr. Stanton then asked Murray what he (Murray) valued her at. Murray replied that the vessel and cargo were not worth less than seven thousand dol-

lars. Mr. Stanton said he did not know, but would try to get her up to four thousand dollars. They had considerable conversation about it, but I do not recollect what else was said.

As much as a week or ten days after the conversation between Mr. Stanton and the marshal, which I have related, Mr. Woodford came into the marshal's private office one morning and went behind the railing and spoke to Mr. Murray in a low tone of voice. Mr. Murray then told Mr. John Smith to lock the door. Mr. Woodford then remarked to Mr. Murray that he understood he was dissatisfied with the appraising of the bark Augusta at two thousand dollars. Murray said he was—it would be a perfect outrage. Mr. Woodford said the sum of two thousand dollars was named by one of your own officers, and that officer said if they bonded her for that sum they, likely, never would call for the money. Murray asked who that officer was. Woodford replied Horton. Murray brought his hand down on the desk and said he would discharge him the moment he came to the office. Mr. Woodford says, don't do it; I don't tell that to you as marshal, but as a citizen. Murray says, it don't make any difference Mr. Woodford, I shall discharge him the minute he comes to the office, for I will not have such a man about me if I know it. Mr. Woodford then replied, don't discharge him or say anything about it under a month or so. Mr. Murray insisted that he should do it at once. Mr. Murray said to Mr. Woodford that there had been an attempt to commit a great outrage with reference to the Augusta, and that he would not permit it. This is all the conversation that I can swear to as distinctly hearing. Marshal Murray, Mr. Woodford, John H. Smith, and myself were all present during this conversation between Mr. Murray and Woodford.

Smith stood by the door; I think he was inside. I was between Smith, who was at the door, and Murray and Woodford, who were at Murray's desk, when I heard what I have related of this conversation, within seven or eight feet of them. There were no other persons in the office, so far as I know. It is possible that Smith might have stopped outside the door, as my back was turned towards him. This is all I know about the matter.

ELY DEVOE.

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GILBERT H. COOPER :

I reside at Sag Harbor, Long Island; I have been ten years in the whaling business as agent and owner; have been during that time familiar with the value and fitment of whaling vessels; my business has been to purchase and sell whaling vessels, to fit them for their voyages, and to receive and sell their cargoes on return; I own in four or five now, and manage the affairs of two; I have sold three this season. I know the bark Augusta; I have good reason to know her; I, in company with others, owned her on her last whaling voyage, from which she returned in January, 1861, and on which she sunk her owners about \$45,000; we bought her for \$7,000 in 1857; I sold her about the 1st of June last, to or through Appleton Oaksmith; I received the money of him, and at his request passed the title to one Van Alstyne, who, I understand, very soon after conveyed her to one Jacob Appley. On Saturday last, in company with Daniel T. Willetts, of the city of New York, I examined the Augusta, now lying at the Union wharves, Brooklyn; we made this examination at Judge Shipman's request; assuming that she was substantially in the same condition on the 28th day of October last as she is now, she was worth then \$3,000; this, I think, is all she was worth then; she is worth more now than she was on the 28th of October, in consequence of the demand of the government for vessels of that character; I sold, on the 23d of November, a vessel resembling the Augusta for \$4,300, which was \$1,500 more than I could have got for her any time during

the month of October; I purchased portions of the same vessel after the 28th of October, at the rate of \$2,000 for the whole; I appraise the *Augusta*, with full reference to all the repairs that have been put upon her since I sold her, and include them in my estimate. I also examined on Saturday last, as I was requested by Judge Shipman, the list of the cargo which was said to have been seized with the *Augusta*. (Copy of list identified by the witness hereto annexed, marked L.) A large portion of the articles named in this list were sold by me with the bark; I know their value; these articles consist of whaling apparatus and casks mainly; assuming the other articles in the list to be merchantable, I appraise all the articles named in the list, exclusive of forty-seven barrels of beef, which I understood was spoiled and quite or nearly worthless, at the sum of \$1,800, making for the *Augusta* and her cargo the sum of \$4,800 in the whole; this is all, I think, they were worth on the 28th day of October last; I have had no connexion with the *Augusta* since I sold her, except as a witness for the United States on the trial which resulted in her condemnation. I sold the *Augusta* to Oaksmith, together with a large portion of the whaling apparatus, and casks, and some few other articles, named in the list (L,) for \$4,900 for the whole, which I considered an extraordinary good price, and which was \$1,000 more than the owners of more than one-half of her were willing to take and had authorized me to sell her for; I know nothing of the amount at which she was appraised or bonded for the purpose of this investigation.

GILBERT H. COOPER.

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DANIEL T. WILLETTS:

I have resided in New York always, and been in the firm of Willetts & Co., of which I am still a member, for twenty-five years last past; for twenty years of that time have been in the whaling business and in the general shipping business, and I am well acquainted with the value of ships, and particularly with whale ships; I owned a portion of the bark *Augusta*; I knew of her being sold to or through Appleton Oaksmith; I approved of her sale by Mr. Cooper, whose testimony I have just heard, the price paid being \$1,000 more than we had previously, so far as we were interested, authorized him to sell her for, and all appertaining to her; I regarded it as an extremely fortunate sale. Last Saturday I examined her, in company with Mr. Cooper, and also the list of articles referred to by him; in my judgment, if the vessel was in the same condition substantially on the 28th of October as she was on Saturday last, she would not have been worth at the former date more than \$3,000; I refer to the vessel alone; this would have been a high valuation for her; the articles referred to and named in the list (L,) assuming them to be in a merchantable condition could not have been worth, on the 28th of October, more than eighteen hundred dollars, (\$1,800,) this was exclusive of forty-seven barrels of beef said to be spoiled and nearly worthless. The vessel is undoubtedly worth now more than she was on the 28th of October, in consequence of the demand of the government for vessels of her character. She was worth as much or more on the 28th of October as at the time we sold her to Oaksmith, or at any intervening period. Our house owned a fifth or a quarter of her when she was sold to Oaksmith. I am ignorant of the price at which she was appraised or bonded and the object of this investigation.

DANIEL T. WILLETTS.

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E. DELAFIELD SMITH:

I am United States district attorney for the southern district of New York, and have been since the 4th of April last.

During April, May, June, and a part of July last, I tried a great many cases, preparing most of them at night, and conducting without any material assistance. In July I found that my expenses had been over \$1,200 above receipts, for the quarter ending July 1st. I went to Washington July 27th, and remained till August 9th. On the morning of August 9th I returned. I then learned that the *Augusta* had been seized by the marshal's office as a slaver. Mr. Woodford, my assistant, said to me that Deputy Marshal Horton was the informer, and that the marshal and Horton felt a great interest in the case; that they wished him, (Woodford,) to go at once down Long Island to get up the evidence. Mr. Woodford having received his appointment to his post of my assistant upon very high recommendations, including, among others, Governor John A. King, Governor Morgan, many of the presidential electors, Marshal Murray, and many of the particular friends of the latter, and, having shown himself able and efficient in the trial of important prize cases, I had no hesitation in trusting this business to his hands, especially as I had always understood Mr. Woodford and the marshal were intimate friends. The marshal, also, previous to that, expressed great confidence in him, and the wish that I would have him attend the grand jury with me in prosecution of offences touching the slave trade. Mr. Woodford left the office on the afternoon of the 9th of August on this business, and returned on the morning of August 13th. On that day Mr. Sawyer, the counsel for the claimant, pressed the case for trial. Mr. Murray, (marshal,) Mr. Horton, and Charles Donohue, esq., urged me to have the case postponed.

Mr. Donohue came to me alone, and said that he was employed by the marshal, and would give all the assistance in his power, but must do so privately; that he feared the vessel could not be condemned on the evidence as it then stood; that if we could get the case off till fall some more evidence could be obtained; that in the meantime I could get Apply, the claimant and alleged owner, before the grand jury, and get something out of him.

Mr. Welcome R. Beebe, of the firm of Beebe, Dean & Donohue, (lawyers of this city,) also met me in the hall on the same morning, and urged me to have the case postponed. Upon this state of the case, and upon what little knowledge I had of it, and also desiring to examine it thoroughly myself, I was anxious to secure the postponement.

Mr. Woodford and myself went before Judge Shipman and tried in vain to get the case postponed. The judge said if our motion to postpone was supported by affidavit, he would consider it. An affidavit was presented to the judge, but he decided that the trial must proceed. My health was much impaired by over exertion in my official duties; and that day, or the day before, I had received a letter from my family, who were then at Rochester, informing me of the illness of my wife. Finding it necessary for me to visit my family, which I did on the following Saturday, I devoted the intervening period to the miscellaneous business of my office, which demanded immediate attention; and consequently was unable to give any time to the trial of the case of the *Augusta*, except occasional conferences with Mr. Woodford, who conducted the trial for the government, and being occasionally in and out of court as the trial progressed, which was not ended when I left for Rochester.

I returned to town about the first of September. The opinion of the judge condemning the vessel was filed on the 20th September. The marshal and Mr. Horton expressed at that time great gratification at the decision, and at the manner in which Mr. Woodford had conducted the case. For several days from about the time the decision was filed I was indisposed, and from the 25th of September to the 2d of October, inclusive, I was confined to my house, and until the last-named day to my bed. Mr. Woodford and other employes of the office were accustomed to come to the house and consult me about the affairs of

the office, but I was so sick a portion of the time my physician would not allow me to converse with them on business.

On one of these days, when at home sick, Mr. Woodford spoke to me about the *Augusta*. I can only state the substance of the conversation between us, for I was exceedingly ill that day. He said he had been talking with the claimant, or Mr. Oaksmith, or both of them, and also with Horton, the informer; that Horton said he was afraid the whole thing would be eaten up by costs and disbursements, for the costs in the marshal's office were already very large, and that the parties concerned for the vessel would pay two thousand dollars into court, and would not appeal; that Horton and he (Woodford) had talked the matter over, and had spoken of the danger of a reversal if an appeal was taken, and also the danger that the bonds might turn out badly, however good when taken, in case the cause went to the Supreme Court, where the parties interested for the vessel threatened to carry it. I replied there was something in all that, but that although I knew nothing of the value of the vessel, yet I thought that two thousand dollars was a very small sum. I added, however, if they will pay about the value, and the Secretary of the Interior, after the facts were all stated to him, should approve the arrangement, there would be no objection. I also told him that the marshal and Horton knew better what the value of the vessel and the cargo was, and must approve the sum fixed upon before it was submitted to the Secretary of the Interior.

Woodford replied that he had stated to Horton that the matter must be approved both by the Solicitor of the Treasury and the district attorney. I said no; by the Secretary of the Interior, as he had charge of these prosecutions. I said to him, proceed very carefully, and be sure and do as the marshal and Horton think best. I was exceedingly sick that day, and felt unable to talk on the subject.

The next day Mr. Woodford called again with my letters and papers. I was much better. I said to him, I have been thinking about the *Augusta* case. The amount they offer to pay into court is very small. The government does not prosecute these cases for the sake of money, but to put down the trade. It is a slave case, and a delicate matter, and I would not have any negotiations about it. Let us go on and have the case take its course; I think we can get the case affirmed. Woodford replied, I think so, too, and I will tell Horton what you say. Woodford then left.

