

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, copies of correspondence in relation to the mutiny on board the brig Creole, and the liberation of the slaves who were passengers in the said vessel.

JANUARY 20, 1842.

Read, and referred to the Committee on Printing.

JANUARY 21, 1842.

Ordered to be printed.

To the Senate of the United States :

I transmit to the Senate, herewith, a report from the Secretary of State, with accompanying papers, in answer to their resolution of the 11th instant.

JOHN TYLER.

WASHINGTON, *January 19, 1842.*

DEPARTMENT OF STATE,

Washington, January 18, 1842.

The Secretary of State, to whom has been referred the resolution of the Senate, of the 11th instant, requesting the President to communicate to that body "a copy of the protest of the officers and crew of the brig Creole, on her late passage from Richmond to New Orleans, should any such have been received, or any authenticated account which may have been received of the murder of a passenger on board, and the wounding of the captain and others by the slaves on board the same; and of the occurrences which afterward took place, particularly after the vessel was taken into Nassau, New Providence; and also to inform the Senate, if in his opinion it can be done consistently with the public interests, what step has been taken by the Executive in reference to the transaction, having for its object the punishment of the guilty, the redress of the wrong done to our citizens, and the indignity offered to the American flag," has the honor to report to the President the accompanying copies of papers, called for by the resolution of the Senate; and to state that no application has been made to the Department of State by the owners or underwriters, requesting the interference of this Government; but that, on receipt of the communications from the consul, and the protests, the Secretary was directed to prepare a despatch for the American minister at London, which will be forwarded without unnecessary delay.

Respectfully submitted.

DANL. WEBSTER,

To the PRESIDENT of the *United States.*

[No. 38.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Nassau, Bahamas, November 17, 1841.

SIR: I have the honor to inform you that the brig *Creole*, of Richmond, Virginia, Captain Ensor, bound to New Orleans, with a cargo of slaves and tobacco, sailed from Hampton Roads on the 27th ultimo, and on the 7th instant hove to in the evening, expecting to make Abaco next morning; that about half past 9 o'clock, P. M., when the passengers and crew had turned in, the slaves rose upon the crew, murdered a passenger by the name of John Hewel, owner of a portion of the slaves, wounded the captain dangerously, the chief mate and two of the crew severely. No provision having been made on board for such an event, and no other restraint imposed upon the slaves than is usual with steerage passengers—they also being prepared with pistols, bowie-knives, and clubs made of handspikes, no defence could be made, and the slaves soon obtained possession of the vessel, which, by their direction, was brought into this port, where she arrived on Tuesday morning, November 9th. I immediately had the wounded removed on shore and taken care of; and at my request the Governor ordered a guard on board, to prevent the escape of the slaves, and that an investigation might be had. An investigation was accordingly ordered to be made by two magistrates, and an examination was also made by myself. On the report of the magistrates, nineteen of the slaves were imprisoned, and refused to be given up to be forwarded to the United States in this same vessel, the Governor wishing first to communicate with his Government at home. The other slaves were liberated, through the interference of the authorities of the colony, with the exception of four or five, who refused to accept their liberty at such a price, and in such a manner. The slaves were 135 in number.

It has been impossible for me to prepare copies of the depositions, correspondence, protests, &c., with a full statement of this distressing case, in time for this vessel; another vessel will probably sail for Baltimore in 10 days, by which I will forward them, and they will probably be received before this.

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

JOHN F. BACON, *U. S. Consul.*

HON. DANIEL WEBSTER,
Secretary of State.

[No. 28.]

CONSULATE OF THE UNITED STATES OF AMERICA,
Nassau, Bahamas, November 30, 1841.

SIR: On the 17th instant I had the honor to advise you (via New Orleans) of the arrival, at this port, of the brig *Creole*, of Richmond, Va., with a cargo of merchandise, tobacco, and slaves: of her having been brought in by the slaves, with a brief statement of the mutiny and murder, by them, on board the said brig.

The brig arrived about 8 o'clock on Tuesday morning, the 9th instant, and came to anchor about a mile from the American consulate. The chief mate soon came on shore and informed me of her situation. Being apprehensive the slaves would soon all get on shore; and knowing, in that case, it would be deemed here, that, in regard to their freedom, no one would have a right to molest them, I immediately repaired, with the mate, to the

Government-house, and obtained "an interview with his excellency the Governor, stated the circumstances, and requested him to take measures to prevent the slaves from escaping on shore, and to have the murderers secured. He doubted whether he was authorized to interfere with them at all, but under the circumstances, felt inclined to comply with my request. The Governor then proceeded to examine the chief mate, and took down his statement in writing; also requested me to make a written application, which I immediately did (document A). I then directed the mate to go on board and keep the American colors set; and also made all necessary arrangements for the wounded, and soon after received an answer to my note (document B), when I repaired on board the brig, and found the slaves very quiet, placed the chief mate in command of the vessel, and at about 12 o'clock, at noon, twenty African soldiers, an African sergeant, and a corporal, commanded by a white officer, came on board, who I introduced to the mate as in command of the brig, and returned on shore with the wounded captain and two men. Soon after I received a verbal message, requesting me to attend the Governor and council, then in session. On attending, the Governor said he had requested my presence to inform me of the course they felt it their duty to pursue in regard to the slaves or passengers on board the brig; and then read, from a paper before him, the result of their deliberations, and asked if I was satisfied. I replied, that, so far as to sending on board troops and directing an examination, I was, but declined a further answer at that time; and desired to be furnished with a copy of the paper read by him, which was afterward done (document C).

Two magistrates were then directed to go on board to commence the examination, and I went on board at the same time. The examination was continued Tuesday and Wednesday, and then postponed until Friday, in consequence of the illness of the captain. On Friday morning the examination was abruptly terminated without any explanation. In proceeding to go on board to identify the criminals, I was informed, by respectable persons; that an attempt would be made to liberate the slaves by force; and afterward, that an attempt had been made. I saw a large collection of boats near the brig, and was also informed that there was a great concourse of people collected on the shore opposite where she lay. I immediately returned to my office, where I found the chief mate, who informed me of the threatening state of things, and that the crew were greatly intimidated. There were no American seamen in port unengaged, but a mate and four men volunteered to go on board, and proceeded to the brig at my request. I also addressed a communication to the Governor (document D). Soon after the council were convened, and an answer was returned (document E), and also a verbal request for me again to attend the council, which was complied with; when the Governor, among other things, stated that the council had decided, on the receipt of my communication, to direct the attorney general, with the provost marshal, and as many police-men as he might deem necessary to proceed to the brig, first have the troops and prisoners removed on shore, see that no violence was committed by the people collected, and also that no impediment be given on board the vessel to the slaves landing, if they should desire to do so (he calling them passengers). I immediately communicated this information to the mate and Captain Woodside; and requested the mate to return to the vessel and protest against every act of the attorney general or his party, which should liberate the slaves: I also requested Captain Woodside to accompany him.

The depositions (document H) and protest (document I) will show that the slaves were liberated before the troops were removed, and also how it was effected. These depositions were taken on Saturday, the 13th, and early on Monday morning I addressed the Governor, protesting against the proceedings of the attorney general, &c. (document F), and during the day received a reply, enclosing a report of the attorney general (document G).

The slaves all came on shore in a body, and proceeded to the office of the superintendent of the police, accompanied by between one and two thousand people. I understand from a person present, the superintendent registered all their names, and informed them they were all free to go where they pleased.

On Thursday, the 18th instant, a vessel sailed for Jamaica with 50 colored people, a large portion of which I understand were of these slaves, and for which a bounty of \$30 a piece is paid on their arrival. Another vessel is to sail on the 4th December, for the same purpose and destination.

His excellency the Governor, in his last communication, strongly intimates my acquiescence in the proceedings of the attorney general. This seems to render it necessary for me to state that I had no other interviews with the Governor and council, or correspondence, than is herein detailed. That, at the last interview with the council, I expressly contended that "the slaves on board the brig were as much a portion of the cargo as the tobacco, and entitled to the same protection from loss to the owners." His excellency at the same time insisting the slaves were and could only be treated as passengers. I then considered that a crisis had arrived, and therefore took no exception to what I deemed an unusual mode of communicating with me: neither did I deem it in the least changing any responsibilities or liabilities, whether the slaves were liberated with force, by a mob, after a knowledge of the existence of a mob had been brought to the knowledge of the Governor and council, or in a more quiet way, by persons deputed by them for that purpose.

I enclose, in a separate package, copies of the depositions in relation to the mutiny and murder, taken by me, and which I believe do not materially vary from those taken by order of the Governor and council (document K). I have obtained copies of these last also, which are enclosed in a separate envelope.

I also forward a list of the prisoners. Two have died in prison: one from wounds received on board the brig, the other from natural causes. I have noted their names on the list.

Captain Enser, I am happy to say, is sufficiently recovered to embrace the first opportunity to proceed to New Orleans. One of the reasons for despatching his vessel with the least possible delay, was his precarious situation, which was made worse by the constant excitement which prevailed while she was in port. It was strenuously urged by his physician. The captain informed me the vessel was insured for \$16,000, and the balance of the cargo for \$50,000.

I communicated to the marshal of the port of New Orleans the circumstances of this case, with a request that the crew and passengers might be recognised to appear as witness (it being also their wish), if it could be done.

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

JOHN F. BACON,

U. S. Consul.

HON. DANIEL WEBSTER,
Secretary of State.

A.

CONSULATE OF THE UNITED STATES OF AMERICA,
Nassau, Bahamas, November 9, 1841.

SIR: Having had detailed to your excellency the particulars of the mutiny and murder on board the American brig Creole by slaves on board said brig, I have now to request that your excellency will be pleased not to suffer any of the slaves on board to land until further investigations can be made.

I have the honor to be, sir, very respectfully, your obedient servant,
JOHN F. BACON, *United States Consul.*
His Excellency Colonel Sir FRANCIS COCKBURN,
Knight, Commander-in-Chief, &c., &c.

B.

NASSAU, November 9, 1841.

SIR: The Governor has instructed me to acknowledge the receipt of your letter of this date, relative to alleged mutiny and murders on board of the American brig Creole, and to acquaint you that, for the fulfilment of the object of your letter, his excellency has ordered a military party on board of the said brig. There will be, however, no impediment to any of the white persons on board landing here.

I have the honor to be, sir, your most obedient servant,
C. R. NESBITT, *Colonial Secretary.*
JOHN F. BACON, Esq.,
Consul for the United States of North America.

C.

NASSAU, November 9, 1841.

SIR: In compliance with your request, I have the honor to forward to you, by direction of the Governor, a copy of the statement communicated personally to you this morning by the Governor and council, in reference to the case of the American brig Creole, on board of which vessel a murder and certain other offences are alleged to have been committed.

I have the honor to be, sir, your most obedient servant,
C. R. NESBITT, *Colonial Secretary.*
JOHN F. BACON, Esq.,
Consul for the United States of North America.

COUNCIL CHAMBERS,
Bahamas, November 9, 1841.

We wish to state to you, as the representative of the American Government, that the circumstances detailed to the Governor this morning in your presence, respecting the events which took place on board of the American

brig Creole on the night and subsequently to the 7th of November, have been given all possible consideration to by the Governor and Council, by whom the following decisions have been come to :

1st. That the courts of law here have no jurisdiction over the alleged offences.

2d. But that as an information had been lodged before his excellency the Governor, charging the crime of murder to have been committed on board of the said vessel while on the high seas, it was expedient that the parties implicated in so grave a charge should not be allowed to go at large, and that an investigation ought therefore to be made into the charges, and examinations taken on oath, when if it should appear that the original information was correct, and that a murder had actually been committed, that all the parties implicated in such crime, or in any other acts of violence, should be detained here until reference could be made to the Secretary of State to ascertain whether the parties detained should be delivered over to the American Government or not, and if not, how otherwise to be disposed of.

3d. That so soon as such examinations should be taken, all the persons on board of the Creole, not implicated in any of the offences alleged to have been committed on board of that vessel, must be released from further restraint.