I have an indistinct recollection that about the time of the appointment of the first appraiser, and while I was engaged in preparing the privateer case, Mr. Woodford came to my desk and said: They are going to appeal and bond the *Augusta*. I think I will get Colonel Capen, my father-in-law, to act as one of the appraisers. I replied, very well; be careful and get her appraised high enough; that is all. This is all I recollect of the conversation. I remember that a few days after the last-named conversation, as I was going into the Astor House with Mr. Woodford, he remarked that his father-in-law wanted to appraise the *Augusta* lower than he (Woodford) thought was right, and that he had him resign, and Mr. Stanton put in his place. I said, I am glad you did; you can't be too careful in these cases.

These are all the conversations I recollect having with any one in regard to the bonding of the *Augusta*. It may be that I was spoken to on the subject, but if I was, I undoubtedly referred the party to Mr. Woodford.

I never heard of any dissatisfaction in regard to her bonding until after she was bonded and about from the 1st to the 8th of November, when Mr. Andrews, my clerk, informed me that the marshal was dissatisfied with Woodford's conduct in the matter.

The next day I called Mr. Woodford into my room and closely questioned him about it. He said his father-in-law wanted to appraise her at two thousand dollars, and he had had him resign and Stanton appointed, and the amount was

now satisfactory, as he understood. That day or soon after, in passing through the hall, I spoke to Horton about it. He said that two thousand dollars had been talked about, which was too low, but the amount now fixed he thought was about right.

I asked Horton at this time whether he thought Woodford had intended to do anything wrong about it. He said, no, not at all.

On the 9th of November Mr. Woodford brought me a copy of a letter from the Secretary of the Interior, and which he said he had just received from the marshal, (a copy of same hereto annexed, marked M.) To this letter I directed Mr. Woodford to draught a reply, at the same time indicating to him the tenor of it. He did so, and brought it to me. I revised it and handed it to him. He had it copied and brought it to me again for signature. I signed it and handed it back to him, and he afterwards informed me that he had sent it to the marshal—(a copy of this letter hereto annexed and marked N.) I remarked to Woodford that we would libel the vessel fifty times, till they, the owners, get tired of it. The marshal had no communication with me, either personally or in writing, touching the re-arrest of the *Augusta*.

On the 19th of November, and while the marshal was absent in Boston, Mr. Andrews, my clerk, informed me that the crew of the *Augusta* had been brought to the office by the marshal's officers; that the marshal had gone to Boston, and that the officers did not know what charge to make and had no evidence to offer. We examined the statutes, and charged them with aiding and abetting the fitting out. The next day we repeatedly attended before Judge Ingraham, and I succeeded in defeating their discharge on a writ of *habeas corpus* which had been brought in the State court—Mr. Welcome R. Beebe appearing for the men, and declaring that the arrest and detention of the men was an outrage.

November 22d, 23d, and 25th their examination proceeded before a commissioner in my office. Mr. Andrews attended on behalf of the United States, and I was occasionally present. W. R. Beebe appeared for the crew and was very zealous in their behalf. On Saturday the 23d, Mr. Andrews said to me, we cannot hold the men, our evidence amounts to nothing. I went in and the commissioner said he must discharge the men. I asked Andrews to appeal to Mr. Donohue, as he was the marshal's private counsel, to consent to adjournment till Monday, when I hoped the marshal would return. Mr. Andrews informed me that he had done so, that Mr. Beebe left, Mr. Donohue took his place, and Mr. Andrews represented to the commissioner that the marshal was a material witness. Mr. Donohue waived an affidavit of the fact and the commissioner finally adjourned till Monday. On Monday the marshal returned from Boston, and the men were discharged by the commissioner. Mr. Andrews told me that he had stated the whole matter, including the discharge, to the marshal, and that the marshal said, pointing to a despatch that he had, that he should take them to Fort Lafayette.

The next day I saw the article in the Tribune of that date, and at once applied to the Tribune office for the data of the article. Two of the editors, Messrs. Dana and England, said Mr. Greely wrote or was responsible for the article, and if I would apply to the marshal he would probably give me the information. I then addressed a note to the marshal, (O,) and received a reply, (P,) and forwarded copies of them with my letter (Q) to the Secretary of the Interior. This is all I know about the matter.

I have told Mr. Woodford repeatedly, from the beginning of this difficulty, that I could not advise him nor act for him in any way, and that my desire and object was to have the truth elicited in this investigation, let it inculcate whom it would.

E. DELAFIELD SMYTH.

## STEWARD L. WOODFORD :

I am assistant United States attorney in this district, and have been engaged in active duties since the 1st of May last. The first that I ever heard of the *Augusta* was from Mr. Andrews, our first clerk, who drew the first libel. I think this was some time in June or July.

About the last of July or the first of August two gentlemen, Mr. D. G. Floyd and John O. Ireland, called upon me and gave me some valuable information about the case. I took their statement down in writing. They were witnesses on the trial for the United States. This was my first connexion with the case.

I requested Mr. Floyd, when he returned home, to write out and send me the method of fitting a whaler, which he did, and sent me in a letter on the 7th of August.

On the 9th of August the district attorney returned from Washington, where he had been for some days; I asked his permission to go down to Greenport and get up the testimony in the case. He was anxious that I should go, and I did go on the afternoon of that day. Mr. Deputy Horton went down with me to subpoena the witnesses. I did not think it advisable for me to go on to Greenport with him, and stopped at Hermitage depot, about six miles from Greenport, this side.

Horton went on with a list of the witnesses whom he was to subpoena. Saturday, the 10th, I drove over to Greenport at noon, went to John O Ireland's house, and found that Horton had gone to Sag harbor to subpoena some witnesses there. I sent out for Mr. Skinner, the son of the surveyor of the port, and ascertained from him what Horton had done; and then, with his aid and that of Mr. Ireland, prepared my list of witnesses for the trial.

I did not want to be seen in Greenport, as I was known there and my business would be suspected; I remained at Ireland's house till near evening, and then drove back to the Hermitage depot. I remained there over Sunday at the house of my friend, Mr. Rensselaer Goldsmith; there was no hotel in the place.

On Monday, at two o'clock, I went to Greenport on the cars, and found that all my witnesses, with one exception, had been subpoenaed, and that night came to New York with most of them on the steamer.

On Tuesday morning I saw Mr. Charles Donohue, of Beebe, Dean and Donohue, at our office, and asked him when he would have ready the testimony which he had said he would put us in the way of obtaining in the *Augusta* case. He said he would see that we had it as soon as he could, but that he must not be known in the transaction, and advised me to get a postponement of the case, which had been set down for that day for trial. He gave me some suggestions, which I took down upon a memorandum. They related to the general management of the case.

In order to get a postponement Donohue dictated an affidavit for Horton to sign, which Andrews wrote out. On this affidavit the motion for a postponement was supported, but the judge denied it, and I went into the trial of the case.

On the 20th of September the judge filed his opinion condemning the vessel; on the 25th the decree was agreed to and entered; and on the 26th was served on Mr. Sawyer, proctor for claimant.

Being desirous of stating my entire connexion with the *Augusta*, or any parties interested in her, I wish here to return to the date of the 4th of September. On the afternoon of that day I left Boston, where I had been on business, to return home by the Fall River route. On reaching the steamer *Metropolis*, which I took at Fall River for New York, I found all her state-rooms engaged, as well as most of her berths in the cabin. I met Appleton Oaksmith in the saloon. This was the first time I had ever met him, except in the court room, on the trial of the *Augusta*, where he appeared as the agent of Apply, the claim-

ant, and assisted Mr. Sawyer on the trial. He stated, in his testimony on that trial, that he had read law, but had never practiced.

We then entered into conversation, and went to the supper table together. On learning that I had no state-room, he said there were two berths in his, and offered me one. I accepted it, and passed most of the evening in his company. Our conversation was general, the only allusion to the Augusta case being as follows: He asked when Judge Shipman was going to decide it. I replied that I did not know. He added, I have no fear of the result, for it cannot help being in our favor. I suggested that we had had our fight in court, and while receiving his kindness did not wish to discuss it again. Nothing further was said by either of us on that subject.

On reaching New York, next morning, we parted at the boat. Both he and Mr. Sawyer, Appley's counsel, called at the office several times afterwards to learn if a decision had been rendered. On the 25th of September, the day the decree was entered, Oaksmith and Sawyer called together. Sawyer left first; Oaksmith remained a few moments and remarked, as he arose to go, It is near three o'clock, have you had your lunch yet? I said no, and he asked me to go out and take it with him. We went to Delmonico's, corner of Broadway and Chambers streets, near the court-house. We sat at a table at one of the Broadway windows. I think, although I am not positive, that he asked whether the practice of the admiralty courts allowed Apply to bond his vessel. I replied to him that his lawyer must look out for that, that I had as much as I could do to look out for the government side of the house. While we were eating, Mr. Horton came in, and he stood at our table leaning over, and said something to Oaksmith, in a low tone of voice, which I did not hear. He remained but a moment and left. I have repeated all that passed between Oaksmith and me, at this interview, about the Augusta.

On this day, 25th of September, the district attorney was taken sick. He was confined in his house till the 2d or 3d of October.

Within a few days after the opinion of the judge was filed, I met Deputy Horton in the lower hall of the court-house, and he asked me if the Augusta folks were going to appeal the case. I said Sawyer threatened so, and they probably would. Horton said, I supposed so. We had a conversation which lasted but a few moments, and in which we both spoke of the expense, delay, and uncertainty of these appealed admiralty cases. My impression is that Horton remarked, The whole thing will be eaten up, and neither the government nor the informer will get anything; and asked if it would not be as well for the government and all concerned if the Augusta people should pay a fair amount into court. This is all I recollect of that conversation.

Before we were served with the notice of appeal, and the decree was entered, I think the day after the decree was entered, Oaksmith came up to the office in the morning, and entered into conversation with me about the Augusta case. As near as I can give that conversation, it was as follows: Oaksmith said he had had very hard luck; no matter what he touched or how innocent it was, he got jerked up, and lost everything. He spoke a few moments of his past life, and said he had a wife and children who were with his mother, who were dependent on him; that Apply, who was rich, had taken him into business at Greenport; that Apply was very angry about this Augusta matter, and he was afraid he would lose this, about his last chance for an honest living. He said law costs so much that Apply had got tired of paying costs and fees, and though his vessel was innocent, he thought they would rather pay the government something if Uncle Sam would let up, than to keep on with the fight.

I told him that I supposed that it would be my duty to receive any propositions they had to make, and report them to the district attorney. He replied, tell him that I think Mr. Apply would be willing to give about fifteen hundred dollars if the government would let his vessel go. I replied that the district

attorney could not accept any compromise without its being reported to and approved by the Solicitor of the Treasury; and that then the money must be paid into court to represent the vessel.