4th. That a detailed account of what has taken place should be transmitted to the British minister at Washington.

A true copy :

C. R. NESBITT, *Colonial Secretary.*

JOHN F. BACON, Esq.,

Consul for the United States of North America.

D.

CONSULATE OF THE UNITED STATES OF AMERICA,
Nassau, Bahamas, November 12, 1841, 12 o'clock, A. M.

SIR : On proceeding to go on board the brig Creole, with the magistrates this morning, I saw a large collection of persons on the shore nearest the vessel, and many in boats; and was, at the same time, informed that the moment the troops should be withdrawn from the brig, an attempt would be made to board her by force. I was further informed an attempt had already been made. I have, therefore, to request your excellency will take such measures as you may deem proper for the protection of the said vessel and cargo.

The above facts I have every reason to believe correct; and did not accompany the magistrates, that I might communicate the same to your excellency.

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

JOHN F. BACON,

United States Consul.

His Excellency, Colonel Sir FRANCIS COCKBURN,
Knight, Commander-in-Chief, &c., &c.

E.

GOVERNMENT HOUSE,
Bahamas, November 12, 1841.

SIR: In answer to your letter, this moment received, I beg to state that I cannot think it possible that any of her Majesty's subjects would act so improperly as to attempt to board, by force, the American brig *Creole*; and should such an unauthorized attempt be made, I shall be quite ready to use every authorized means for preventing it.

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

FRAN. COCKBURN.

JOHN F. BACON, Esq.,
United States Consul, &c., &c.

F.

CONSULATE OF THE UNITED STATES OF AMERICA;
Nassau, Bahamas, Monday morning, November 14, 1841.

SIR: I have the honor to state to your excellency, that I was not, from various causes, enabled, until late on Saturday evening, to obtain a detailed statement, from those on board the brig *Creole*, of the proceedings of the attorney general, and those accompanying him, by which all the slaves on board the said brig, with the exception of four, were put on shore and liberated. Against the manner of their liberation, and all the proceedings which ultimately effected it, on the part of her Majesty's officers and subjects, I deem it my duty to enter my solemn protest; and, also, on behalf of the chief mate, now, and then, in command of the said vessel, also to protest.

These slaves, as I view the case, while they were under the American flag, and regularly cleared from one slaveholding State to another, within the United States, were as much a portion of the cargo of the said brig, as the tobacco and other articles on board; and whether on the high seas, or in an English port, does not change their character; and, that her Majesty's Government had not the right to interfere with, or control, the officers of an American vessel, thus circumstanced, in such a course as might be necessary and proper to secure such property from being lost to the owners.

I beg leave further to state to your excellency, that I shall, in a few days, be able to forward the brig on her destination, and take the liberty of requesting your excellency to permit the sixteen slaves who have been identified as having been actually concerned in the murder and outrage on board of her, and now in confinement, as, also, the three who are in confinement for the same offence, not having yet been identified by the captain of the brig, but only named by him, on account of his extreme illness, to be forwarded to the United States by this same vessel, they to be secured as is usual in such cases. I am induced to make this request of your excellency, under the circumstances that I have not the power to detain them, nor can I persuade the witnesses to remain here until it is ascertained where the slaves are to be tried. If they are to be tried here, it would, therefore, be almost impossible to obtain the attendance of all the witnesses, without which the persons implicated could not all be convicted, though guilty. This difficulty, I appre-

hend, must exist to nearly the same extent, if the criminals are to be detained here for any length of time, and then sent to the United States to be tried there. This difficulty would be obviated if they could be forwarded as I have requested. I feel some embarrassment in making this request after your Excellency and council have given a decision on this point; that, however, was made before the examination by which the persons have been implicated, and before it could be viewed, by me, at least, in all its bearings.

I have the honor to be, sir, very respectfully, your most obedient servant,
JOHN F. BACON,
United States Consul.

His Excellency, Col. Sir **FRANCIS COCKBURN,**
Knight, Commander-in-Chief, &c., &c.

G.

NASSAU, *November 15, 1841.*

SIR: I have the honor to acknowledge the receipt of your letter of this date, and cannot withhold from you that I feel somewhat disappointed at its contents, as it has been the wish and object of myself and council to meet your views and wishes, as far as we were authorized, in all that has taken place respecting the American brig Creole; and as our intentions were throughout made known to you previously to being acted upon, without calling forth any objections on your part, we could not but consider that you acquiesced in them.

As the statement contained in your letter respecting what occurred while the attorney general was on board of the Creole, does not accord with the official report thereof, made to me by that officer, I transmit a copy of the same for your information; and by which it distinctly appears, that neither he nor any of the authorities here had anything to do, either with the negroes quitting the vessel, or their landing here.

With respect to your request, that the nineteen persons who appear to have been implicated in the murder and other violences committed on board the Creole, when at sea, should be delivered over to you for the purpose of being secured and sent to America for trial, I can only refer you to the document already furnished to you by my order in council, and by which it was already determined that the parties referred to should be detained here until instructions should be received on the subject from her Majesty's Government; and under your apparent acquiescence in which, and your agreeing to attend the investigation, the same was proceeded with.

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

FRAN. COCKBURN, *Governor.*

NASSAU, *November 13, 1841.*

SIR: I have the honor to report to your excellency, that, in accordance with your wishes, I yesterday proceeded, in company with the police magistrate and the inspector general of police, for the purpose of visiting the American brig Creole, on nearing which vessel I found in her immediate vicinity several boats filled with colored and black persons, belonging to this island; that presuming these to be the persons alluded to in the American consul's

communication to your excellency, of yesterday's date, I visited each of the boats, and addressing the persons in them, informed them of the report which had been made by the consul, explained to them the liability which would attach to them if they acted in the way in which it was alleged they intended to act and strenuously urged them to abstain even from using words or gestures which might be considered as having a tendency to violate the peace. In answer, they one and all assured me that it was not their intention to resort to any acts of violence, and that they had merely assembled for the purpose of peaceably conveying to the shore such of the persons on board of the Creole as might be permitted to quit her, and should desire their assistance. The persons in these boats were without arms, or any offensive weapons with the exception of some ten or a dozen stout cudgels, which I observed in one of the boats, and which, at my request, the parties in possession of immediately threw overboard. Having thus endeavored to guard against a breach of the peace, on the part of the persons from the shore, I went on board of the Creole, and had there pointed out to me by the police magistrate, eighteen persons against whom informations had been lodged, charging them with being parties to the murder of a passenger, and the wounding of the master and mate of the Creole; in addition to these, one other person was subsequently identified by two witnesses as being a party concerned, and placed by the magistrates with the eighteen before-mentioned. This having been done, I inquired of the chief mate (the officer in charge of the vessel) whether he had any other witnesses to produce; to this he answered in the negative. I then requested Lieutenant Hill, the officer in command of the military guard, to take charge of the accused (nineteen in number), and I at the same time informed these persons that they would shortly be conveyed on shore, and there imprisoned, until a representation of their case could be made to the British Government, by whom it would be decided whether they should be delivered up to the American Government for trial, or how otherwise dealt with; that if they wished copies of the informations, they should be furnished with them, and they should also be at liberty, if they thought proper, to have witnesses examined in refutation of the charges made against them, with all of which they expressed themselves to be satisfied.

The accused having been thus separated from the other persons on board, I told the chief mate, that, as far as the authorities of the island were concerned, all restrictions upon the movements of the other persons on board the vessel were removed, and requested him to cause every person on board the vessel to appear on deck, in order that I might communicate the same to them; with this he cheerfully complied, informing me at the same time that it was not his desire to detain on board his vessel any one of the persons (shipped as slaves) who did not wish to remain, and that they had his free permission to quit her, if they thought proper to do so; but that he was apprehensive that the persons in the surrounding boats would, as soon as the military were withdrawn, board his vessel, and commit acts of robbery and other violence. To this I replied, that, with respect to the first point, I had no instructions to interfere between himself and the persons alluded to; and as to his fears of being attacked from the people in the boats, precautions had been already taken to guard against such an event, and that he might rely upon being protected by the authorities against any violation of the law. All the persons on board having by this time been assembled on deck, I briefly addressed them, telling them, that, on the arrival of the Creole in this har-

bor, information having been laid by the mate before your excellency, charging a murder, and certain attempts at murder, to have been committed on board of that vessel; and the protection of the authorities here having been claimed by the American consul, a guard of soldiers had been placed on board, for the purpose of preventing any person from quitting the vessel until an examination could take place whereby the real perpetrators of the alleged acts of violence might be discovered; that such an examination had now concluded, and without any criminatory evidence having been adduced against any of the parties whom I was addressing; that such being the case, I had to inform them that, as far as the authorities of the island were concerned, all restrictions on their movements were removed. I had no sooner concluded than a white man, who I was informed was a passenger of the name of Merritt, addressed the people who had been shipped as slaves, and told them that they were at perfect liberty to go on shore if they pleased, information which they appeared to receive with great pleasure, and a general intimation of their intention to avail themselves of it. This took place in the presence of the chief mate of the vessel, who declared to myself, and, as I believe, to several others at the time, his perfect acquiescence in the measure, and refused (though urged to do so by the master of another American vessel, who happened to be on board) to forbid the approach of the boats, several of which, on signs from the negroes on board the *Creole*, had been brought near that vessel for the purpose of receiving them. I quitted the vessel myself in company with the police magistrate before any of the persons in question had left her, but was not many yards from her when I observed them crowding over her sides and getting into the boats. I have further to report that the inspector general of police, at the request of the mate, remained on board of the *Creole* until the prisoners were removed, by which time, as that officer has informed me, only three or four of the persons shipped as slaves remained on board, and those expressing their determination to return with the vessel to America. In conclusion, I beg leave to state that the departure of the negroes in question from the *Creole* was their own free and voluntary act, sanctioned by the express consent of the mate, and that neither myself nor any other of the authorities of the colony then on board interfered in the slightest manner to induce them to take that step; and, in corroboration of this and the previous statements, I have to refer your excellency to the police magistrate, the inspector general of police, Mr. Justice Barnsides, Lieutenant Hill, the receiver general and treasurer, and Mr. Hamilton, the pilot of the bar, who were all present during the whole transaction.

I have the honor to be, sir, your very obedient humble servant,
G. C. ANDERSON, *Attorney General.*

H.

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 26, 1841. }

I, John F. Bacon, consul of the United States of America at Nassau, Bahamas, do hereby certify that the annexed depositions of William Woodside, William H. Merritt, Zephaniah C. Gifford, and Lucius Stevens, are true copies from the original depositions filed at this consulate.

Given under my hand and the seal of this consulate, at Nassau, this 26th

[L. s.] November, 1841, and sixty-sixth year of independence.