I called on the district attorney at his house nearly every day during his illness. On the day or day after Oaksmith had requested me to name this proposition to the district attorney, I spoke of it to him at his home. He was at the time in his bed and very ill. I stated to him what Oaksmith had said, and also told him that I thought they would pay two thousand dollars. The district attorney replied that the amount was too small, but he did not see as there was anything objectionable if they would pay into court somewhere near the value of the vessel and cargo, and if that should be satisfactory on a full report to the Secretary of the Interior. He had before corrected me when I said it should be reported to the Solicitor of the Treasury, and said the Secretary of the Interior had charge of the whole business. He also added that the amount should be satisfactory to the marshal and the informer, as they knew more about vessels than he did. As I left to go, Mr. Smith, the district attorney, said, By the way, I will think of that to-night.

The next day I called upon the district attorney again, as was my daily custom while he was sick. At these visits I made detailed statements of the business at the office. During this interview the Augusta matter was brought up. The district attorney said that he had been thinking it over, and was satisfied that the office should report no proposed settlement to Washington, but should be able, when they next wrote to the department, to send on the confirmation of the decree by the circuit court.

He added that the government did not want to make money out of these seizures so much as to stop the trade, and I replied that I was satisfied that his suggestion was correct, and that I would do my best to push the case along.

I should have added in my statement of the conversation with Oaksmith when he proposed to pay the \$1,500 into court, that I replied to him that that was not half what the vessel and her inventory cost Apply; and he answered possibly he might pay \$2,000, but if we have got to pay the government the whole we might as well have the expense of a fight.

On the 2d of October Mr. Sawyer served on us notice of appeal; on the 3d he served petition for appeal. On that day Oaksmith called at about dinner time at the district attorney's office, and in conversation with me said that he had a private professional matter about which he wished to consult me. I told him that if it did not concern Apply or the Augusta I should be happy to advise with him. He said that it was a long matter, and as we were both busy we could save time by going to dinner and talking it over there. We went to Delmonico's. His story was about this. He said that a year or two before a Cuban friend of his had come to New York, purchased a ship, and fitted her out for a mercantile venture. That a lawsuit had arisen about her, in which the marshal seized her. That the Cuban, who did not understand English, had employed a New York lawyer, who had gotten out of him a power of attorney or bill of sale, under which he had bonded the vessel and cargo, and after he got them into his possession sold them and pocketed the proceeds, and he wanted to know if I could get his friend righted. On my asking the name of the vessel, he gave it as the Ardennes. I thought I remembered the name as being on the register of the district attorney's office. I asked by whom she was seized and for what. He replied by the United States, on suspicion that she was going to the coast. I then told him that while such a suit was pending he must see it would hardly be proper for me to accept a retainer as between the claimant and his lawyer; that after that case was over, if I could do anything to punish a man for swindling his client my services would be at his disposal. We finished our dinner, the bill being paid by me, Oaksmith having paid the bill when I dined with him before.

On the 7th of October Mr. Sawyer served upon the office his motion papers, on an application to bond this vessel. On the 8th the motion was heard, Mr. Sawyer in favor of the motion, and myself opposed. Judge Betts ordered an appraisement, and asked us to name the appraisers. We agreed in the court-room that each party should name one appraiser. Mr. Sawyer named Thomas Stack, stating that he was a ship-builder, of Williamsburg, and either had been or was constructing a gunboat for the United States.

I named Henry T. Capen, my father-in-law, a merchant of this city in the ship-chandlery business, a man in independent circumstances, and in whom I had the utmost confidence. They were appointed, and on that day Mr. Sawyer served a copy of the order appointing them on the district attorney's office.

Either on the evening of the 7th or 8th, I asked Mr. Capen, at his house, where I reside, if he knew enough about ships to make an appraisement of them; that a slaver was to be appraised, and I wanted a man to do it on whose judgment and integrity I could rely. (I knew his business was supplying vessels, and that he owned some in vessels.) He said he thought he could do it correctly, and if appointed would do the best he could. My brother-in-law, Mr. Evans, was present, (of the firm of Claffin, Mellen & Co.,) and heard that conversation.

I never spoke to Mr. Capen about the appraisement of that vessel before then. The next day Oaksmith came to the office and said that Stack was in Washington on government business, and he did not know when he would return, and suggested that Mr. Capen should make the appraisement alone. I assented. Oaksmith asked me if I had been thinking any more about the Ardennes matter, and asked me to go out to dinner. I went with him to Delmonico's, where I usually lunched when I did not do so at the Astor House. I most frequently went to the latter place. At dinner he said he had been looking up the Ardennes case, and found that it was not so bad as he had stated. I told him I had also examined it in the files of the office, and that I was satisfied that she was a slaver; that I did not sympathize with his Cuban friend, but if the lawyer named by him had been giving straw bail for the vessel, I would do my best to bring him up for it. Oaksmith paid for the dinner, and we left. This is all the conversation that day that I recollect. The next day, October 10, Sawyer and Oaksmith came to the office about noon, and came to my desk. Sawyer said, Mr. Capen has made his appraisement. Will you go up stairs to the clerk's office and sign a consent that he may act without Stack, and his appraisement be entered? I asked the amount of his appraisement. They replied, two thousand or twenty-two hundred dollars, I don't remember which. It occurred to me that Oaksmith had intimated that Apply would pay fifteen hundred dollars, as I have before stated in detail, and that there must be a mistake about the appraisement. I told Sawyer that Cooper said on the trial that he sold the Augusta for over four thousand dollars, and I would not have any such appraisement. I asked where Mr. Capen was. He replied in the hall, waiting to go up to the clerk's office. I went out to the hall to see him, and they followed me.

I saw Deputy Horton standing at the door of the district court-room, on duty as I supposed. I asked him what the Augusta was worth, and remarked that an appraisement had been brought up of two thousand dollars. He said that they had an offer down stairs of thirty-five hundred. By that time Sawyer and Oaksmith had joined us. I told Sawyer, the appraisement shall not be filed. Sawyer said, Keep cool, come in the court-room, and let us talk it over. We sat down on one of the audience benches. Horton, I think, came up near where we were sitting. Sawyer tried to persuade me that the appraisement was right. I replied, Right or wrong, it shall not be filed. Mr. Capen is a connexion of mine, and such an appraisement would put me in a false position. Horton remarked, Mr. Woodford is right, and if Mr. Capen is his father-in-law he does  
 right in having it appraised again by somebody else.

I went out into the hall, saw Mr. Capen, and asked him how he came to make such an appraisement. He said it was all the vessel was worth. Said I, How much do you appraise her outfit and stores? He replied, he did not know she had any except her rigging. I asked, have not you been to the warehouse, where they are? He turned to Oaksmith and said, You did not tell me there was any outfit. Oaksmith replied, I know I did not, but I am willing you should call them five hundred dollars. Mr. Capen said he could not appraise them without seeing them. Sawyer said, Let us try to arrange it peaceably. I replied, Colonel Capen, you will oblige me by filing no appraisement to-day. I want you to resign to-night, and we will have this thing all done over again. The colonel was a little vexed and said, Certainly I will resign. Shortly after that we separated, and the colonel filed no appraisement that evening, and I think, at the supper table, I told Colonel Capen that on thinking it over, I was satisfied that he ought to resign, and he said, certainly he would, if I desired it. The next morning, at the district attorney's office, I prepared a resignation which I sent to his store on South street. It was signed by him and returned to me, and that day filed in court, and the same day an order was entered, appointing Thomas P. Stanton in his place. Mr. Stanton was in the habit of frequently calling at the office, being a gentleman frequently named as appraiser in the United States cases. I told him of his appointment, mentioned the fact of the first appraisement, and that I was not satisfied with it, and charged him to put the highest value on the vessel that she would stand. He promised me that he would, and undertook the matter. About the 15th of October, Mr. Stanton called at the office and informed me that he and Stark had agreed upon an appraisement, which he showed me, \$3,250 for the vessel and \$1,000 for the cargo and this was the best they could do. On reflection, I find that this was on the 16th. It was the day the appraisement was filed. On the 17th, Sawyer served on us the notice of justification of sureties. On the 19th I attended at the justification, and examined the sureties. I was satisfied with the sureties, and on the 28th the vessel was discharged. I should add here, in reference to one point in my testimony, that a day or two after the district attorney instructed me at his house to reject any proposition of the claimants for negotiation. I sent for Horton to come to the office, and told him it was best to carry the case through, and he replied that he was satisfied that this was the best course, and that if he was all eaten up with costs, we must take our chances. I desire to add here, that Mr. Horton never made to me any improper suggestions in regard to the Augusta case.

The first time I had any intimation of any dissatisfaction in the Augusta case was on the 3d or 4th of November, when the district attorney told me that he heard that the marshal was charging me with collusion with my father-in-law as to the appraisement of the Augusta. On Wednesday afternoon, November 6, I called at the marshal's office. He was in the private office. Some one was with him, whom I don't remember. I asked him for a moment's private conversation, and at his request the person or persons present retired, and we were left alone. Our interview was private, except once or twice persons stuck their heads into the door and asked the marshal a question, and being answered, left. My conversation with the marshal was, as near as I can give it, as follows: I told him I had been under obligations to him for past political favors given me when I was poor and needed friends; that I was grateful for them, and had supposed him to be a true friend to me, but that he had done wrong by me, in charging me with any impropriety without first seeing me. I told him that, as his friend, I should never have attacked his character without first knowing what he had to say for himself; that I had come to explain the matter, for the sake of the old times, but that I would never forget that he had not acted like a square man. I then said, at about the time the appeal was taken in the Augusta case, I had had a conversation with his deputy, Mr. Horton, in which the

expenses and delays of the appeal had been talked over, and that Horton had then said that he thought it would be a good deal better for the government and all to settle the case by paying some decent amount into court; that about that time Oaksmith had offered to pay the government two thousand dollars in settlement of the case, but that on reflection I had concluded not to report the offer to the government, but to press the case in court; that Oaksmith had never spoken to me since about any settlement, and I had done the best I could with the case; that when they came to appoint appraisers, I named my father-in-law, so as to have a man in whom I could have confidence; that when I found Mr. Capen blunder, I had him resign, and Stanton appointed; that I examined the sureties myself, and did not believe that there were better bonds on file in the court.

When I first charged the marshal with being unfriendly he said he never suspected such a thing of me, and was perfectly surprised when he learned it. I told him he had known me long enough to know what I was. We had some excited words. When I mentioned to him my conversation with Horton he said he would turn him out; that Mr. Kennedy, to oblige whom he had appointed Horton, would suggest to him that he should resign. I then told him that Mr. Horton had said nothing improper to me, and I should advise him not to remove him for any such reason as that. This was about the sum of our conversation. Before I left the marshal expressed himself entirely satisfied with my explanation; we shook hands, and, I supposed, parted good friends. That night, in thinking over the conversation with the marshal, I found from his remarks that I might have been misunderstood, and so have done injustice to Horton. Accordingly, I called on the marshal the next morning at his office, and saw him in his inner room alone, as before. I told him why I had called, and assured him that Deputy Horton had been guilty of no impropriety, and that if it became necessary to prevent injustice being done to Mr. Horton in the mind of Mr. Kennedy, I should feel it my duty to see Mr. Kennedy and make the same statements to him that I had to the marshal. The marshal still expressed himself somewhat dissatisfied with Horton's course. I again assured him that no injustice should be done to Horton through me, and left him.