JOHN F. BACON, *United States Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 13, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, William Woodside, shipmaster, of Brunswick, Maine, and now master of the bark "Louisa," being duly sworn, doth depose and say, that on the 12th November (yesterday) this deponent was requested by the American consul to go on board the brig Creole. That he went on board about ten o'clock, A. M., and soon after two white persons came on board, who he has since ascertained to be the Rev. Mr. Poole and the Rev. Mr. Aldridge, Episcopal clergymen, who were for some time in familiar conversation with the slaves, and appeared to be giving them directions and instructions, as he noticed the female slaves to be putting on their bonnets, and making preparations to leave the vessel. Deponent heard Mr. Poole say he was going to England, and it was requisite he should know all about this business, so that he could represent the thing. That about half-past ten or eleven o'clock, A. M., two magistrates, with a clerk, came on board to identify the criminals. That immediately on their coming on board, a sloop, a large lighter, and other boats, came on the starboard side of the vessel, and anchored within about two rods. That a number of small boats were at the same time around the vessel, all filled with black people, and no attempt was made to keep them away except not to board the vessel. That at about twelve o'clock a boat with five white men came alongside, and were ordered off, though this deponent informed the officers that they had been sent by the American consul to supply the place of those on shore. That from this time until half past one the boats continued to increase about the vessel. Deponent saw clubs passed from the sloop and lighter into all the small boats. About half past one this deponent went on shore with one of the magistrates, and reported to the consul the situation of things, the chief mate then being on shore. The consul informed deponent the Governor and council were in session, and he should probably soon know the result of their deliberations, and requested deponent and mate to wait. On his return from the council chamber he informed deponent and the mate that the attorney general and others had been directed to go on board first, send the criminals and troops on shore, and then to see that no obstruction was given to the slaves coming on shore, and to the boats going alongside, as they must be treated as passengers, &c. The consul then requested us to go on board, and directed the mate to protest against all the doings of the attorney general which should in any way liberate the slaves. That the deponent and mate in one boat, and the attorney general and his party in another, left at about the same time. The attorney general first came alongside the large launch, and directed them to throw away their clubs; that no violence must be used; but that, as soon as the guard was ordered aft, word would be given for them to come alongside and take away those that desired to leave. A number of clubs were thrown overboard. The two boats then immediately went alongside the brig, without communicating with more of the great number of boats which surrounded the vessel in every direction, except two or three on the starboard side. After a further examination and identification of more criminals, the attorney general came on deck, and informed the prisoners that they stood charged with mutiny and murder, for which they must be detained in custody, and if any wished to see the affidavits, he would attend the jail to read them, or furnish them with copies, and if they wanted any evidence taken, he would attend to that for

them. He then said to the other slaves, "Men, you are all free, you can go where you please," or words of the same import. That Mr. Pinder, one of those who accompanied the attorney general, gave the word, "Boats, you can come alongside," which they immediately did, and made fast to the vessel, some of the blacks from the boats coming over the bows of the vessel. That in a few minutes most of the slaves had left the vessel. This deponent also heard threats made to the mate and crew that if any resistance was made, there would or might be bloodshed, and that they had better let them go quietly on shore. That the chief mate and crew were much intimidated. That soon after the slaves had left the vessel, the criminals, with the guard, also left the vessel.

WILLIAM WOODSIDE.

Sworn and subscribed this 13th November, 1841, before me,
JOHN F. BACON, *United States Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 13, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America, at Nassua, Bahamas, William H. Merritt, who being sworn, saith he was on board of the brig Creole, the principal part of the day on the 12th instant, and the principal part of the time previous, while in port. That during this time, deponent took an active part in the duties of the vessel and seeing orders obeyed; that he understood one was, that no soldier (they being all colored men) should converse with the slaves, and heard this order given by the officer in command of the troops the first day they came on board, and the first day this order was obeyed. On the second day deponent saw the order was not obeyed, that the soldiers were in constant contact with the slaves, and during the evening they were not placed as they had been, and no guard over the prisoners; on communicating this fact to the commanding officer (whom he found conversing with a colored female with his cloak around her) he replied, "If you will tell the sergeant he dared say he would have it attended to;" to which deponent replied (not knowing who his sergeant was, and not deeming it his duty to give him directions), he thought it was his duty to have all proper orders attended to, which he finally had done. That soon after breakfast, deponent saw persons collecting on the shore opposite the brig, and boats and launches also approaching near the vessel; that they continued increasing until 11 o'clock, and were filled with blacks, but on shore there was a mixture of blacks and whites. About eleven o'clock, the pilot which brought in the vessel came alongside in a boat and attempted to get on board, but was kept off by the soldiers, when he said, "Come, bear a hand, they have had their time, and we want ours now." That deponent then went to one of the magistrates on board, or a person he supposed to be such, and inquired of him what all this meant, the boats and launches being full of men armed with clubs. He replied, as soon as the troops were removed they would probably come on board when there would probably be bloodshed, and advised deponent to go on shore when the troops left. Soon after this the attorney general, accompanied by several persons, came on in one boat, the mate and Captain Woodside in another. Heard the officer of the guard order the men in the

boats to throw over their clubs, which some obeyed. That while the attorney general was taking a further deposition of Jacob Leitner to identify another man, deponent was endeavoring to persuade a number of the slaves to remain on board, as the boats were soon to be alongside to take them off, while others (white men) were persuading them to go on shore, telling them they would probably be punished if they went to New Orleans; and by their persuasions a number left which deponent knows had not the least inclination to do so until that time. The attorney general then came on deck and ordered the prisoners and guard all on the poop-deck, the officer of the guard with difficulty then keeping the boats from boarding, telling them they must not do so until the prisoners had left. The attorney general, after addressing the slaves and informing them they were at liberty to go where they pleased, and were free, was requested by deponent to inform those who desired to continue the voyage that they could do so; the attorney general replied, he should not have anything to do with that part of it. This deponent then, from the poop-deck, informed all that wished to continue on board that they could do so. Then heard notice given, by some of the persons who accompanied the attorney general; "Boats, you can come alongside;" which they immediately did, when all the slaves except five embarked in the boats and left the vessel at the same time, and inducements were held out for the five also to leave.

WM. H. MERRITT.

Sworn to and subscribed this 13th November, 1841, before me,

JOHN. F. BACON,

U. S. Consul.

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 13, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, Zephaniah C. Gifford, now in command of the brig "Creole," of Richmond, Virginia, who being sworn, doth depose and say, that yesterday the 12th day of November, about half-past three o'clock, A. M., he went on shore and informed the American consul that black and white people were collecting on shore nearest the brig, and several boats had anchored near the brig, filled with blacks, and that he was apprehensive an attempt would be made to rescue the slaves; the consul requested this deponent immediately to return; that he would send on board some men if possible, and also inform the Governor. This deponent accordingly returned and found the boats and men increasing; that soon after a large lighter and sloop came alongside, within a few rods of the brig and anchored, and supplied the small boats with clubs or bludgeons, which boats surrounded the vessel in every direction, no attempt being made by the troops on board to interfere, other than to keep them from boarding the vessel. This continued until deponent again went on shore, to confer with the consul. About half-past one o'clock, Captain Woodside came on shore from the brig, and informed the consul that she was literally surrounded with boats full of black people, armed with large clubs. The consul informed deponent and Captain Woodside that he had communicated these facts to the Governor, and that the Governor and council were then in session, and requested us to remain until the result of their deliberations was known. In a short time

he informed deponent that the Governor and council had ordered the attorney general, with some policemen, to go on board the Creole, and first remove the troops and criminals, and see that no opposition was made to the slaves coming on shore, and the boats going alongside for them; and also to inform them that they had the right so to do. The consul then requested deponent to proceed on board, and protest against every act of the attorney general while on board, that should tend to liberate the slaves. That deponent immediately returned in the brig's boat, accompanied by Captain Woodside, and in company with the boat of the attorney general and his party. Saw them go alongside of one of the launches, near the brig, and heard the attorney general direct them to use no violence, but to throw over their clubs; that as soon as the prisoners and troops were removed on the quarter deck of the vessel, the boats might go alongside, and take out such as wished to leave the vessel. A great number of clubs were thereupon thrown overboard from the launch, and deponent saw a few thrown over from two boats nearest the launch. That the vessel, at this time, was surrounded with boats; that deponent, and the boat containing the attorney general, immediately steered for the brig, and went on board together. That the attorney general continued the examination of a witness for a short time, when he came on deck and stated to the prisoners that they must remain in custody until the Governor could communicate with the Government at home; that if any of them wished to see the depositions of the passengers and crew, he would attend at the jail to read them, or have them furnished with copies; or if they wanted evidence taken, he would attend to that also. He then said to the other slaves, "Friends, you have been detained here to ascertain who was guilty of the horrid murder of the passenger on board, and attempting to murder the captain and mate." After directing Lieutenant Hill to order the sentry from the fore-castle, and the prisoners and troops on the poop-deck, he then said, "Men, you are all free to go on shore, or go where you please." Others then said to those in the boats, you can come alongside, when a number of boats immediately came alongside, and a rush was made by the slaves to get on board, which they all did with the exception of five. This deponent further saith, that while the attorney general was making the further examination, and which lasted about ten minutes, the mate and some of the crew informed him of the threats that had been made, and advice given to them in reference to letting the slaves depart without opposition. During this time deponent also informed several of the persons who accompanied the attorney general, that no boats would be allowed to come alongside the vessel; when one of them, whom he did not know, replied to this deponent, "You had better keep still, and let them go quietly on shore, or you will get yourself into trouble, for I fear there will be bloodshed before night." He further said, "When the prisoners get on shore, they will be in my custody." After the attorney general informed the slaves they could go on shore, deponent requested that him and the crew might be protected, as he feared those in the launches and boats, when they come alongside, would commit some violence. This deponent further says, that, from what had transpired under his own eye, from the information received from the mate and crew of what had taken place in his absence from the vessel, and the great number of persons alongside, he was induced, from serious fears, not to repeat what he had before said, that "no boat should come alongside," and under these fears, and the agitation of the moment, he might have said, "Let them go," though he has no recollection of using the expression. This deponent further saith, the

attorney general, with one of the magistrates and the clerk, left the vessel at the same time the slaves commenced leaving, and lay off a short distance conversing with the slaves that had got into the boats, until they were all out of the vessel. That two of the persons who accompanied the attorney general were assisting the slaves over the gangway, until all were in the boats. This deponent further saith, that about half an hour after the slaves had left, a launch came alongside, and took off the prisoners and troops.

ZEPHANIAH C. GIFFORD.

Sworn and subscribed this 13th November, 1841, before me,
JOHN F. BACON. *U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 13, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, Lucius Stevens, of New Haven, Connecticut, who being sworn says, he was second mate of the brig Creole, now acting as chief mate, and that he was on board of said vessel all the day of yesterday, November 12. That soon after breakfast deponent discovered boats coming round the vessel, and black and white people collecting on the shore opposite the brig. About eleven o'clock a sloop and large lighter came alongside, within a few rods, and anchored, and also a number of small boats, all filled with blacks; that during the morning he discovered a number of clubs in many of the boats, and that they showed fight with them by swinging them about in a threatening manner, at the same time using insulting language. Deponent saw the colored man, who piloted the vessel into port, come alongside, and heard him say to one of the magistrates on board, "Come, get through your business on board, we want to commence ours." To which one of them replied, "We won't be long, we are only waiting for some one from the shore." Soon after, heard the pilot ask some one on board, "Shall we get another lighter?" The answer from on board was, "Not at present, we will let you know." That a white person on board, and who was on board the most of the morning, was very officious with the slaves, and appeared to be advising them what to do: he also said to this deponent that he, deponent, had better take care of his money, if he had any, that it was impossible to prevent the slaves from being taken off; and if any resistance was made, there would be some blood spilt. That after this the attorney general, accompanied by several persons, came on board, as also the chief mate and Captain Woodside. That this deponent immediately informed the mate, Mr. Gifford, of the threats which had been made, and also of the threatening state of things. That deponent said to a policeman that he thought the crew and vessel ought to be protected after the troops were withdrawn; to which he replied, he had no orders to stay, but if the attorney general should direct him to, he would; of which deponent informed Mr. Gifford. That deponent was told by some one who accompanied the attorney general that they had better not make resistance, for fear of bloodshed—and that might be depended upon. That soon after, the prisoners and troops were mustered on the poop-deck, aft, when the attorney general addressed the slaves and told them they were free, and could go where they pleased. That signals were made for the boats to come alongside by

those on board who accompanied the attorney general, when they immediately came alongside and made fast to the vessel, and in a few moments the slaves were all in the boats, with the exception of four or five, and immediately five cheers were given by those in the boats. That two of the persons who accompanied the attorney general stood at the after-gangway, and assisted many of the female slaves to get into the boats. Heard them say—“Here, ladies, this is a nice boat, on purpose for ladies; get in here.” Soon after, the guard and prisoners left.

LUCIUS STEVENS.

Sworn and subscribed this 13th November, 1841, before me,
JOHN F. BACON, U. S. Consul.

I.

Protest—Brig Creole.

NEAR PROVIDENCE, BAHAMAS, }
Nassau, } ss.

By this public instrument of attestation and protest, be it known and made manifest unto all to whom these presents shall come or may in any way concern: That, on this seventeenth day of November, in the year of our Lord one thousand eight hundred and forty-one, before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, personally appeared Robert Ensor, master, Zephaniah C. Gifford, mate, Lucius Stevens, second mate, and Blinn Curtis, seaman, belonging to the brig “Creole,” of Richmond, Virginia, who, being severally sworn, did depose and say: That, on the twenty-fifth day of October, in the year one thousand eight hundred and forty-one, they, these appearers, sailed in and with the aforesaid brig “Creole,” from Richmond, bound to New Orleans, with a cargo consisting of tobacco, and one hundred and thirty slaves, &c.; the captain’s wife, child, and niece, and three passengers; the said brig then being staunch, strong, and in every respect seaworthy. That, on the 27th of October, they left Hampton roads, and proceeded on their said voyage without anything material occurring, until Sunday evening, November the 7th, when, at 8 o’clock, the brig was hove to, expecting to make Abaco the next day. Latitude at 12 o’clock at noon, was 28° 30’, longitude, 76°. About half-past 9 o’clock, P. M., the mate, Mr. Gifford, it being his watch, called a black man, by the name of Madison Washington, out of the mainhold, who was among the females there against the regulations of the vessel, who, as soon as he came on deck, gave the mate a shove, which partly threw him down, and, at the same time, a pistol was fired by the said Madison, or some one else, and the ball grazed the back part of the mate’s head, inflicting a bad wound; that this appeared to be a signal for a mutiny among the slaves, Madison calling out at the same time, “Come on, my boys, we have commenced, and must go through with it.” The mate immediately run to the cabin and gave the alarm, and was followed by a large number of slaves, who succeeded in killing Mr. John Hewell, a passenger, by stabbing him with a bowie-knife, wounded the captain severely, and several of the hands; on which, the captain and mate retreated to the maintop, the second

mate to the fore-royal yard, and some of the crew to various parts of the rigging, the slaves then having complete possession of the vessel, breaking open and robbing the trunks of the passengers, &c. In about an hour after, they discovered the chief mate, and ordered him to come down, or they would shoot him; on which, he complied, when a slave, by the name of Ben Blacksmith, presented a musket to his breast, and said if he did not land them at Abaco, or on some British island, he would shoot him and put him overboard. The captain remained in the maintop, entirely helpless, for eight hours, bleeding profusely from his wounds, which were severe and dangerous. He was at length brought down, and, with some passengers, confined in the forehold for some time, without any attention being permitted to be paid to his wounds. That the brig was then steered for Nassau, under the repeated threats of the slaves, with knives in their hands, that unless it was done, the officers and crew would be thrown overboard. They were also forbid, under the same penalties, from conversing with each other, except in the presence of one of the slaves. That these appearers arrived at Nassau about 8 o'clock, in the morning of Tuesday, the 9th October instant. That immediately on their arrival, the mate went on shore in the boat of the harbor master, which was the first boat which left the vessel after her arrival, and informed the American consul of their situation, who immediately had the captain and two men taken on shore, and the wounds of those who remained on board dressed, put the mate in command of the vessel, and remained on board thereof until a guard of soldiers came on board from the barracks, consisting of twenty soldiers, a colored sergeant and corporal, and commanded by a white officer, to prevent the slaves from landing. That the captain noted his protest on the 9th instant, and these appearers extended the same this day.

ROBERT ENSOR,
ZEPHANIAH C. GIFFORD,
LUCIUS STEVENS,
BLINN CURTIS.

Be it further known and made manifest unto all to whom these presents shall come: That, on this same 17th day of November, 1841, before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, personally appeared Zephaniah C. Gifford, having charge of the brig Creole, as master thereof, Lucius Stevens, chief mate, and Blinn Curtis, seaman, belonging to the said brig, who being severally sworn, did further depose and say: that on the 12th day of November, instant, the said brig Creole remained in the same situation as when she was at first anchored, being at the west end of the harbor, just within the bar, and but a short distance from the northern shore of the harbor, and about one mile from the public buildings of the town of Nassau; and which was a very dangerous situation in case of a northwest wind, and a place where vessels never remain, if possible to prevent it. That the guards had been relieved with colored soldiers, from day to day, and still remained on board the brig, for the purpose of securing those who had been identified as actively engaged in the mutiny and murder on board, or who should be thereafter identified. That about nine o'clock, A. M., of this day, or soon after breakfast, these appearers discovered a collection of persons on shore opposite, and nearest the brig and also boats and launches collecting near the vessel. That at 10 o'clock, A. M., the boats and people had continued to increase, the boats being manned by blacks,

and the people on shore both black and white, a majority blacks. That at half-past 10 o'clock two magistrates, with a clerk, came on board for the purpose of identifying those concerned in the mutiny and murder who had not been named by the witnesses in their examination; that after this the collection of people on shore and the boats continued increasing; in addition to the boats, there were a sloop and several large launches, the larger craft being anchored within two or three rods of the brig, and filled with blacks, mostly armed with clubs and bludgeons, as were those in the smaller boats; that threatening motions were made by them to intimidate the crew; that several white persons came on board during the morning and held conversations with the slaves, and appeared to be giving them directions, and informed them they would soon be free, as soon as the troops were removed. Two persons in particular, these appearers have identified as being the Rev. Mr. Poole, a chaplain to the garrison, and the Rev. Mr. Aldridge, a clergyman having charge of one of the episcopal churches of Nassau. These appearers were also frequently cautioned to make no resistance or blood would be spilt; the blacks in the boats around the vessel were constantly communicating with those on board, and once boarded the brig at the bows, but were, on this occasion, ordered off. That about 12 o'clock, a boat with four men and a mate came alongside, and reported they were sent by the American consul; but they were not permitted to come on board, and were ordered off by the magistrates, and others on board. That about 2 o'clock, the attorney general came alongside of one of the large boats, accompanied by several persons, and told them to throw over their clubs, which was complied with by a part of them only; but this was not done until he had informed them that as soon as the guard and criminals were removed to the after part of the vessel, the boats would be permitted to come alongside of the brig, and the people on board to go on shore if they pleased. That, without hailing any other of the boats, which, at this time, completely surrounded the vessel, he, and those in the boat with him, came on board; and while the attorney general was making some further examinations on board, some of the persons who accompanied him advised these appearers not to make any opposition to the slaves going on shore, as there would be trouble, and probably bloodshed, if they did so. That as soon as the troops and criminals were paraded on the poop-deck, notice was given by the attorney general to the other slaves, that they were free, and could all go on shore if they pleased. Notice was, at the same time, given by some of the same party on the deck of the brig, to the boats, that they might come alongside, which they immediately did, and made fast to the vessel, in sufficient numbers to take off all the slaves but four or five, who refused to go. These appearers fearing the least opposition would probably cost them their lives, made none to the slaves going on shore. That soon thereafter the criminals with the troops left the brig. That in the morning of the 13th November, the harbor master came on board, and warped the vessel further into the harbor, and out of danger from bad weather. That, on Monday, the 15th November, one of the custom-house officers called the searcher, came on board, with a permit from the custom-house for that purpose, and demanded the baggage or articles belonging to the slaves on shore, which were turned out on deck, forward, consisting of some old parts of garments, blar kets, &c., the slaves having previously taken nearly all of any value with them. The searcher then required the same to be sent on shore in the ship's boat, which was peremptorily refused. Afterward a boat from the shore removed the said articles under his supervision and direction. That

after the removal of the slaves, there remained on board a much larger amount of provisions than were necessary for the voyage; an attempt was made to come to an entry in the custom-house, to have the same sold, which was refused by the officers of the customs, unless the slaves still on board were omitted to be entered, or in such entry were permitted to be called passengers; which being refused, no entry of the vessel's cargo was made at the custom-house. That on the 17th November, the American consul having obtained a second mate and two men, the brig was ready to proceed on her voyage, having left the captain on shore, still dangerously ill from his wounds; and, also, one man too ill to do duty, and, also, having taken on board one of the men who was severely wounded, and unable to do duty.

ZEPHANIAH C. GIFFORD,
LUCIUS STEVENS,
BLINN CURTIS.

Wherefore, at the request of the said master, acting in this behalf, as well for himself as for the owner and owners, shipper and shippers, on said vessel, for this voyage, the underwriter or underwriters, and for all others in any way concerned therein, I, the said consul, have protested, and do hereby solemnly protest against all mutiny and murder by the said slaves; all illegal acts committed by her Britannic Majesty's officers and subjects; and every other casualty which has occasioned the liberation of the said slaves; for all losses, costs, charges, damages, and injury, which have been already suffered by the said master, the owners, insurers, and others, concerned in the said brig "Creole" and cargo, unto the end that the same may be submitted unto, suffered, and borne, by him, or them, to whom of right it shall or may belong.

In testimony whereof, I, the said consul, have hereunto set my hand,
[L. s.] and affixed the seal of this consulate, at Nassau, this 17th day of November, 1841, and in the sixty-sixth year of independence.

JOHN F. BACON,
United States Consul.

CONSULATE OF THE UNITED STATES OF AMERICA,
Nassau, Bahamas, November 29, 1841.

I hereby certify that the foregoing protest is a true copy from the original, as recorded at this consulate.

[L. s.]

JOHN F. BACON,
United States Consul.

K.

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 26, 1841. }

I, John F. Bacon, consul of the United States of America at Nassau, Bahamas, do hereby certify, that the annexed depositions of Robert Enser, Zephaniah C. Gifford, Lucius Stevens, Blinn Curtis, William H. Merritt, Theophilus J. D. McCargo, and Jacob Lietener, are true copies from the original depositions filed at this consulate.

Given under my hand, and the seal of the consulate at Nassau, 26th Novem
[L. s.] ber, 1841, in the sixty-sixth year of independence.

JOHN F. BACON, *U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 18, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, Robert Enser, master of the brig *Creole*, of Richmond, Virginia, who, being sworn, says, that he sailed in and with the said brig from Hampton roads on the 27th of October last past, bound to New Orleans, with a cargo of slaves, tobacco, and merchandise. That, on the evening of the 7th November, with the brig hove to, about half past 9 o'clock in the evening, the alarm was given that there was a mutiny among the slaves; that, in a few minutes thereafter, this deponent was attacked by several of the slaves: saw Ben. Blacksmith stab Mr. John Hewell with a large bowie-knife, and stabbed this deponent with the same knife in two places. This deponent also saw Pompey Garrison, George Basden, and George Portlock, engaged in the said murder and mutiny on board of the said brig. Many other slaves were also assisting and abetting in the same, whom he cannot identify by name, but could do so if he could see them. Deponent with difficulty got into the maintop, where he remained for eight hours bleeding and entirely helpless, and knew nothing which transpired after this time until his arrival at Nassau.

ROBERT ENSER.