On Saturday morning, November 9, I received a letter, of which this is a copy, the original being on file in the district attorney's office, (copy hereto annexed, marked R.) I immediately went down to the marshal with the letter; he read it and said, I will look after that vessel myself, and returned it to me. I went back to the office and made on the original the memorandum at the foot of the copy. Afterwards, on that day, I received from the marshal's office a copy of the letter of the Secretary of the Interior to him, of date of November 7, (M.) The same day I draughted a reply, after examining the law. This reply was corrected by the district attorney and sent to the marshal that day, (N.) The 9th was Saturday. On Monday morning, November 11, I went to the marshal's office as soon as I reached the court-house, and asked him what we had better do in the matter of re-arresting the Augusta; he said that she had gone to sea on Saturday or Sunday. He was much excited, and blamed the collector severely. Learning from him that her clearance was for Greenport, I suggested that she could be seized there. He asked me to prepare a libel during the day, so that his deputy might start immediately for her. I advised a seizure without a libel, as being in my judgment the more legal method, but the marshal preferred to have a process, and I told him it should be ready so that his deputy could start on the first train. He then told me that Deputy John H. Smith would be the one to make the arrest. I asked either Deputy Smith, or First Deputy Thompson, if the afternoon trains were still running, and was told the morning train was the only one then running to Greenport. I saw the district attorney, stated the facts to him, and was instructed to prepare the libel as the marshal wished. I drew an affidavit against the vessel, which

Deputy Smith signed, as informer, which is now on file in the district attorney's office. I directed Mr. Buell, a clerk in the office, to prepare a libel in the case. I saw Mr. Wilmoth, the process clerk of the district court, and requested him to wait after office hours, which close at 3 p. m., and give me the process that day; he did so. The process was at the marshal's office that afternoon by half-past three, and on that day the marshal deputed John H. Smith to serve the process. I have related everything that I can call to my mind that I have said and done in regard to the Augusta. My statements of dates in my testimony are made from due entries in the district attorney's register of causes, the registry of the district court, memoranda made on the legal papers in the case on the files of the district attorney's office, which memoranda were made from time to time as the case progressed; the date of my meeting Oaksmith on the steamboat, of my dining with him, and of the sickness of and interviews with the district attorney, were taken from my private diary, having kept a diary for many years.

These papers are copies of the register entries in the Augusta case in the district clerk's and district attorney's offices. Copies hereto annexed and marked S. T.

STEWART L. WOODFORD.

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GEORGE P. ANDREWS :

I am clerk in the United States district attorney's office in this district, and have been since November 1, 1859. I know the bark Augusta. I drew the first libel against her last summer. She was condemned in September. She was subsequently bonded. About the time of her appraisal, as I was passing through the hall of the court-house, I met Mr. John H. Smith, a detective policeman attached to the marshal's office. I asked him how the Augusta was getting along. He shook his head and said, I wish you had charge of her. I asked why. He said I am afraid things are not going on just right. I was in a hurry and went away. I did not comprehend his meaning nor attach much importance to what he said, and the thing passed out of my mind. I heard nothing more about the matter until just before she was discharged on the bond, when, as I was going home from the office one evening after office hours, in company with the marshal, he expressed great dissatisfaction with Mr. Woodford in regard to the appraisal and bonding of the vessel. The language he used I cannot repeat accurately now, but the substance of it was that Mr. Woodford intended to let her be appraised and bonded at \$2,000, and for that purpose had had his father-in-law appointed appraiser. I think he said that some of his officers who were interested in the forfeiture of the Augusta had complained to him to that effect, and in consequence of the noise that was made about it the plan had been broken up. I think he said that Mr. Woodford had made a distinct proposal to his officers that the claimants should be allowed to settle up the case for \$2,000. The conversation with the marshal weighed upon my mind heavily, and I was embarrassed to know what was my duty. I did not wish, by telling the district attorney, to exhibit an undue zeal in circulating charges against an associate employé in the office, and thereby unjustly incur the name of a tell-tale and informer; and on the other hand I did not wish to expose myself to blame for not informing the district attorney, whose office it so deeply concerned. I thought it was a very grave matter. I said nothing about it for several days. I finally concluded that it was my duty to disclose the matter to the district attorney, and I did. The district attorney appeared very much surprised, and said that that was the first that he had heard of any complaints in the matter, and that he should inquire into it immediately. On Saturday, November 9, the marshal spoke to me about the rearrest of the Augusta; precisely what

he said I do not remember, but I do remember that, in consequence of what he said, I spoke to Mr. Woodford about it, and told him he had better see the marshal, which I believe he did, for he received that day a copy of a letter from the Secretary of the Interior to the marshal, from the marshal's office. This letter referred the marshal to the district attorney for advice as to the re-arrest of the Augusta. A conversation took place that afternoon about the subject referred to in the Secretary's letter. This conversation was between the district attorney, Woodford, and myself. The result was a letter from the district attorney to the marshal, of that date, (N.)

A libel was filed November 11, (Monday.) On Monday, November 18, I was in the marshal's office in the morning. The marshal said he was about sending officers after the Augusta crew and all connected with the vessel, who had been arrested at Fire island by the sheriff. That afternoon he started for Boston on the San Jacinto. The next morning the Augusta men arrived. Two of the marshal's deputies came to the district attorney's office and said the Augusta men were below and wished me to issue a warrant against them. There were nineteen of these men in the hands of the officers, but Appleton Oaksmith, who was one of them, was immediately taken to Fort Lafayette. Of the eighteen left one was Sidney Oaksmith, Appleton's brother, and one named Havens. The connexion of the two latter with any illegal act did not appear, as nothing was charged against them except that they had gone to Fire island to carry provisions to the others, who had landed on Fire island, after a fruitless attempt to board the Augusta for the purpose of going to sea in her. The Augusta was said to be lying off outside the island and waiting for them. There was also a Spaniard among them, about whom nothing was known, not even his name. There was a man named Pinkney, a runner for the house which had shipped the crew. The rest (fourteen) were supposed to be the intended crew of the Augusta, but none of them had been on board of her. Under these circumstances, I was puzzled to know how the men could be held, and I sent for First Deputy Thompson, who informed me he had orders to take Appleton Oaksmith to Fort Lafayette, but had no instructions about the others. I also consulted the district attorney. I thought there was no way in which they could be legally held. The district attorney said I must find a way; that the men must be held, if possible, until the marshal's return. After several consultations with the district attorney that day, we concluded to leave the men in the custody of the officers until the next day. Mr. W. R. Beebe, of the firm of Beebe, Dean & Donohue, called several times during the day, as the counsel for these men, to know what was necessary to do. We requested him to allow the matter to rest till the marshal returned. He refused, and that evening a writ of *habeas corpus* was served and notice left at the marshal's office. It was too late to get out a warrant that afternoon. I went immediately to United States Commissioner Henry's office for him, but he was gone. I then went to the Staten Island ferry to overtake him. I found him, and he promised to come up early in the morning, before the hour at which the *habeas corpus* was returnable. He did so. We got one of the officers to make an affidavit against the men for aiding and abetting the fitting out of the Augusta as a slaver, although we were well aware that we then had little or no evidence to support this particular charge. But this was the best we could do. We then got a warrant from the commissioner, and had the men formally arrested. We (the district attorney and myself) that day attended before Judge Ingraham, on the return of the *habeas corpus*, and got it dismissed. The examination of the men was set down, before Commissioner Henry, for Friday; that was the latest day that we could get named. Then we were in trouble for evidence to present to the commissioner. I got the officers to send down for any witnesses they could get. They sent to Patchogue, near Fire island, and got two. On Friday we commenced the examination. I spent as much time in

examining one of the witnesses as I could, so as to get the case over to the next day, hoping the marshal might return. The next day, when the time to which the case was adjourned arrived, I found that my other witness knew next to nothing that was of any importance. I was perplexed what to do. The district attorney said we *must*, by all means, keep them till the marshal returned. Mr. Beebe, the counsel for the prisoners, said that he should insist on their discharge. I knew very well that the proof was insufficient to warrant the commissioner, if he should be compelled to decide the case in that stage of it, in holding them. In this dilemma I appealed to Mr. Donohue, who, I knew, had been counsel against the *Augusta* on her trial, for some one connected with the marshal's office, and who was interested as informer. The result was he spoke to Mr. Beebe, and the latter left and Donohue took his place in the examination. I then stated to the commissioner that before the marshal left for Boston he had said that he had evidence against these men, and therefore I believed him an important witness for the United States. Mr. Donohue said he would not require my statement to be made on affidavit, but that the commissioner might decide it as if my affidavit had been made. He did so, and on my statement postponed the case till Monday. When the marshal returned on Monday I informed him of the state of the case, and told him unless more evidence could be got the men must be discharged. He took up a paper off his desk and said I have got something here for them. They were discharged, and I understood the marshal sent them to Fort Lafayette.

GEORGE P. ANDREWS.

#### HENRY F. CAPEN:

I am a merchant and ship-chandler, residing in the city of New York. I am the father-in-law of Mr. Woodford, the assistant United States attorney, who resides with me.

One evening, not far from the 6th of October, Mr. Woodford, at my house, held a conversation with me in reference to my knowledge of vessels. I told him I was brought up from a boy among vessels, and served my time with ship-owners, and the nature of my business, ship-chandlery, contributed to my knowledge of vessels. He then stated that there was a vessel at the wharf under seizure, and that an appraiser had been appointed, and that it was necessary to have an associate, and that he could get that appointment for me. The next day the appointment was sent to me. On the day following, which was the 8th, I received this letter from A. Oaksmith. (Letter identified by witnesses and hereto annexed, marked U.) The words in pencil on this letter are a memorandum of my own. The next day I received this second letter from A. Oaksmith. (Letter produced and identified by the witnesses and hereto annexed, marked V.) To this second letter I replied by letter, stating that I would go and examine the vessel the next day. I kept no copy of my reply.

The same day Oaksmith called at my office. We had some conversation about the appraisal. I told him that I wanted to do justice by the owners and the government both. I told him I would go and appraise the vessel next morning. He said he would meet me at 3 o'clock, after the appraisal, at the district attorney's office. The next morning I did go to the vessel, taking with me Captain Gideon Stanwood, of Portland, Maine, of the bark *Howard*, now gone to Havre, he being an excellent judge of vessels. And after as thorough an examination of the vessel as circumstances would admit of, we came to the conclusion that her value was \$2,200. We did not differ more than fifty dollars in our estimates. I met Mr. Oaksmith and his counsel, as I had agreed, at 3 o'clock, at the courthouse, when Mr. Woodford asked me the amount I had appraised her at, and when I told him he appeared to be much excited, some party having, as he said

he had understood, offered \$3,500 for her. He then asked me what I had put down the lading at. I replied that I was not aware that anything was to be appraised but the vessel, and did not know that she had any lading. I then turned to Oaksmith and asked him why he had not informed me that there were goods to be appraised as well as the vessel. He replied that I could call the vessel \$1,700 and the lading \$500, and that would do just as well. I replied that I would not appraise anything unless I saw it, and that if I did appraise the lading, of course, I should have to add it to the \$2,200. Mr. Woodford then turned to me and requested me not to make a report that day, to which I assented. That evening he requested me to resign my appointment, saying that as I was his father-in-law, and the appraisement, in his opinion, was too low, it might create the impression that there was some collusion. I then stated to Mr. Woodford that I would not give \$500 for the vessel myself, and he repeated what he had stated before that day, about the offer of \$3,500. I told Mr. Woodford if any one gave more than \$2,200 for that vessel they wanted her for some illegal purpose. "Well," Mr. Woodford replied, "father, I am glad you resign." This is all I know about the bark Augusta.