Sworn and subscribed, this 18th November, 1841, before me,
 JOHN F. BACON, *U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 9, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, Zephaniah C. Gifford, late first mate, and now in command of the brig *Creole*, of Richmond, who, being duly sworn, did depose and say, that the said brig sailed from Hampton roads on the 27th day of October, 1841, bound to New Orleans, with a cargo consisting of 135 slaves, tobacco, and some merchandise, Robert Enser, captain thereof, with his wife and child, and a niece, and three white passengers. Everything was quiet on board until Sunday evening last, the 7th November instant, latitude 28°, 30', longitude 76°, at 12 o'clock at noon. The brig was hove to about 8 o'clock in the evening of said day. At about half-past 9 o'clock P. M., he called a black man out of the mainhold, by the name of Madison Washington, a slave, and who was there among the females against the regulations of the vessel; and with which regulations he, the said Madison, was well acquainted; that William H. Merritt was also present and down in the hold at the same time; that when the said Madison came out of the hold, he partly shoved deponent down on the deck, and at the same moment a pistol was fired by him or some other person, the ball from which struck him on the back part of the head, and wounded him severely: could not be certain that Madison fired it. This deponent immediately ran to the cabin and gave the alarm, saying he had been shot. He at the same time heard Madison call out, "Come on, my boys, we have commenced, and must go through with it." and with a number of others followed deponent. After giving the alarm, deponent retreated to the maintop, where he was followed by Captain Enser in about ten minutes thereafter, who appeared to be se-

verely wounded, and said, "Mr. Gifford, I am stabbed, and believe I am dying." He soon heard a voice saying, "Kill the son-of-a bitch." After a short time he saw four men bring a man, who appeared to be dead, from the cabin, and throw him overboard. Some one then called for Mr. Merritt, when another replied "He is here; kill the son-of-a bitch." The same voice said "Kill every white person on board; don't save one." Soon after another said, "Where are the captain and mate? these are the persons we want." Madison Washington was the person who made this remark, and he identified him by his having a lantern in his hand: he was evidently looking for the captain and this deponent. In about an hour they discovered deponent in the maintop, when he was ordered down, with a threat, that if he did not come down, they would shoot him; with which he complied. They desired him to land them on a British island, and at Abaco. Madison Washington made this request; at the same time a slave, by the name of Ben. Blacksmith, presented a musket at his breast, and Madison then said, "If you do not land us at Abaco, we will put you overboard." This deponent left the captain in the maintop, and Madison asked him if any one else was there; on which he informed him of the fact. Madison then called the captain to come down; and if he did not, he would fetch him down. The captain was then helpless, from loss of blood. Madison ordered him to be slung and brought down; and after a short time he was brought down by some of the crew, on which Madison Washington, assisted by Elijah Morris and another, confined the captain, his wife, and second mate, in the forehold, locked the hatches, and placed two slaves over them as a guard. At 11 o'clock, on the next day, November 8, this deponent persuaded Madison and others to allow the second mate to come on deck, to assist in taking an observation; also persuaded the slaves, at 5 o'clock, P. M., to let the captain be brought into the cabin. The vessel was entirely under the control and command of the slaves until she took a pilot off the harbor of Nassau. This deponent was not allowed to speak to any of the crew, without it was in the presence of one of the slaves, and was threatened to be thrown overboard if he did so. Yesterday, November 8, at 3 o'clock, P. M., the two manifests of the slaves on board were demanded by the slaves from deponent; which demand he complied with, under fear for his life, if he did not comply: which said manifests are the ones now before him, and which have this day been returned by some of the slaves to the officer commanding the guard. This deponent can identify the most of the slaves which he has before referred to, and whose names he has not mentioned.

ZEPHANIAH C. GIFFORD.

Sworn to and subscribed, this 9th November, 1841, before me,
JOHN F. BACON, *U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 10, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, Lucius Stevens, second mate of the brig Creole, who having been sworn saith, the brig sailed from Hampton roads on the 27th October, 1841, for New Orleans, with a cargo of tobacco, slaves, &c., and four passengers. That everything was quiet until Sunday last, when he thought he perceived something wrong. Sunday night, at

eight o'clock, hove the brig to, expecting to make Abaco the next day; deponent was on the starboard watch, and turned in at eight o'clock, in the main cabin; left the first mate on deck; the captain and passengers all turned in below. At about half-past nine the first mate came running below, saying, there was a mutiny on deck, that he was shot. The captain gave the word in the cabin there was a mutiny, and ordered all to turn out; which deponent did immediately, as also Mr. John Hewell, who was killed. At the door of the cabin saw a number of the colored people, with knives and handspikes, and different weapons, calling out, "Kill them as they come out; kill the damned captain; kill all the damned sons-of-bitches." Mr. Hewell, the passenger, turned out; the captain and Mr. Hewell called out, "Where is the gun?" and Mr. Hewell took it from the deponent's state-room. The mate and captain then disappeared from the cabin, and four of the colored men came down below, knocked James Blinn, a sailor, and struck Mr. Hewell and deponent, when he and the sailor retreated to his state-room, and Mr. Hewell went on deck with the gun, with the four colored people beating him at the same time with clubs. When he arrived at the top step was knocked down, and stabbed through the body with a bowie knife, by Ben. Blacksmith, and the gun taken away from him; he immediately reeled back into the cabin, and exclaimed, "I am stabbed;" he then turned into his birth, and soon died. The blacks were then all on deck, and heard them exclaim, "The captain, mate, and Mr. Hewell, are dead, and now we will have that long, tall son-of-a-bitch, the second mate." Immediately there rushed down the cabin one with a musket, one a club, and one a knife; the cabin door was at the same time crowded with blacks, armed with clubs; heard several of the crew crying for mercy. The three blacks were then searching for this deponent, and examined the starboard state-rooms, one of which was occupied by the captain's wife and children, without finding deponent; when they exclaimed, "Let these alone for the last, we want the second mate, and the ship will be ours." At this moment another black rushed into the cabin, and pointed to deponent's state-room, saying, "That is his room." Immediately one pointed a gun at the door, and others came round it armed with clubs. As he opened the door the gun was fired: in consequence of deponent's turning away the muzzle, one of the slaves was wounded. Deponent then ran on deck, when one of the blacks struck him with a piece of a flag-staff, and another stabbed at him with a knife: deponent then got into the fore-royal yard, where he remained until next morning. While on said yard he saw said blacks, with nearly all the others, searching different parts of the vessel, going below and destroying and taking provisions; saw several throw Mr. Hewell's corpse overboard, out of the starboard port-hole. They also confined the captain's wife, Mr. Merritt, and several of the children and cabin servants, in the after hold, and put a guard over them. About half-past four in the morning he was discovered, when Elijah Morris, and four or five others which deponent can designate, said, "Come down, you damned son-of-a-bitch, and receive your message." Deponent came down rather slow; and when he was in the fore-top, he asked them what they wanted to kill him for. Elijah Morris replied, "Damn you, the best thing for you is to come down and receive your message." Deponent then came on deck, and asked for five minutes, and told them if they would spare his life he would take them to an English island in three days; when one remarked, "That is what Mr. Gifford says." Others said, "If you do not do so, we will throw you overboard." Then heard Mr. Gifford on the poop-deck, and requested that he

might go aft and see him; they consented, and followed him to Mr. Gifford. The blacks said they wanted sail made—addressing themselves to Mr. Gifford and Mr. Merritt. Some of the crew, deponent, and some of the blacks, assisted in making sail, but soon had it taken in, saying it was too early. Mr. Gifford then said, "Some say make sail, and others say not; who shall I obey?" Shortly after, orders were again given to make sail. Deponent went on with his regular duty, when the blacks stopped him. Mr. Gifford then directed deponent to take a bottle of water to the captain, in the main-top; which, in attempting to do, he was directed by Morris and Madison to "come down, you son-of-a-bitch;" which he did. Subsequently, consent was given, and he carried him the water, and soon after lifted him down, assisted by one of the crew. On his coming down with the captain they were placed in the lower hold, and a guard placed over them, and shortly after the captain's wife was placed there. About half-past eleven o'clock, deponent was permitted to come on deck, to assist the chief mate in taking the sun. After doing so, was again ordered below by Ben. Blacksmith, who was armed with a gun, saying, "You had better go below and stay there, or you will be thrown overboard, as there are a number of bad negroes on board." He then went below again. Shortly after, Elijah Morris came to the grating of the fore-hatch, and said, "Stevens, I do not want to see you hurt, but they talk strong of heaving you overboard to-night." Deponent asked him to see Madison on his behalf. Deponent was soon after ordered to come on deck, by some of the slaves, and to go to his duty as second mate; which he did. Deponent went into the main cabin about one o'clock, P. M., to get his dinner, when he saw one of the slaves, which he can designate, sitting in the cabin with a pistol in his hand. In the evening, after dark, deponent was walking the quarter-deck alone, when he was fired at, and heard the ball whistle past him. Mr. Gifford immediately came up out of the cabin, and ordered deponent to go aloft and see if he could discover the Abaco light. While going into the rigging, saw the slaves again loading the gun. He afterward came down, and continued to his duty until their arrival at Nassau. Deponent does not mean to include any of the cabin servants, or females, in his deposition, as engaged in the mutiny or murder.

LUCIUS STEVENS.

Sworn to and subscribed this 10th November, 1841, before me,
JOHN F. BACON, *U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 10, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America, at Nassau, Bahamas, Blinn Curtis, who being sworn, deposeth and saith: that he was a seaman on board of the American brig *Creole* on her voyage to New Orleans. That on Sunday night last, November 7th, deponent was asleep, when the captain came and awoke him and the other sailors, saying, the negroes had risen, and ordered them instantly on deck, and they all came on deck as soon as possible. Deponent then caught a handspike, and found the slaves fighting in and near the cabin; when deponent struck one or two of the blacks and knocked down one. He was then clinched by a negro who attempted to take away the handspike,

who was prevented by a sailor named Anthony. Deponent then rushed down into the cabin with several slaves, and got into the state-room with the second mate, Mr. Stevens—does not know the names of these persons, but can identify them. They were armed with handspikes cut in two [produces one of them], a musket, bowie-knife, and sheath-knife. As Mr. Stevens came out of the state-room a musket was fired at him; which Mr. S. pushed one side. Saw the man with the musket a moment after it was fired; does not know his name, but can identify him; was then struck a severe blow on the head which knocked him down and quite stunned him. On gaining the deck this deponent went into the rigging. Some one of the blacks said, "Who is that going up?" Deponent replied, "It is Jim" (by which name he was called), when some one of them said, "Come down, you shall not be hurt." Deponent distinctly saw Ben. Blacksmith stab Mr. Hewell with a knife, and also make a pass at the captain with the same knife but does not know whether he hit him. Mr. Hewell immediately fell back into the cabin, saying, "My God! they have killed me." He fell on the floor and soon after crawled into his state-room. In about half an hour after he saw four colored men drag the corpse of Mr. Hewell on deck. Deponent can identify the persons, but does not know their names. The slaves had the entire control of the vessel until they arrived at Nassau. One of the slaves called Dr. Kuffin and Madison Washington, with others, had much to say. And he also heard them threaten the slaves in the forehold if they did not come up and assist, they would shoot them and throw them overboard, and Madison went down to compel them to come up. Some of them obeyed his commands.

BLINN CURTIS.

Sworn to and subscribed this 10th November, 1841, before me,
JOHN F. BACON,
U. S. Consul.

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 9, 1841. }

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, William H. Merritt, who, being sworn, deposed and saith: That he was a passenger on board the brig *Creole*, which sailed from Hampton roads on the 27th October, 1841, bound to New Orleans. That he had no interest in the vessel or cargo, but in consideration of his attending to the slaves during the passage, he was to be charged nothing for his passage. That, on Sunday evening, November 7th, about 9 o'clock, was called by Mr. Gifford, the chief mate; that, on going to the cabin door, Mr. Gifford stated there was a man in the mainhold with the females. Deponent went to the grate of the hatch, where he remained until Mr. Gifford got the lamp and matches; then had the grate taken off; entered the hold, and struck the light, and discovered that the person was Madison Washington, who was head cook of the slaves, and said to him: "Doctor, you are the last person I should expect to find here, and that would disobey the orders of the ship;" to which he only replied, "Yes, sir." He then got out of the hold, deponent trying to prevent him by laying hold of his leg, but having the lamp in one hand, could not hold him. After getting on deck, he ran forward and called for his men to assist him. Deponent blew out the light, and attempted to get to the cabin; but as soon as he

got on deck was attacked by one of the slaves, and held by the shoulder, while another came up with a piece of wood, with two or three more following, who said, "That is he, kill him, by God;" which the one that had the piece of wood attempted to do, but hit the one that held deponent, on the head, on which he made his escape and retreated to the cabin; also heard the report of a gun or pistol forward. Does not know whether the mate had previously been to the cabin. Saw the captain go on deck. Saw Mr. Hewell come out of his state-room with a musket, and go to the cabin door, and forbid the slaves from coming down, at the same time trying to prevent them with the musket, which had no bayonet on it. The slaves attempted to force their way, and hove a handspike into the cabin, on which, Mr. Hewell fired off the gun to intimidate them, as he thinks there was nothing but powder in it; thinks no one was hurt by the discharge. The slaves then obtained possession of the musket, when Mr. Hewell seized the handspike, and made the same show of defence; on which, one of the slaves said, "He has another gun," and Mr. Hewell replied he had. The slaves then retreated from the cabin door, and Mr. Hewell went on deck, but soon returned to the cabin, took hold of the side of the table, and said, "I am stabbed;" on which he sidled away, and fell apparently helpless on the floor. Did not see Mr. Hewell afterward. Deponent then attempted to get out of the skylight, but on account of the noise on deck, and the number of slaves there, desisted, and attempted to conceal himself in one of the after births, where he was covered over with some bedclothes, and two colored females sitting on him. While there, deponent heard persons come down in the cabin, and some say, "Take it on deck," when some seemed to go on deck. Soon they returned, and the cabin seemed to be full of slaves, searching for persons, and saying, "Come out here, damn you." Heard them say "Don't hurt the steward—don't hurt Jacob, or Mrs. Ensor." Some one said, "Where is Merritt? bring him out." Those discovered were taken on deck, to wit, Mrs. Ensor, the steward, and Jacob. The women that concealed him then becoming alarmed, left him, and he got under the mattress. Deponent was soon after discovered, hauled out, and menaced with instant death, by a man called Ben Blacksmith, holding a bowie-knife over him, in company with others. Madison Washington, however, interceded for him, and his life was spared, on condition he would navigate the vessel to any port they might require. He supposed, and the slaves seemed to think, also, that the captain and mates were all murdered. Their treatment was afterward kind toward deponent, and they desired him to take charge of the vessel. After the slaves had discovered the captain and mates were aloft, they said they should be killed, but deponent persuaded them to save their lives. Gifford was the first that came down, and subsequently the captain was brought down; second mate, also. The captain, his wife, and second mate, were confined in the forehold. The first mate was allowed to do duty, at deponent's solicitation. As contradictory orders were given by the slaves in reference to the destination of the vessel, and in navigating her, he desired that certain persons might be selected for that purpose; on which, Madison Washington, Ben Blacksmith, and Doctor Ruffin, were selected for that purpose. Deponent can identify, by sight, several others beside those named by him, as taking an active part in the murder and mutiny.

WM. H. MERRITT.

Subscribed and sworn to, this 9th November, 1841, before me,
JOHN F. BACON, *U. S. Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 10, 1841.

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas, Theophilus J. D. McCargo, of Virginia, who, being sworn, did depose and say, that he was a passenger on board the American brig *Creole*, bound from Richmond to New Orleans with a cargo of tobacco and slaves. That on Sunday evening last, November 7, he should think about nine o'clock, deponent was awoke by Mr. Gifford, the chief mate, who said, "John, I am shot, and the negroes have risen." Then heard Mr. John Hewell leave his state-room, and soon after heard fighting in the cabin in the direction of the door, but did not see it. Heard Mr. Hewell say, "The d—d negroes have killed me at last." Mr. Hewell came back into the state-room bleeding and turned in. Deponent occupied the state-room with him. Saw four slaves come to the door of the state-room, to wit: Ben. Blacksmith, with a long dirk, which was bloody, Elijah Morris, Madison Washington, and one called Jim. Deponent took hold of Jim, and asked him if he intended to injure him. Jim inquired if that was "he." Deponent replied, "Yes." He then turned round and said, "Boys, do not hurt him." The steward, Lewis, also interceded for deponent at about the same time. Some one replied, "Let him speak for himself." Deponent was then taken down into the after hold, accompanied by Lewis, for protection. While in the hold heard Mrs. Ensor, the captain's wife, begging them not to kill her, to which Elijah Morris replied, "We will not hurt you, but the damned captain and mate we will have, by God!" Some then went out of the hold. Heard Elijah Morris also say, "Merritt sha'n't live, by God!" Lewis, the steward, obtained permission, and brought deponent out of the hold into the cabin, and put him into a state-room. While there, Madison Washington came and searched the cabin and the state-room, where deponent was, saying, "I want to see if there is any one here." Ben. Blacksmith had the musket, walking the cabin at the same time. Lewis asked Ben. if it was loaded, who replied, "Yes." Deponent then shut the state-room door, and Lewis remained with him all the next day. The slaves had possession of the vessel. Deponent can identify many who took an active part whose names he does not know.

THEOPHILUS J. D. McCARGO.

Sworn this 10th November, 1841, and subscribed before me,
 JOHN F. BACON, *United States Consul.*

CONSULATE OF THE UNITED STATES OF AMERICA, }
Nassau, Bahamas, November 15, 1841.

Personally appeared before me, John F. Bacon, consul of the United States of America at Nassau, Bahamas Jacob Lietener, a passenger on board of the brig *Creole*, being sworn, says that he was a passenger on board, assisting the steward as mate. Had turned in when the mutiny commenced on board the brig. That the first thing he heard was Mr. Gifford saying some one had shot him, then heard the captain say to Mr. Stevens and to the steward and himself (calling him Jacob), "Turn out, before you all get killed." Soon after looked out of his state-room, which was in the after

part of the cabin, and saw Mr. Hewell come down into the cabin all bloody, and heard some one on deck say, "He has got another gun," and Mr. H. replied, "Yes, I have another gun; come down if you dare." He soon, however, appeared weak from loss of blood, and, after some difficulty, got into his state-room, and deponent immediately crossed the cabin and went into his (Mr. Hewell's) state-room, and saw him in his birth, and heard the blood running out of his birth. He asked deponent for a little water; but the cabin then being full of blacks, did not attempt to get any. Deponent soon returned to his own birth; and after a short time, the cabin being still full of blacks, came out among them, saying, "Here I am; you may kill me if you like." Several said, "No, you sha'n't be hurt; come out here." Deponent was then put on deck, with a guard of three or four armed with sticks and knives. Soon after, Elijah Morris came out, saying, "Kill every God-damn white person on board the vessel, and if none else will, I will." Deponent then said to Morris (whom he knew), "Will you kill me, Morris?" when he replied, "No, he should not be hurt, but to go down into the after-hatch," which deponent did. After being there some time, with others was called up, some one saying, "Come on deck, Jacob," which he did, and was then taken into the cabin, and was inquired of if he knew where the liquor was. Deponent said, "Yes." They then said, "Hand it out," which he did, by bringing out four bottles of brandy, a jug of whiskey, and a demijohn of Madeira wine, when they commenced drinking, and drank all the brandy, most of the whiskey and wine; also called for apples and bread, which were also furnished them. Ben. Blacksmith sat in the cabin with a large bowie-knife covered with blood, and said he had sent some of them to hell this night with this knife. No other white person than himself was in the centre of the cabin when this remark was made. Deponent also saw several of the slaves open the trunks of the passengers. Saw them take ten dollars and a half out of Mr. Hewell's trunk, and clothes and wearing apparel also out of the others. Saw them also open the captain's trunk and take out wearing apparel. One of them had deponent's watch; but on his claiming it, it was returned to him, the slave saying he thought it was the captain's. Deponent also saw them putting on the passengers' stockings, leaving the old ones in their places. Deponent was directed to open every trunk and search for weapons. A guard was all the time kept in the cabin until their arrival at Nassau, one with a gun, one with a knife, and one with a pistol. The slaves also slept in the cabin, in the births and on the floor, as many as it could contain. Heard Ben. Blacksmith say he would shoot the captain as soon as he came down, on which deponent interceded for him. Saw the dead body of Mr. Hewell taken out of the cabin. Can recognise a number whom he does not know by name.

JACOB LIETENER.

Sworn and subscribed this 15th November, 1841, before me,
JOHN F. BACON, *U. S. Consul.*

Copies of depositions taken by the Magistrates, in relation to the mutiny and murder on board the brig Creole, by order of Governor Cockburn.

NASSAU, November 26, 1841.

SIR: In reply to your letter of the 14th instant, I have the honor, herewith, to forward to you, in compliance with your request, copies of the affidavits on which the persons implicated in the offences alleged to have been committed, have been placed in confinement here, and whose names are subjoined hereto.

I have the honor to be, sir, your most obedient servant,
C. A. NESBITT, *Col. Secretary.*

JOHN F. BACON, Esq.,
United States Consul.

List of slaves named and identified as leaders in the mutiny and murder on board the brig Creole, and imprisoned at Nassau, November 12, 1841.

Madison Washington, Ben. Johnstone, or Blacksmith, Elijah Morris, Doctor Ruffin, George Grandy (dead, by a wound in the head), Richard Butler, Phil. Jones, Robert Lumpkins, or Lumpley, Peter Smallwood, Harner Smith, Walter Brown, Adam Carney (dead), Horace Beverly, America, Addison Tyler, Wm. Jenkins, Pompey Garrison, George Basden, George Portlock—19.

BAHAMA ISLANDS, *New Providence.*

William H. Merritt, who being duly sworn, deposeth and saith: That he is a passenger on board the American brig Creole, of Richmond, Virginia, United States; that said vessel left Hampton roads on the 27th of October, 1841, under the command of Robert Ensor, bound to New Orleans, with a cargo of tobacco, and one hundred and thirty-five black passengers, and four white passengers; that on Sunday, 7th of November instant, about 9 o'clock, P. M., deponent was called by the first mate, Mr. Gifford, when he immediately went to the cabin-door, who informed deponent that there was a man in the main hold, where the females were. Deponent went to the grate over the main hatchway, where he remained until Mr. Gifford procured a match; deponent then had the grating taken off, and entered the hold—he then struck a light. Deponent found that the male person was Madison Washington, the head cook for the black passengers. Deponent told the said Madison Washington he did not expect to find him disobeying the orders of the vessel. Madison Washington replied, "Yes, sir," and attempted to get out of the hold. Deponent then had the lamp in one hand, and caught hold of Madison Washington's leg with the other hand—the mate, Mr. Gifford, was then on deck, and assisted to keep him down, but found it impossible, when the said Madison Washington ran forward, and called for his men to assist him. Deponent then blew out the light, and attempted to get to the cabin, but as soon as he got on deck, he was attacked by one of the party, and held by the shoulder, while another man came up with a piece of wood in his

hand, and attempted to strike deponent, but missed and struck one of the party who had hold of him; at the same time deponent heard several other persons call out, "Kill him, by God." Deponent then got from them, and retreated to the cabin, when he alarmed those in the cabin; he then heard the report of a gun or pistol forward. The captain, who was then in the cabin, went on deck. Deponent does not know whether the mate, Mr. Gifford, had been down in the cabin previous to deponent's getting down. Deponent inquired for arms, but could not find any. Mr. Hewell, one of the passengers, came out of his state-room with a musket, and went to the cabin-door, and forbid the party coming down, which he prevented their doing, by moving the musket backward and forward. Then they attempted to force a passage to the cabin, by flinging a handspike at Mr. Hewell, when Mr. Hewell fired off the musket, but did not hurt any person, it only being loaded with powder. The musket was then taken from Mr. Hewell by some of the party, when Mr. Hewell took up the handspike, and attempted to defend himself. The party, thinking he had another musket, retreated, when Mr. Hewell went on deck. Immediately deponent heard a great noise on deck, when Mr. Hewell returned to the cabin and leaned against the table, informing deponent he was stabbed; he then fell apparently senseless on the floor. Deponent then attempted to get out of the cabin by the sky-light, but conceiving that it would be imprudent, he concealed himself in one of the after births, and was covered over by several of the colored females. Deponent heard persons come down in the cabin, and say, "Take it up on deck." Soon after persons came down in the cabin, and appeared to be searching the births, and heard some person call out, "Come out here, God damn you." He heard them say, "Don't hurt the steward and Jacob, also Mrs. Ensor." Some of them called out repeatedly, "Where is Merritt? bring him out." Deponent then heard the persons say, "Take the passengers on deck." The women who concealed deponent, being frightened, left him, when he was discovered, and instant death was menaced toward him by Ben Johnstone and Elijah Morris; that by the direction of Madison Washington, the deponent's life was spared, on his promising to navigate the vessel to any port they required, deponent supposing that the captain, mates, and crew, were murdered. Deponent being released, some time after heard some of the party call out, that "Some person was aloft." Madison Washington, and others, came down in the cabin to deponent, and consulted with him what was best to do with the first and second mate and captain. Deponent advised them not to take their lives, which they agreed to. Deponent can identify the parties. The said parties confined the captain and his wife with the second mate, in the fore-hold, under guard. The first mate was allowed to go at large on deck, to assist in navigating the brig. The deponent considered himself in charge of the brig, under the direction of Madison Washington, Doctor Ruffin, and Ben Johnstone.