Question by me. Did any person ever make any improper suggestion to you to influence, or calculated to influence you in fixing the value of the Augusta?

Answer. None whatever. I have stated everything that took place with me in reference to this transaction. Of course, I regarded Oaksmith's suggestion, which I have already stated, about calling the vessel \$1,700, and the lading \$500, as improper and absurd, and, as I have already intimated, did not entertain it for a moment.

HENRY T. CAPEN.

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BENJAMIN F. SAWYER :

I am counsellor-at-law in New York city. I know the bark Augusta. I was counsel for claimants, and about the time of the decree of condemnation, and soon after, I took the proper steps to bond the vessel and cargo, and an order for her appraisal was granted by the court. I selected, in behalf of the claimant, Thomas Stack, a ship-builder of Brooklyn, (that part formerly called Williamsburg.) Mr. Woodford inquired of me who he was; I told him that he was a respectable man, a ship-builder, and was now engaged in building one or more United States gunboats; that I had known him since 1854 or 1855. Mr. Woodford asked me if Stack had ever been suspected of having anything to do with the slave trade. I told him no. He then remarked that he should not agree to him without making some inquiries; that he was determined that the vessel, if appraised, should be appraised at her full value. The next day or day after Mr. Woodford named Colonel Capen, his father-in-law, as one of the appraisers. Having known Colonel Capen formerly, when I lived in Portland, Maine, from 1836 to 1848, as a gentleman of character and standing, I replied there could be no objection to Colonel Capen, and he was appointed with Mr. Stack.

Subsequently, on account of the absence of Mr. Stack in Washington, we agreed that Colonel Capen might act alone; and he did, and appraised her at, I think, \$2,250—it may have been \$2,200.

On the afternoon of the day of Colonel Capen's appraisal I went to the district attorney's office and said to him (Woodford) that I understood the appraisal was to be \$2,200, or thereabouts. He expressed some surprise; said it was much less than he thought it ought to be, and he would not accept it or submit to it. He then said to me, as Colonel Capen was his father-in-law, he regretted that he had had him appointed, as it might excite remark, and he did not wish to be placed in a position where any one would have it in their power to reflect upon him or the district attorney's office, and that he should insist upon Colonel

Capen's resigning. I told him I should object to it; that he had no right to change the appraiser after he had acted and he (Woodford) had learned that his appraisal was less than he anticipated. We then had some sharp words, myself continuing to object to the withdrawal of Capen, and Woodford saying that he did not care whether I liked it or not; he should have Capen resign at once, and that Capen should not make any report to the court. I remarked that I thought it was not proper or right, after we had consented that the appraiser selected by the United States should act alone, and with whom we had never passed a word, and against whom nothing could be said, that he should insist upon his resigning because the appraisal did not suit him. Woodford replied abruptly that it was no use for me to talk with him; his mind was made up, and nothing could change it, and Colonel Capen should resign. We parted.

The next morning I called upon Mr. Woodford, and he showed me the resignation of Colonel Capen. We had some unpleasant words, and I left, but returned the same or next day, and insisted upon the appointment of a new appraiser, and I think a Mr. Stanton was substituted for Colonel Capen. Stanton and Stack afterwards appraised the vessel and cargo, and they were bonded. This is all I know about the matter.

B. F. SAWYER.

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THOMAS P. STANTON :

I have been a merchant in New York about thirty years, and all that time connected with shipping business. I have several times during the past season been selected by the district court of the United States as an appraiser of vessels that were to be bonded. In October last I was appointed one of the appraisers of the bark Augusta. At the time I first heard of my appointment I was not aware, that I now recollect, that any one else had appraised her before me. Before I went to appraise her I had an interview with Mr. Woodford, who told me that he wanted me to pay particular attention to the case, and put her up as high as she would bear. Before I first examined her I saw Thomas Stack, who was the other appraiser. He said he had examined the Augusta thoroughly; that she was an old vessel, and in a bad condition; that he had examined her planks and timbers, and did not consider her sound, or words to that effect, and, in his judgment, that she was not worth over \$2,000.

I then examined her thoroughly, and fixed upon \$3,500 in my mind. I then saw Stack again. He violently opposed my estimate, and stoutly insisted that he knew more about the vessel, as he was a ship carpenter, and had examined her in a professional way, than I could know. He was so positive that I examined her again.

After four days' discussion with Stack, I could not bring him up to my mark, \$3,500. I went to Mr. Woodford and asked him what I should do—if I should concede something for an agreement. He said it was desirable to come to an agreement, but I must exercise my own judgment.

I went to see Stack again, and the result was that he yielded \$1,250, though reluctantly, and not till Oaksmith said he was tired of the controversy, and advised Stack to yield. In order to close the matter I yielded \$250, and we fixed the value of the vessel at \$3,250. We examined the cargo, and found not much difficulty on agreeing on a thousand dollars for that, and reported the whole appraisement to the court at \$4,250, which at that time was probably a fair estimate, as near as two men would get at it. Of course she might bring more now, as the United States is purchasing such vessels for sinking in the southern harbors.

During the progress of our appraisement, I received two letters from A. Oaksmith, both of which I showed to Mr. Woodford and the marshal, who read them, and both told me to keep them. They related to the condition and value

of the vessel. (Letters produced by witness and marked W and X, and hereto annexed.)

In fixing the value these letters had no influence on my mind.

Question by me. Did any one seek in any manner to improperly influence your judgment as to the value of the Augusta, or her cargo?

Answer. No; unless what I have stated warrants such an inference. I have stated the whole matter.

THOMAS P. STANTON.

JAMES LEE:

I am a deputy marshal for this district, and have been since April last. Some time near the beginning of this present month I conveyed Jacob A. Appley in custody to Fort Lafayette. I had some conversation with him on the way down. He told me he intended the Augusta to go on a whaling voyage; that since the last seizure of the Augusta and the arrest of the man he had begun to change his mind, and begun to think that Oaksmith was trying to cheat him. He said that two days previous to the Augusta sailing from New York last he came down to pilot her to Greenport, and he said he waited there two days, and that Oaksmith came there at different times during these two days, and told him that there was some trouble up at the marshal's office, and that he could not get the vessel off. He (Appley) got disgusted with the way Oaksmith was acting, and he left there and went about his business. He said that shortly after he left he understood that Oaksmith came and took the vessel away. He said that he had since thought the reason Oaksmith did not have her sail while he (Appley) was there was because he did not want him on board of her. Then I asked if he did not think it strange that the vessel was going to be bonded for \$2,000. He said he did not know; the appraisers had all to do with that. He also said that the vessel herself was worth over \$5,000.

He said Mr. Oaksmith told him to come one day to the office here, and bring his securities for \$2,000; that he came and the whole thing had bursted up. That Oaksmith told him that she could not be bonded then for \$2,000. He said then he told Oaksmith that he was vexed, and was going up stairs to abuse the district attorney, and Oaksmith told him he had better not, it would only make it worse for him.

He remained silent for a few minutes when he asked me what kind of a man Stewart Woodford was. I told him he was a smart, nice kind of a man, for all I knew of him.

Then, after a few minutes silence, he asked what kind of a man Delafield Smith was. I told him I thought Mr. Smith was a very decent man, and always treated everybody well. He did not say anything for three or four minutes. Then he remarked that there was a man in the building that told him that his vessel could not go to sea unless he paid \$2,500. Then I told Mr. Appley that Mr. Murray had an idea that some of the officers of the government were assisting to get that vessel away, and he would like to find out who the parties were that wanted the money. Appley replied that he did not want to make any trouble for any person. I told him that Mr. Murray was going to have an investigation into the case. He said if he was called on he would tell all he knew about it.

I asked Appley once, some time, I think, about a week afterwards, who the man was that wanted the \$2,500. He said he was not exactly sure who the man was, and he did not want to bring trouble on any person. This was in Fort Lafayette. At this last conversation I asked him why it was that he had changed his mind about not knowing who it was that wanted the money—

that the marshal would like to find out who it was; but Appley made no reply. Appley never told me at any time who it was that wanted the money.

JAMES LEE.

THOMAS STACK:

I reside in Williamsburg, Brooklyn, eastern district. I am a ship-builder, and have been for seventeen years. I am now building a gunboat for the United States. I know the bark Augusta. I was requested by Appleton Oaksmith to act as one of the appraisers of the bark. I did so in company with Mr. Stanton. I examined her hull and tackle thoroughly. I found her an old vessel, not worth much, and in a bad state of repair. I thought she was not worth more than \$2,000. Mr. Stanton put her at \$3,500, I believe. We met three or four times before we could agree. We finally agreed upon a sum for the vessel and stores, which, I think, was something over \$4,000, but can't remember precisely. I was pressed with my own business, and the whole thing passed out of my mind. I relied upon Mr. Stanton mainly for the value of the stores.

Question by me. Did any person whatever ever approach or attempt to influence you improperly in fixing the value of the Augusta or her cargo?

Answer. No one whatever.

Question by Mr. Whiting. Did any person connected with either the marshal's office or the district attorney's office have any conversation or communication with you touching the Augusta, or her cargo, before your appointment?

Answer. None whatever.

THOMAS STACK.

After the foregoing testimony was all taken and signed by the respective witnesses, all the officers who had testified were assembled and the whole testimony read in the hearing of all, and all invited to make such explanations, exceptions, or addition, as they desired.

Such explanations and additions as were offered will be found on the following pages.

WM. D. SHIPMAN.

*Exceptions, Explanations, &c.*

Marshal MURRAY:

The marshal refers to pages 69 and 81, and states: I never employed Mr. Donohue in the case of the bark Augusta; I had no pecuniary interest, direct or indirect, in her condemnation.

Refers to pages 81 and 82, and says: The Augusta crew were sent to Fort Lafayette before the commissioner discharged them, except four, who were out on bail.

Refers to page 112, and says: I recollect that Mr. Woodford did call at my office on the afternoon of the day alluded to by him. I have no recollection of any conversation with him about the bark Augusta that day. He simply stated to me that he wished to have a private conversation, and would come in the morning.

Refers to pages 115 and 116, and says: I have no recollection of the conversation detailed by Mr. Woodford on the pages referred to, beyond what I have already stated. My conversation with him was in the morning and not in the afternoon.

Refers to page 117, and says: Exhibit R, referred to by Mr. Woodford, I have no recollection of ever seeing, neither original nor copy.

Refers to page 118, and says: I did not hear that the Augusta had sailed until after one o'clock on Monday, November 11.