WILLIAM H. MERRITT.

Persons identified as engaged with Madison Washington in the cabin, on the night of the 7th of November: Doctor Ruffin, Peter Smallwood, Warner Smith, Walter Brown, Adam Carney, George Grundy, Horace Beverley, and Wm. Jenkins.

Sworn to before us, this 9th day of November, 1841.

ROBERT DUNCOMB, *Police Magistrate.*

J. J. BURNSIDE, *Justice of the Peace.*

A true copy:

ROBERT DUNCOMB, *P. M.*

BAHAMA ISLANDS, *New Providence.*

Robert Ensor, who being duly sworn, deposeth and saith : That he is the captain of the American brig Creole ; that said vessel was bound from Richmond, Virginia, to New Orleans, United States, with a cargo of tobacco and one hundred and thirty-five slaves, and four white passengers ; that on the night of the 7th November, instant, a number of said black slaves mutinied on board of said vessel, and took the command of said vessel from him ; that on deponent attempting to defend himself against said party, a certain Ben Johnson of said party stabbed the deponent. Deponent distinctly saw a certain Pompey Garrison, George Burden, and George Portlock, engaged in said mutiny and murder of Mr. Hewell one of the white passengers, together with a number of others whom he cannot identify by name, but only by sight.

ROBERT ENSOR.

Sworn to before me, this 18th November, 1841,

ROBERT DUNCOME, *P. M.*
J. J. BURNSIDE, *J. P.*

A true copy :

ROBERT DUNCOME, *P. M.*BAHAMA ISLANDS, *New Providence.*

Zephaniah C. Gifford, who being duly sworn, deposeth and saith : That he is first mate of the American brig Creole, of Richmond, Virginia, United States ; that said brig left Hampton roads on the 27th day of October, 1841, under the command of Robert Ensor, bound to New Orleans with a cargo of tobacco, and one hundred and thirty-five black passengers, and four white passengers ; that everything was quiet on board of said vessel up to the 7th November, instant, the vessel being in latitude $28^{\circ} 30'$, and longitude 76° , at twelve o'clock, noon. At half-past nine o'clock, P. M., deponent called a man named Madison Washington out of the main hold of said vessel, among the females, where he was contrary to the regulations ; on his getting on deck the said Madison Washington pushed him down on the deck ; a pistol was then fired off by some person unknown, which struck deponent on the back part of the head ; immediately deponent ran to the cabin and called out he was shot. Madison Washington followed deponent to the cabin door and called out, "Come on, my boys ; we have commenced ; we must go through with it." Deponent shortly after retreated from the cabin and went up to the main-top. The captain shortly followed him, who informed deponent that he was stabbed, and believed he was dying. Soon after deponent heard some person call out, "Kill the son-of-a-bitch, kill him." Deponent soon after saw four persons bring a body from the cabin, and throw it overboard ; the deponent then heard some persons call for J. W. Merritt, one of the passengers ; also heard some person call out, "He is here ;" another voice called out, "Kill the son-of-a-bitch, don't spare him ; and kill every white person on board, don't spare one." The deponent then heard persons inquire for the captain and mate, saying, "Those are the persons we want ;" Madison Washington being one of the persons who made the said remark ; deponent identified him by having a lantern in his hand. The vessel was lying to during the whole of the transaction ; the deponent heard and saw the said Madison Washington looking for, and directing others to look for the captain and deponent. About an hour after the depo-

ment was seen by those on deck, who ordered him down ; he came down and delivered himself up to them, when Madison Washington told deponent he wanted him to take them to a British port, and desired him to land them at Abaco ; afterward a man named Ben. Johnstone presented a musket to deponent's breast ; Madison Washington then said to deponent, if he did not land them at Abaco, he would put him overboard ; Madison Washington then asked if he had left any person in the top, he informed him the captain was there. Madison Washington then called to the captain, and told him if he did not come down he would bring him ; Madison Washington ordered deponent and crew of said vessel to sling the captain and bring him down (he not being able to assist himself from the quantity of blood he had lost) ; they did so. Afterward Madison Washington, Elijah Morrice, Ben. Johnstone, and Doctor Ruffin, confined the captain with his wife and the second mate in the forehold ; the hatches of said vessel were then locked by some of the party, and two guards placed at the hold. At eleven o'clock, next day, A. M., the 8th November, instant, deponent persuaded Madison Washington, Elijah Morrice, and the others, to allow the second mate to be released, to assist deponent to take an observation of the sun ; he also persuaded said persons to allow the captain and his wife to be brought to the cabin at about five, P. M., with which they complied. Nothing particular occurred from that period to their making the light-house at Nassau, New Providence, the said parties keeping a constant guard of the vessel, and threatening to throw deponent and the passengers overboard, if they spoke to each other, excepting in language they could understand. The deponent further deposeth, that Doctor Ruffin, one of the said party, came aft to the deponent about three o'clock, P. M., and demanded of the vessel, which was delivered up to him, fearful that, if he did not, his life would be taken. The musket the said party used, is the property of the deponent ; the pistol, he does not know whose property it is.

ZEPHANIAH C. GIFFORD.

Identified Richard Butler as taking an active part with the aforementioned persons.

Sworn before us this 9th November, 1841.

ROBERT DUNCOME, *Pol. Magistrate.*

J. J. BURNSIDE, *J. P.*

A true copy :

ROBERT DUNCOME, *P. M.*

BAHAMA ISLANDS, *New Providence.*

Lucius Stevens, who being duly sworn, deposeth and saith : That he is second mate of the American brig *Creole*, of Richmond, Virginia, United States ; that the said brig left Humpton roads on the 27th October, 1841, with a cargo of tobacco, and one hundred and thirty-five black passengers, and four white passengers ; everything was quiet up to the 7th November, instant ; at 8 o'clock, P. M., that day, the vessel was hove to, expecting to make Abaco the next morning ; deponent then went below, and left Mr. Gifford, the first mate, on deck ; the captain and passengers were also below in the cabin ; at half-past 9 o'clock, P. M., Mr. Gifford, the first mate, ran down into the cabin, and called out to the captain, "There is a mutiny on deck among the colored passengers, I am shot." The captain then turned out (he

at the time lying on the cabin floor), and informed the deponent and passengers that there was a mutiny on board, when deponent saw a great number of colored persons on deck, with knives, a pistol, a gun, hand-spikes, and sounding rods, near the cabin door, and calling out, "Kill them when they come up; kill the damn captain, kill the damn sons-of-bitches." Mr. Hewell and Mr. Merritt (two of the passengers), and the captain called out, "Where is our gun;" Mr. Hewell then took a gun from deponent's state-room; the captain and first mate then disappeared from the cabin, when four of the party rushed into the cabin, and struck at deponent and Mr. Hewell, and knocked down a sailor named Blinn Curtis; the deponent then went into his state-room with said sailor. Mr. Hewell then went on deck with the gun, the aforesaid mentioned four persons beating him with clubs. On Mr. Hewell getting on deck, he was knocked down and stabbed in his breast, with a large knife, by one of the party, named Ben. Johnstone, when they took the gun from Mr. Hewell, who fell into the cabin, calling out, "I am stabbed," and crawled into his birth, where he shortly died. Deponent then heard the said parties on deck call out, "The captain, and first mate, and Mr. Hewell, are dead; where is that long, tall son-of-a-bitch, the second mate?" when three of the party rushed into the cabin, armed with clubs, knives, and the gun; the cabin door was then crowded with the party, and the crew of said vessel were crying out to said party to spare their lives; during which time, the aforesaid three persons in the cabin, examined three of the starboard state-rooms for deponent. In the last they found Mrs. Enser (the captain's wife), and her children, when they stated, "Let them alone for the last; we want the second mate, when the brig will then be ours;" another of said party rushed into the cabin, and called out, "that is the second mate's state-room," when the aforesaid four persons came to said state-room, one of them having a gun in his possession, which he presented to deponent's breast, and another stood with a club near the door of said state-room, when the person who held the gun fired off the same, which missed the deponent, and hit one of the party, in consequence of deponent having pushed the gun on one side. The deponent then ran up on deck, when one of said party struck at him with a knife, and another with the flag-staff; deponent then got on the fore royal yard, where he remained until next morning, during which time the whole of said party went down below, and took out the provisions of the vessel and destroyed them; deponent then saw said persons throw the body of Mr. Hewell out of the starboard port into the sea, and confine the captain's wife, Mr. Merritt, and the cabin servants, in the afterhold, and place a guard over them. About half-past 4 o'clock, A. M., the 8th November, instant, the party perceived the deponent on the fore royal yard; when Elijah Morris, and four or five of the party (whom he can identify) ordered him down, calling out, "Come down you damn son-of-a-bitch, receive your message; that is the very one we want." Deponent came down in a slow pace, the said party still crying out in the same language; deponent, on getting to the foretop, asked them for what they wished to kill him, when Elijah Morrice said, "Damn you, come down and receive your message." On deponent getting on deck, he asked them to give him five minutes, and told them if they would spare his life he would take them to any English port in three days; they replied, "We will give you three days; if you don't we will throw you overboard, if not before." Deponent then heard Mr. Gifford on the poop-deck, talking to the party, and thinking he was compromising with them, he asked them to allow him to go to Mr. Gifford; they complied with his request, but followed him. They then

told Mr. Gifford and Mr. Merritt (whom they had let out of the hold) to put sail on the vessel, which they did, assisted by deponent, the crew of the vessel, and the said party; immediately afterward the party ordered the same to be taken in, stating it was too early, and made threats to Mr. Gifford, Mr. Merritt, and deponent; on Mr. Gifford finding that the party was divided respecting the navigation of the vessel, asked who he was to obey; they consulted together, and ordered Mr. Gifford and Mr. Merritt to make sail, the deponent going on in his regular duty, but was stopped by the party. Mr. Gifford then told deponent to take a bottle with water to the captain, who was in the maintop, bleeding; he started with the bottle, when Elijah Morrice and Madison Washington called out to deponent, "Come down, you son-of-a-bitch." Accordingly, he came down, and on Mr. Merritt consulting with the party, they allowed deponent to take the water to the captain; soon after deponent, assisted by one of the crew, helped the captain down; on deponent and captain getting on deck, the party locked them down in the forehold, and placed a sentry over them. Shortly after they allowed the captain's wife to be admitted to him; about half-past 11 o'clock, the party allowed deponent to come on deck to take an observation of the sun; on doing so, the party ordered deponent below again. Ben. Johnson came to deponent, having a gun in his possession, and said to him, "There are a number of bad negroes on board, and they will throw you overboard, if they catch you on deck; you had better go below." Accordingly he did, when they fastened down the grating, when Elijah Morrice came to the grating, and said: "Mr. Stevens, I don't wish to see you hurt, but they talk strong in the cabin of heaving you overboard this night." Deponent asked him to see Madison Washington, he then left deponent; the captain then asked the guard who was stationed over the grating, to open it, to admit air, which was complied [with]. Shortly after, one of the party called deponent to come on deck, which he did, and remained, and went to his duty as second mate. Deponent, about 1 o'clock in the afternoon (of 8th November, instant), went down into the cabin to get his dinner, where he found one of the party sitting at the head of the table, with a pistol in his possession, under his arm (whom deponent can identify). About 8 o'clock in the evening, while deponent was walking on the quarter deck, he was fired at, and heard the ball whistle past him; on which Mr. Gifford came up from the cabin, and told deponent to go up the mast-head, and look for the Abaco light; while deponent was going up the rigging, he saw one of the party loading a gun, and heard one of the party say, "Make haste, be quick;" he got out of the reach of them, in consequence of his going up too quick; they did not fire, only laughed. The deponent does not include the cabin servants, or the females, in the said mutiny,

LUCIUS D. STEVENS.