Refers to page 78, and says: I wish to say, in regard to the letter, (Exhibit N,) referred to by the district attorney, as well as by Mr. Andrews and Mr. Woodford, that I have no recollection whatever of ever having received, and I have searched my files of letters and cannot find it. My letters of the class of this one, (N,) are filed and indorsed and put in packages or bundles with an elastic strap round them. This is the way they are kept.

At the suggestion of the district attorney, I have to say that where I refer to the "district attorney," in my correspondence with the department, and elsewhere, in my testimony, with the single exception of the conversation referred to as having taken place in the hall, I refer not to him personally, but to his office.

Luther Horton refers to p. 93, and says: I did go to Delmonico's and speak to Oaksmith while the latter and Woodford were at dinner. I was sent by Mr. Thompson, deputy marshal, to tell Oaksmith that he (Thompson) wanted to see him before he went down town that day; that he had requested him (Thompson) to do so.

Stewart L. Woodford refers to p. 112 and p. 155, and says: My first explanatory interview with the marshal was on Wednesday afternoon, November 6; and on the evening of that day I made a memorandum of the fact in my private diary. My second and shorter interview was on the next morning.

I desire to state that in neither of these interviews with the marshal did I make any reference to the consultations with the district attorney at his house while the latter was sick. I had not stated to the district attorney that I designed making this explanation to the marshal, and therefore did not feel at liberty to use his name.

On Saturday morning, November 9, I did show the original letter (of Exhibit R) to the marshal, and I remember where he stood. He was standing on the steps of the United States court-house, talking with two gentlemen. I think they were his officers. After showing it to him I returned to my office, and then made the memorandum on the foot of the letter, which appears in the copy.

As to Exhibit N, I have to say that after the district attorney signed the original he handed it to me, and I gave it to one of our clerks—I think to Arthur Buel—for delivery to the marshal.

My best impression is, I was informed of the sailing of the Augusta by the marshal early on the morning of November 11, but I may be mistaken as to the hour. It may not have been until about noon.

After the foregoing explanations the district attorney called

ARTHUR BUELL, who says:

I am a clerk in the district attorney's office, and have been since the 1st of October. I recollect seeing the letter referred to as Exhibit N. I saw the letter in the district attorney's office the day it was signed. I read it.

Mr. Woodford told me to have it put in an envelope, and take it down to the marshal's office. I did so and laid it on the desk in the marshal's outer office, in the room occupied by his deputies and clerks, and called the attention of Mr. Thompson, the clerk, to it, and he came toward it as I left. I have taken only *one* other letter there, but have taken orders and other papers there.

ARTHUR S. BUELL.

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WILLIAM H. THOMPSON, (called by the marshal:)

I am clerk in the marshal's office. With regard to the letter referred to by the witness, Mr. Buel, I have no recollection of his ever bringing any letter to

the marshal's office and calling my attention to it. But he has brought orders and other papers. I don't remember of ever having delivered any letter from the district attorney's office to the marshal that had been left in my room for that purpose.

WILLIAM H. THOMPSON.

NOTE.—The list of the cargo bonded, Exhibit L, was the one used on the trial of the *Augusta*, which resulted in her condemnation, and was then proved to be correct and authentic.

WILLIAM D. SHIPMAN.

EXHIBIT B.

CUSTOM-HOUSE, NEW YORK,  
*Collector's Office, November 6, 1861.*

SIR: I have your note of this date, referring to the bark *Augusta* and the schooner *Susan Cannon*.

Your requests will be attended to.

I am, respectfully, yours, &c.,

HIRAM BARNEY.

ROBERT MURRAY, Esq.,

*United States Marshal, S. D. N. Y.*

EXHIBIT C.

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, November 6, 1861.*

SIR: The bark "*Augusta*," her tackle, and cargo was attached by me some three months ago, under and by virtue of a process issuing out of the district court of the United States for this district, on a charge of being fitted out for the slave trade.

The case came on for trial at the last term of the district court, and she was condemned; but an appeal was taken to the circuit court, which is still pending. In the interim the vessel and cargo have been bonded and discharged from custody at what I consider less than her value; and she is now ready to proceed on the same illegal voyage with the same cargo.

Under these circumstances would it not be advisable that I should be authorized to detain her, or have her attached again on a new libel. Please reply at once, as the district attorney will not act in the premises without authority.

I am, sir, your most obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

HON. CALEB SMITH,

*Secretary of the Interior, Washington, D. C.*

EXHIBIT D.

DEPARTMENT OF THE INTERIOR,  
*Washington, November 7, 1861.*

SIR: I am just in the receipt of your letter of yesterday in reference to the judicial proceedings in the case of the bark "*Augusta*," libelled and condemned as a slaver, and hasten to reply.

While the department would regret the result apprehended by you, the question involved in your suggestion seems to be more of a legal than of an executive character, and one, therefore, which it cannot properly entertain. It is one which more properly falls within the cognizance of the United States district attorney, and I suggest that you confer with him upon the subject and be guided by his advice. Your duty will then have been fully discharged.

If, since the first seizure, the parties have committed any new offence against the laws upon this subject, that fact might constitute grounds for new action; but as to that I am not informed, and must therefore leave it to the sound discretion of yourself and the district attorney, on the facts, whatever they may be.

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

CALEB B. SMITH,  
*Secretary of the Interior.*

ROBERT MURRAY, Esq.,  
*United States Marshal, Southern District of New York, New York City.*

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EXHIBIT E.

UNITED STATES MARSHAL'S OFFICE,  
*New York, November 15, 1861.*

SIR: In your reply of the 6th instant to my note of the same date, in regard to refusing a clearance to the bark "Augusta," charged with being fitted out for the slave trade, you stated that my request should be attended to.

Relying upon your promise, and finding that the district attorney and his assistants were too much engaged with other business to issue another libel against her on that day, I was unable to procure the necessary process of the court to detain her until Monday the 11th instant, when, to my utter surprise, I discovered that the bark had obtained her clearance coastwise from the custom-house at a few minutes before three o'clock p. m., for Greenport, on Saturday the 9th instant, and that, in pursuance thereof, she had proceeded to sea. As I conceive it to be my duty, as it is my earnest desire, to break up this nefarious traffic, and as I have reason to believe that this vessel and cargo were destined for the same port they were originally cleared for, and with the same illegal intent held at the time she was first libelled, tried, and subsequently condemned, I am exceedingly anxious to ascertain whether any and, if so, what measures have been resorted to, and by whom, in order to obtain a clearance for the bark "Augusta" and her cargo, after the request I made to you on the 6th instant, and your promise that it should be attended to.

As the information you can afford me may be valuable in ferreting out and sifting this matter, I shall feel much obliged by your giving me a reply at your earliest convenience.

I am, sir, your very obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

HIRAM BARNEY, Esq.,  
*Collector of the port of New York.*

## EXHIBIT F.

CUSTOM-HOUSE, NEW YORK,  
Collector's Office, November 16, 1861.

SIR: I have to acknowledge the receipt, by the hand of your deputy, Mr. Thompson, of your favor of this date in relation to the clearance of the bark "Augusta."

A verbal explanation was given to Mr. Thompson of the transaction, which I trust has been reported to you, and proved satisfactory. If, however, you wish to make further or more particular inquiries, Mr. Embue, the deputy collector who has charge of the clearance bureau of this office, and who is familiar with all the facts of the case, bears this note, and will answer all inquiries.

I am, very respectfully, yours,

HIRAM BARNEY.

ROBERT MURRAY, Esq.,

*Marshal of the United States for the Southern District of New York.*

## EXHIBIT G.

MY DEAR SIR: Last Friday, one week to-morrow, I wrote you, through my friend Woodford, (not being personally acquainted with you,) to this effect:

Mr. Woodford, Dear Sir: Will you please say to Mr. Murray that Jacob A. Appley called on me to-day to put him in possession of the register of the bark "Augusta." I understand she is coming to Greenport. I know Appley, Oaksmith, Israel Peck, and Captain Isaac M. Casie very well. I know their views with regard to secession and slavery, especially the African slave trade. I should like a line from Mr. Murray in relation to the bark Augusta if he thinks proper, &c. I was at the post office the moment the mail was opened in hopes to hear from you, for had I got one word of authority from you I could have secured the bark. I am ashamed that she should get away from this place; they are a damnable set, the whole of them; I know them all. If there is any way under heaven that I can be of any service to you in this matter, or others of a similar kind, I am at your service at any cost. Can you give me any authority to act here in emergencies? I will give them particular hell to the utmost of my ability.

If you did not get my note of last Friday please ask Woodford if he received it. I should be glad to hear from you if you please.

Yours, respectfully,

W. G. KING,

*Coastwise Inspector, Greenport, Long Island.*

ROBERT MURRAY, Esq.

## EXHIBIT H.

[Telegram.]

GREENPORT, *Long Island*, November 15, 1861.

The Augusta is in the vicinity of Montauk; there is clothing and other packages to go on board; what will you do, and what shall I do? Please answer.

W. C. KING,

*Coast Inspector.*

R. MURRAY, *United States Marshal.*

## EXHIBIT I.

[Telegram.]

GREENPORT, *Long Island, November 15, 1861.*

If we find a vessel loaded with things that we suspect are going aboard Augusta shall we seize?

E. C. D. SKINNER.

ROBERT MURRAY,  
*United States Marshal, New York.*

## EXHIBIT K.

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, November 26, 1861.*

SIR: The bark "Augusta" and cargo was libelled in July last for being fitted out and going from Greenport in this district on a slaving voyage to the coast of Africa. On the 8th of that month I addressed you a letter requesting authority to expend \$300 to transfer the vessel to New York, and have her cargo discharged and examined. This request was acceded to, and I immediately caused the vessel to be brought to New York, and had her cargo discharged and examined. The conviction in my mind, after the examination, was, and still is, from the character of the parties interested and the nature of the cargo, that she was fitted out for the express purpose of proceeding to the coast of Africa and bringing home a cargo of slaves.

From the most reliable sources I ascertained that the vessel had cost upwards of \$5,000, and that the cargo was worth some \$1,500, making a total of \$6,500.

The case came to be tried in the United States district court during the last term of the court, and was condemned. An appeal was subsequently taken to the circuit court, which is still pending, but in the interim an application was made by the owners to bond the vessel and cargo, and appraisers were appointed to appraise the value of the same. By some unaccountable mystery the appraisers valued the vessel and cargo at \$2,000, and I was informed that that amount would be paid into court, if the matter could be settled in that way. Feeling sure that some fraud was intended from some quarter, I remonstrated, and one of the appraisers (I believe the father-in-law of one of the assistants of the United States attorney) resigned and a new one was appointed. The result was that the appraisement rose from \$2,000 to \$4,200, at which amount she was subsequently bonded and afterwards discharged, though, in my opinion, at a much less amount than her real value.

After being bonded I discovered that she shipped the identical cargo she had previously had, and intended to sail for the same port on the coast of Africa. Under these circumstances I deemed it advisable to procure fresh testimony as to her illegal voyage, in order to procure a new process against the vessel. In the meantime I addressed a letter to the collector of this port, requesting him to refuse a clearance until I could procure the necessary papers, to which he replied he would obey my instructions.

I applied immediately to the district attorney to issue a new process, based upon the facts that she had taken on board the same cargo that I had previously examined, and was going to the port she had originally cleared for. This process I was unable to obtain from the district attorney until the 11th instant, when, on proceeding to execute it, I found that the bark had cleared coastwise, and had gone to Greenport on the 9th instant, notwithstanding the promise of the

collector to detain her, and it has since cost me an immense amount of labor and an enormous outlay of money to again attach her, which you may have seen by the newspapers. Under these circumstances I deem it very desirable, in fact, absolutely necessary that an investigation should be had to ascertain if any collusion or improper proceedings have existed or taken place between any and what parties in relation to the proceedings against this vessel and cargo. If in these slave cases facilities shall be afforded to the owners and fitters-out of vessels to get them appraised at less than half their value and discharged, and I cannot succeed in having their clearance refused at the custom-house after notifying the proper officers of my intention to proceed against them again, then it is indeed idle to expect, with all the exertions I have used and am still using, and notwithstanding the urgent appeals of the government, and the avowed wishes of all honest people, that the slave trade can ever be suppressed.

I am, sir, your most obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

Hon. CALEB SMITH,  
*Secretary of the Interior, Washington, D. C.*

EXHIBIT L.

*Report of the cargo discharged from on board the bark Augusta.*

Numbers.	No. of packages.	Contents.
1, 2, and 3.....	Three casks.....	Corn meal, 20 bags, 2,000 pounds.
4.....	One.... do.....	Peas, about 4½ barrels.
5 and 6.....	Two... do.....	Beans, about 10 barrels.
7.....	One.... do.....	Rice, about 5 barrels.
8 and 9.....	Two... do.....	Codfish, about 4 barrels, from 600 to 700 pounds.
10.....	One barrel.....	Vinegar, about 40 gallons.
11 and 12.....	Two casks.....	Beef, about 4 barrels each.
13 and 14.....	Two... do.....	Salt, about 4 barrels each.
15.....	One.... do.....	Molasses, about 9½—88 gallons.
16 and 17.....	Two... do.....	Flour, about 10 barrels.
18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, and 37.	Twenty .do.....	Fine navy bread, 18 casks new, about 10,246 pounds; 2 casks old, about 1,150 pounds.
38, 39, 40, 41, and 42.	Five barrels.....	Pilot bread, 484 pounds.
43.....	One cask.....	Corn, about 4½ barrels.
44.....	One.... do.....	Topsail, one sail.
45.....	One.... do.....	Sparesails, two small sails.
46.....	One.... do.....	Cutting-in fall, 1 coil, new.
47.....	One.... do.....	Tow-lines, 2 lines.
48.....	One barrel.....	Oil, about 18 or 20 gallons in it.
49.....	One cask.....	New hoops, about 4 boles iron.
50.....	One.... do.....	Coopers' flags, about 160 gal. cask.
.....	Fifteen barrels....	Pork.

*Report of the cargo discharged, &c.—Continued.*

47 barrels beef.	12 barrels sand.
224 water casks.	2 bundles brooms, (1 doz. corn, 1 doz. hickory brooms.)
66 breakers.	
3 empty barrels.	

*Memorandum of articles in between decks of bark Augusta.*

96 harpoons.	3 paddles.
20 cutting-in spades.	2 blubber-hooks.
27 lances.	1 set cutting-in blocks.
3 boat-hooks.	lot of old blocks.
2 swords.	lot of old rope.
2 pump-spears.	3 bundles brooms.
4 tubs of lines.	2 skimmers.
1 coil of line.	1 dipper.
2 bundles hoops.	3 drags.
1 harness cask of pork.	4 lantern kegs.
lot (37) oars.	lot of kegs and buckets.

JO. R. MURRAY, *U. S. Marshal.*

Cabin consists of the captain's and mate's rooms, three state-rooms, and one pantry.

In the mate's room found two cases, each containing one knife, also one knife wrapped in canvas, (suppose they belong to the mincing machine,) five knives, one hatchet, one marlinespike, one empty breaker. In the aftermost room on the larboard side found four falls and blocks.

In the cabin found two flags, two chairs, four stools, one table, one clock.

In trypot, between decks, found one kedge or whale anchor, three chains, one of which is in two pieces, shackled together, two shackles, one shackle, links and ring combined.

In rack overhead, and scattered around the decks, found two handspikes and about twenty-nine harpoon poles; in another rack overhead, found two tin pumps and one spear for main pump.

Two tubs or half-casks, one of which contained some of the lot of kegs and buckets before mentioned, the other, two grappling irons and lines, two pump boxes, one pair cardhooks, two blocks, several pieces of rope, one cooper's hammer, lot of bucket or tub staves.

On deck, in addition to previous return, one grindstone, about fifteen oars, two chains similar to those found in the trypot between decks.

## EXHIBIT M.

(This letter is copied from letter file, No. 23, page 200,) received from Marshal Murray, with request for instructions, November 9, 1861.

UNITED STATES MARSHAL'S OFFICE,  
*Southern District of New York, New York, November 9, 1861.*

DEPARTMENT OF THE INTERIOR,  
*Washington, November 7, 1861.*

SIR: I am just in receipt of your letter of yesterday in reference to the judicial proceedings in the case of the "bark Augusta," libelled and condemned as a slaver, and hasten to reply.

While the department would regret the result apprehended by you, the question involved in your suggestion seems to be more of a legal than of an executive character, and one, therefore, which it cannot properly entertain. It is one which more properly falls within the cognizance of the United States district attorney, and I suggest that you confer with him upon the subject and be guided by his advice. Your duty will then have been properly discharged.

If, since the first seizure, the parties have committed any new offence against the laws on this subject, that fact might constitute ground for new action; but as to that I am not informed, and must therefore leave it to the sound discretion of yourself and the district attorney on the facts, whatever they may be.

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

CALEB B. SMITH.

*Secretary of the Interior.*

ROBERT MURRAY, Esq.,

*United States Marshal, Southern District of New York, New York City.*

EXHIBIT N.

NOVEMBER 9, 1861.

SIR: Referring to the copy of the letter to you of the 7th instant, from the honorable Secretary of the Interior, handed by you to Mr. Woodford, I have to say, that if you are in possession of facts or circumstances amounting to probable cause for believing that the bark "Augusta" has again fitted out for a slave voyage, it is your duty to seize her, and to report the evidence and the fact of seizure to me.

Where a vessel libelled under the laws for the suppression of the slave trade is bonded and discharged, pending the suit, she can be again seized and libelled in case she is again fitted out to engage in that traffic.

If you desire to consult me in relation to any question of evidence or other matter, I shall always be at your service.

Very respectfully and truly, yours,

E. DELAFIELD SMITH,

*United States District Attorney.*

ROBERT MURRAY, Esq.,

*United States Marshal.*

EXHIBIT O.

NEW YORK, November 26, 1861.

SIR: My attention has been attracted to the article in the Tribune of this morning, relating to the case of the bark "Augusta." I have just called at the office of the editors of that paper and inquired who furnished the data on which the article was founded. Messrs. Dana and England replied that the article was written by Mr. Greeley, who would not be in until about four o'clock this afternoon, but Mr. England remarked that if I would apply to the marshal he would probably give me the facts by which the article was supported.

I therefore respectfully request you to furnish me forthwith any evidence

within your reach justifying the charges of official corruption contained in the article in question, in order that I may be aided in the investigation which I deem it my duty to make in the matter.

I am, sir, respectfully,

E. DELAFIELD SMITH,  
*United States District Attorney.*

ROBERT MURRAY, Esq.,  
*United States Marshal.*

## EXHIBIT P.

UNITED STATES MARSHAL'S OFFICE,  
SOUTHERN DISTRICT OF NEW YORK,  
*New York, November 26, 1861.*

SIR: I beg leave to acknowledge receipt of your letter of this day's date, and in reply would state that I feel convinced in my own mind that there has been some official corruption with regard to the proceedings against the bark "Augusta," libelled for being fitted out for the slave trade.

As I have been unable to ascertain where this corruption exists, I am desirous that a thorough investigation should be had in the matter; and to this end I have considered it advisable to lay the matter before the Secretary of the Interior, and request his directions in the case.

I am, sir, your most obedient servant,

ROBERT MURRAY,  
*United States Marshal.*

E. DELAFIELD SMITH,  
*United States Attorney for the Southern District of New York.*

## EXHIBIT Q.

OFFICE OF THE DISTRICT ATTORNEY OF THE UNITED STATES FOR THE  
SOUTHERN DISTRICT OF THE STATE OF NEW YORK,  
*New York, November 26, 1861.*

SIR: Within the last two weeks or thereabouts it has been stated to me by several persons that Mr. Murray, the marshal of this district, had made injurious insinuations against the probity of Mr. Woodford, one of my assistants, in respect to the course of the latter in attending to the details of the prosecution of the bark *Augusta*, condemned as an intended slaver.

The rumor was not in a very tangible shape, but it caused me to strenuously question Mr. Woodford on the subject, and to make inquiries of other persons. I could not discover any evidence in support of the marshal's injurious insinuation, hoping that when Mr. Murray should return from Boston, he would frankly inform me of the grounds of his accusations. I was surprised this morning to read in the *Tribune* newspaper the article of which I annex a copy.

Assertions and insinuations near the close of that article respecting proceedings relative to the last crew of the *Augusta* are, to my personal knowledge, untrue and unjust. With regard to the bonding of the vessel, I am satisfied that no wrong was committed.

An investigation of the whole matter would, however, be agreeable to me,

and in my judgment called for. I have no time before the closing of the mail to add more than to refer you to the enclosed copy of a correspondence between the marshal and myself.

I am, sir, very respectfully, your obedient servant,  
 E. DELAFIELD SMITH,  
*United States District Attorney.*

Hon. CALEB B. SMITH,  
*Secretary of the Interior.*

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[From the New York Tribune of November 26, 1861.]

#### THE AFRICAN SLAVE TRADE.

One of the boldest attempts by slave traders to defeat the ends of justice, under circumstances giving rise to strong suspicions of official connivance, is that of the bark *Augusta* and her owners. This vessel was seized, tried, and condemned for being fitted out for a slave voyage. She was bonded by authority of the court, her value being appraised by sworn examiners, and the amount paid into court to await the result of a new trial. The vessel and cargo were appraised at \$4,200, which is said to be actually less than was paid by Oaksmith for the vessel alone; and the sureties for this amount being accepted, the *Augusta* was delivered back into the hands of her owners. Hardly are these legal forms complied with before the vessel is refitted for the slave trade, made ready for sea, a crew is engaged, and Appleton Oaksmith and his brother take them to Fire island, where they charter a sloop and attempt to board the *Augusta*. The singular actions of the party lead to their arrest on suspicion of being privateers, and they are brought to the city in the absence of U. S. Marshal Murray. The prisoners are lodged in the Tombs for safe-keeping until the marshal's return, but their anxious counsel at once sue out writs of habeas corpus, and the prisoners are brought up for examination. Available testimony being apparently weak on the side of the government, the matter is staved off for a day by the marshal's representative, and just at the critical moment, when the examination is at hand, and the prospect of escape for the culprits seems very bright, Marshal Murray returns. He finds an order from government to place Oaksmith and his whole party in Fort Lafayette for safe-keeping; and yesterday morning, while the counsel were anxiously waiting for their appearance in court, the prisoners, ironed and in charge of four deputy marshals, were on their way to the fort in carriages.

The whole case, from the time of the bonding of the vessel to the end, is attended by very mysterious circumstances; and it is due to the government and to every official who has been connected with the transaction, that a full and searching investigation should be entered into. There is apparent reason to suspect that several official personages are mixed up in one of the most audacious frauds upon justice that ever this crime-suffering district has seen. The Secretary of the Interior should order an immediate examination into the case, and confide the task to some person in his own office who is competent, zealous, and courageous enough to probe the thing to the bottom.

## EXHIBIT R.

(This letter is copied from letter file No. 23, page 199.) Received November 9, 1861.

GREENPORT, LONG ISLAND,  
November 7, 1861.

DEAR SIR: Will you please say to Mr. Murray for me that Captain Jacob A. Appley to-day requested me to put him in possession of the bark Augusta's register, and I am informed she is to be brought to Greenport? I know Appley, Oaksmith, Peck, and Captain Isaac Case very well. I know their views with regard to secession and slavery, particularly the African slave trade. I should like a line from Mr. Murray concerning the bark, if he thinks proper. I will quietly put it in my pocket, and govern myself accordingly.

Very respectfully,

W. Z. KING,  
Coastwise Inspector.

STEWART L. WOODFORD, Esq.

Shown to Mr. Murray November 9. Returned by him without answer. No answer sent.

S. L. W

## EXHIBIT S.

*Record of case on clerk's register.*

THE UNITED STATES <i>vs.</i> THE BARK AUGUSTA, her tackle, &c., and lading. JACOB V. APPLEY.	}	E. DELAFIELD SMITH. Slave trade. B. F. SAWYER.
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1861.

- June 19. Filed libel. Issued monition, returnable July 9.  
Reported same to solicitor.
- 25. Entered order, short prob. notice.
- July 2. Filed answers. Jurat. Stip, Col's costs paid.
- 9. Filed monition; vessel and lading attached; notice given.  
Filed proclamation; made entered appearance. Lies over.
- 10. Entered order for hearing on 25th instant.  
Filed note of issue, United States.
- 25. Cause set down for 13th August next.
- Aug. 13. Cause heard, 3 witnesses, United States. Adjourned.
- 14. Cause heard, 5 witnesses, United States. Adjourned.
- 15. Cause heard, 7 witnesses, United States. Adjourned.
- 16. Cause heard, 1 witness, United States; 2 witnesses, claimants.
- 17. Cause heard, 4 witnesses, claimants.
- 19. Cause heard, argued. C. A. V.
- Sept. 25. Filed final decree, condemnation of vessel and cargo, and sale.
- Oct. 2. Filed notice of appeal by claimants.  
Filed bond for costs on appeal, claimants. Paid, G. W. M.
- 3. Filed petition of appeal, claimants.
- 8. Entered order of appraisement, vessel and cargo. } Paid.  
Entered order appointing appraiser.

- Oct. 8. Gave notice.  
Entered order that claimants may bond on the appraisement.
11. Entered order substituting Stanton as appraiser.
16. Filed appraiser's report.
19. Filed justification of sureties and stipulation of vessel and cargo.
23. Filed marshal's costs.
28. Entered order to discharge vessel and cargo on stipulation for value, with approval of sureties and consent of United States attorney to entry of order, clerk's and commissioner's costs in bonding, &c., paid.
- Nov. 22. Clerk's costs against claimants and appellants on appeal paid.  
Filed apostles in C C.  
Clerk's costs against libellants, United States, *due*.

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*Second suit.*

THE UNITED STATES  
*vs.*  
THE BARK AUGUSTA, her tackle, &c.,  
and lading. } Slave trade.  
1861.

- Nov. 11. Filed libel.  
Issued monition, returnable December 3.  
Reported monition to solicitor.  
Notice for paper.
- Nov. 26. Filed monition, vessel and lading attached. No notice.  
Entered order publication 14 days. (Issued.)

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EXHIBIT T.

*United States district court.*

THE UNITED STATES  
*vs.*  
THE BARK AUGUSTA, her tackle, appu-  
rel, &c., and lading. }  
1861.

- June 19. Filed libel; issued monition, returnable July 9, R. C.  
25. Entered short order publication.
- July 2. Filed answer.  
9. Monition returned; vessel attached, &c.; notice given; B. F. Sawyer appears for vessel and cargo.
25. Case ordered to be tried on July 25. Witnesses: Mr. Gallup, Tinman, Jackson, and Mathews, (boat-builders;) S. Wells Phillips, Hodges Babcock, Daniel D. Conklin, A. K. Reeve, David G. Floyd, George E. Post, Josiah Beebe, John H. Conklin, Ebenezer Clark, Joseph H. Skilman, John O. Conklin, Samuel W. Davis, E. D. Skinner. Cause ordered off for term, and set down for August 13.
- Aug. 13. Trial commenced before Hon. Wm. D. Shipman.

- Aug. 14. Trial continued; adjourned to 17th, at 10.  
 17. Trial continued, and adjourned to 19th.  
 19. Evidence closed. Stewart L. Woodford, assistant United States attorney, makes argument for United States. B. F. Sawyer for claimants. Judge Shipman takes papers C. A. V.
- Aug. 20. Gave points and exhibits X and Y to Judge Shipman.
- Sept. 25. Decree of condemnation entered; form approved by B. F. Sawyer.
- Oct. 2. Received notice of appeal and gave admission of service.  
 3. Received copy of petition of appeal.  
 7. Received copy of affidavit of A. Oaksmith for appraising vessel.  
 8. Order made appointing Thomas Stack and Henry T. Capen appraisers.  
 10. Gave Mr. H. T. Capen's resignation as appraiser to B. F. Sawyer, and gave consent to substitute Thomas P. Stanton.  
 17. Received notice of hearing for October 19.
- Sept. 26. B. F. Sawyer admitted service of copy of decree in action.
- Oct. 19. Examined and approved Isaac Peck and Joseph Wagner as sureties.  
 24. Received minute of testimony with proposed amendments from B. F. Sawyer.  
 28. Stipulation being executed, vessel discharged.
- Nov. 9. Received line from W. Z. King. Received from Marshal Murray copy of letter of Secretary Smith to him of date of November 7; answered same.  
 19. Received from B. F. Sawyer consent to use copy of exhibits X and Y in the place of the originals, and gave same to Mr. Morton, deputy, for apostles.—Testimony as copied by clerk, with Mr. Sawyer's proposed amendments, handed to Judge Shipman for settlement.  
 20. Testimony settled by and received from Judge Shipman, and handed to clerk of district court. Wrote B. F. Sawyer, notifying him of intended motion for hearing on 21st, at 11 a. m.  
 22. Received from discharging clerk copy of lists, marked on trial exhibits X and Y.

*Copy of district attorney's register—Second suit.*

- Nov. 11. Received from Marshal Murray verbal information that vessel had been fitted, &c., for slave trade. Received affidavit of John H. Smith to the same effect. Filed libel motion; returnable November 26.  
 26. Motion returned attached; no notice; order published fourteen days after having been issued.

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EXHIBIT U.

NEW YORK, *October 8, 1861.*

DEAR SIR: I have just learned that Mr. Thomas Stack has gone to Washington, and will not be back until day after to-morrow. Hence we shall have to defer the appraisement of the Augusta till then.

I am, dear sir, yours, very respectfully,

A. OAKSMITH.

HENRY T. CAPEN, Esq.,  
 43 South street.

I will inform you immediately upon his return.

Captain Gideon Stanwood, of Portland, captain of bark Howard, gone to Havre.

## EXHIBIT V.

NEW YORK, *October 9, 1861.*

DEAR SIR: I have had an interview with Mr. Woodford to-day, and informed him of the absence of Mr. Stack in Washington. If you will have the kindness to go over to-morrow morning (Thursday) and examine the vessel, it will, perhaps, facilitate us much. The vessel lies at the south pier in the Atlantic basin, (Atlantic dock.) Any of the officers of the dock can inform you where the "Augusta" is to be found. You will have to cross the gap or go around the dock. Mr. Stack has seen the vessel, and I have his views in regard to her value. If you will oblige me by going as early as convenient to-morrow morning, and will send me word after you have seen her where I can meet you, we will then be able to tell whether we can arrange the matter before Mr. Stack returns or not.

If agreeable to you, I will call upon you at your office as soon as I hear you have examined the vessel. You will please bear in mind that the vessel is over twenty-five years old.

I would esteem it a favor if you would examine the vessel *as early as convenient* to-morrow, as some of the parties who are to go on the bonds have come from a distance for that purpose, and are now awaiting for the appraisal.

A line addressed to 29 Cedar street will reach me at any time.

Yours, respectfully,

A. OAKSMITH.

HENRY T. CAPEN, Esq.,  
43 *South street.*

## EXHIBIT W.

NEW YORK, *October 11, 1861.*

DEAR SIR: You and Thomas Stack, ship-builders, of Williamsburg, have been appointed by the United States district court appraisers to estimate the value of bark "Augusta." Will you have the kindness to call upon me in regard to the matter, say at 11 o'clock to-morrow, (Saturday.)

Yours, very respectfully,

A. OAKSMITH,  
29 *Cedar street.*

If it will not put you to too much trouble, and if you could possibly examine the vessel before you come, it would facilitate matters very much. The "Augusta" can be found at the South Pier, Atlantic dock; you will either have to cross "the gap" or go round the dock. The vessel is over twenty-five years of age. Mr. Stack has examined her, and if you can find time to see her before 11 a. m. to-morrow, you could meet Mr. Stack and probably be able to make your report to-morrow. The parties are somewhat anxious of finishing the matter to-morrow, as some of the bondsmen come from a distance, and wish to return to-morrow night.

Respectfully,

A. O.

THOMAS P. STANTON, Esq.,  
*No. 64 East Nineteenth street, New York.*

## EXHIBIT X.

NEW YORK, *October 12, 1861.*

DEAR SIR: Mr. Stack wishes to meet you before going to the district attorney's office.

If you will have the goodness to inform the bearer at what hour you will meet him Monday, I will be obliged.

I will have him at No. 29 Cedar street at any hour you may name on Monday, after 11 a. m.; or if you prefer, he will meet you Monday evening, or wherever you may say.

Please inform the bearer of time and place.

Yours, respectfully,

A. OAKSMITH.

THOMAS P. STANTON, Esq.

## EXHIBIT Y.

OFFICE OF THE TRIBUNE,  
*New York, December 24, 1861.*

DEAR SIR: Mr. Greeley, who has just received your note of yesterday, and who is obliged to leave town to meet an engagement, desires me to say that he personally knows nothing of the facts in relation to the "Augusta" case which Judge Shipman proposes to investigate, and that the article published in the Tribune on the case was based on statements made by Marshal Murray.

Very respectfully,

J. T. CLEVELAND.

E. DELAFIELD SMITH, Esq.

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