Persons identified as being accessory to the death of Mr. Hewell. Elijah Morris, Dr. Ruffin, Madison Washington, Peter Smallwood, and Addison Tyler.

Sworn before us this 10th November, 1841.

ROBERT DUNCOME,
Police Magistrate.
J. J. BURNSIDE, J. P.

A true copy:

ROBERT DUNCOME, P. M.

BAHAMA ISLANDS, *New Providence.*

Blinn Curtis, who, being duly sworn, deposeth and saith: That he is a sailor on board the American brig Creole, of Richmond, Virginia, United States; that said brig left Hampton roads in the latter end] of October, 1841, bound to New Orleans, with a number of passengers; that, about 11 o'clock at night of Sunday, the 7th November instant, Robert Ensor, captain of said vessel, came to the fore-castle and informed the deponent and the other sailors that the negroes had mutinied, and told them to come up on deck, which they did. Deponent took a handspike in his hand, and knocked two of the party down—deponent having found them fighting in the cabin, with a Mr. Hewell, one of the passengers. One of the party then took the handspike from deponent, which was immediately taken from him by one of the sailors of said vessel, named Antonio, who knocked the person down. Deponent then went into the state-room of Mr. Stevens, the second mate, who accompanied him, when four of the party rushed down (deponent can identify) with handspikes cut in two, and knives, and a gun in their possession, when one of the party fired off the gun at Mr. Stevens, which missed him, in consequence of Mr. Stevens pushing the gun on one side. Deponent and Mr. Stevens then endeavored to get on deck, when one of the party knocked deponent down with a stick, which cut him on the left eye. Deponent can identify the man who fired off the gun at Mr. Stevens. Deponent, on getting on deck, endeavored to get up the rigging of the vessel, when some of the party saw him, asked him who he was, and, on their recognising who he was, they told him if he would come down they would not hurt him. Accordingly, he returned, and on his way down one of the party presented a gun at him. On deponent getting on deck from the fore-castle, and on his way to the cabin door, he saw one of the party, named Ben Johnstone, with a knife in his hand, and saw him stab Mr. Hewell, one of the passengers, and attempted, at the same time, to stab the captain, when deponent heard Mr. Hewell call out, "They have stabbed me," and fell back into the cabin. About half an hour after, deponent, when in the cabin, saw four of the party (whom deponent can identify) drag the corpse of the said Mr. Hewell from the cabin, on deck. The vessel was in charge of said party up to its arrival at Nassau, New Providence. Madison Washington, Doctor Ruffin, and two others of the party, were down in the cabin, and gave directions in the conducting of the vessel. Deponent heard Madison Washington go down in the hold of the vessel, where a number of the colored passengers were, and said to them, "God damn you, if you don't come on deck, and assist in navigating the vessel, I will shoot you and fling you overboard." Some of them complied.

BLINN CURTIS.

Identified George Grundy, as also having stabbed Mr. Hewell; Elijah Morrice and America aiding; Richard Butler, as the person who fired at Mr. Stevens; and Phil Jones as having assisted in throwing Mr. Hewell overboard.

Sworn to, before us, this 10th November, 1841.

ROBERT DUNCOME, *Police Magistrate,*
J. J. BURNSIDE, *Justice Peace.*

A true copy:

ROBERT DUNCOME, *P. M.*

BAHAMA ISLANDS, New Providence.

Theophilus J. D. McCargo, who, being duly sworn, deposeth and saith : That he is a passenger on board the American brig Creole, of Richmond, Virginia, United States ; that said brig left Hampton roads about ten days previous to her entering the port of Nassau, bound to New Orleans, with a number of colored passengers ; that on the night of Sunday, the 7th November, 1841, instant, about 9 o'clock, while deponent was laying in his berth, Mr. Gifford, the first mate, came running down into the cabin from the deck, and called out, " John, I am shot," and that the negroes had risen. Mr. John Hewell, one of the passengers, got up, and went out of his state-room. Deponent shortly after heard persons fighting near the cabin-door, but did not see them. Deponent then heard Mr. John Hewell say, " The damned negroes have at last killed me ;" when he came into his state-room bleeding profusely, and laid down. Deponent was then sitting up in his state-room when he saw a number of the colored passengers come down into the cabin : the deponent identified Jem —, Ben, the blacksmith, Elijah Morrice, and Madison Washington, as part of the said party. Deponent caught hold of Jem, and asked him if he intended to injure him. Jem — asked if that was " he" (meaning the deponent)—when deponent answered, " Yes." Jem — then told those who accompanied him, not to hurt deponent. Immediately Lewis, the steward of the vessel, came and interceded in behalf of the deponent, when one of the party replied, " Let him speak for himself." Lewis and one of the party put the deponent down in the after hold, Lewis remaining with deponent for his protection. The deponent, on his coming from his berth, previous to his leaving the cabin, saw Ben Johnstone, one of the party, with a long dirk, which appeared bloody. The deponent heard Mrs. Ensor beg the party not to kill her ; when Elijah Morrice replied, " We will not hurt you, but that damned captain and mate we will have, by God!" On some of the party leaving the hold, deponent heard Elijah Morrice and others of the party call out, " Merritt shan't live ! Merritt shan't live, by God!" The said Lewis then asked the party to allow deponent to go into the cabin, with which they complied, and was brought by Lewis and put in one of the state-rooms. While deponent was there, Madison Washington came and searched it, and told Lewis, the steward, he wanted to see if there was any person concealed. Deponent saw Ben Johnstone walking about the cabin with a musket, and Lewis asked him if the musket was loaded ; he replied " Yes." The deponent then shut the door of the state-room, where he was, Lewis remaining with deponent during the whole of the time. The colored party had possession of the vessel the whole of the time, under the direction of Ben Johnstone, Madison Washington, Elijah Morrice, and another person, whom the deponent can identify.

THEOPHILUS J. D. McCARGO.

Identified Doctor Ruffin and Robert Lumpley as being the persons engaged with those already named.

Sworn before us, this 10th of November, 1841.

ROBERT DUNCOME, P. M.
J. J. BURNSIDE, J. P.

A true copy :

ROBERT DUNCOME, P. M.

BAHAMA ISLANDS, *New Providence.*

Jacob Lightner, at present of the Island of New Providence, being duly sworn, upon his oath, that he was a passenger on board the American brig Creole, while proceeding on a voyage from Richmond to New Orleans, United States of America. That on Sunday night last a number of persons, who had been shipped as slaves on board the said vessel, rose and murdered a certain John Hewell, a passenger in the said vessel, and committed various other acts of violence; that the deponent was in the cabin of the said vessel, when the attack was made on said Hewell, and saw Hewell after he had been mortally wounded; that he cannot however identify the person or persons who gave the wounds, but he identifies the man now present (who gives his name as that of William Jenkins) as having been in the cabin with others shortly after the murder; and on the following day he saw the said Jenkins keeping watch at the fore-hatch, over the captain and the persons who were confined within as prisoners; that the deponent was attending on the captain, during which time the said Jenkins acted as guard.

JAKOB LEIDNEY.

Sworn to before us, this 12th November, 1841.

ROBERT DUNCOME, *Police Magistrate.*
J. J. BURNSIDE, *J. P.*

A true copy:

ROBERT DUNCOME, *P. M.*COLLECTOR'S OFFICE,
New Orleans, December 18, 1841.

SIR: On the 2d instant I had the honor to address you, and advise you of the arrival of the brig Creole, of Richmond, at this port, the acting master of which vessel reported that a part of the slaves had mutinied at sea, murdered one of the passengers, wounded the captain and others of the crew, and compelled the first mate to navigate the vessel to Nassau, New Providence. I now have the honor to transmit the protest entered, by my instructions, by the acting master and others of the crew, detailing, minutely, all the circumstances connected with the said mutiny, and the liberation of the said slaves by the British authorities at Nassau. Although I have urged the parties to expedite this protest as much as possible, the copy has not been furnished me until this day.

I have the honor to be, with great respect, your obedient servant,
THOMAS GIBBS MORGAN.

Hon. W. FORWARD,
Secretary of the Treasury.

STATE OF LOUISIANA, *City of New Orleans:*

By this public instrument of protest, be it known: That, on this second day of December, eighteen hundred and forty-one, before me, William Young Lewis, notary public in and for the city of New Orleans, duly commissioned and sworn, personally came and appeared Zephaniah C. Gifford, acting master of the brig called the Creole, of Richmond, who declared that the said vessel sailed from the port of Norfolk, in the State of Virginia, on the thirtieth day of October last past, laden with manufactured tobacco, in

boxes, and slaves, then under the command of Captain Robert Ensor, bound for the port of New Orleans, in the State of Louisiana; that when about one hundred and thirty miles to the north-northeast of the Hole in the Wall, the slaves, or part thereof, on board of said vessel, rose on the officers, crew, and passengers; killed one passenger, severely wounded the captain, this appearer, and part of the crew; compelled said appearer, then first mate, to navigate said vessel to Nassau, in the island of New Providence, where she arrived, and a portion of the ringleaders of said insurrection were confined in prison, and the remainder of said slaves liberated by the British authorities of said island, and required the notary to make record of the same, intending, at more leisure, to detail particulars.

And this day again appeared the said acting master, together with Lucius Stevens, acting mate, William Devereux, cook and steward, Henry Speck, John Silvy, Jaques Lacombe, Francis Foxwall, and Blinn Curtis, seamen, all of and belonging to said vessel, who, being severally sworn according to law to declare the truth, did depose and say: That, when said vessel sailed as aforesaid, she was tight and strong, well manned and provided, in every respect, and equipped for carrying slaves; that said vessel left Richmond on the twenty-fifth day of October, eighteen hundred and forty-one, with about one hundred and two slaves on board; that about ninety of said slaves were shipped by Robert Lumpkin, about thirty-nine by John R. Hewell, nine by Nathaniel Matthews, and one by W. Robinson; that from this time, about one or two per day were put on board by J. R. Hewell, until the said twenty-fifth day of October, so as to make the number one hundred and two; that the said brig then proceeded to Hampton roads, and lay there one day; that there were about eight slaves put on board at that place, by W. W. Hall, for Mr. Hatcher, two by C. H. Shield, and twenty-three slaves for Mt. Johnson, making, in the whole number, one hundred and thirty-five slaves; that the male and female slaves were divided—the men were placed in the forward hold of said vessel, excepting Lewis, an old servant of Thomas McCargo, who was permitted to remain in the cabin, and the women in the hold aft, excepting six female house servants taken into the cabin—and between the aforesaid slaves was the cargo of said vessel, consisting of boxes of tobacco; that the aforesaid slaves were permitted to go on deck, but the men were not allowed at night to go into the hold aft where the women were; that, on the thirtieth day of October the said brig sailed from Hampton roads on the voyage aforesaid; that the said slaves were all under the charge and superintendence of William Henry Merritt, a passenger; that John R. Hewell had the particular charge of the slaves of Thomas McCargo—Theophilus McCargo being considered too young and inexperienced—and the general charge of the other slaves being under Captain Ensor; that said slaves were all carefully watched, were perfectly obedient and quiet, and showed no signs of mutiny and disturbance, and all things went on well, and nothing material occurred, excepting of making and taking in sail, until Sunday, the seventh day of November, eighteen hundred and forty [one], at about nine o'clock, P. M.—being then in latitude 27° 46' north, and 75° 20' west—when the captain, supposing the vessel was nearer Abaco than she really was, ordered the brig laid to, which was accordingly done, there being a fresh breeze, and the sky a little hazy, with trade-clouds flying; that Mr. Gifford was then on watch, and was told by Elijah Morris, one of the slaves of Thomas McCargo, that one of the men had gone down aft among the women; that Mr. Gifford then

called Mr. Merritt, who was in the cabin, and informed him of it; that Mr. Merritt came up, and went to the main hatch, which was the entrance to the afterhold, and asked two or three slaves which were near, if any of the men were down in the hold, and was informed that there were. Mr. Merritt then waited until Mr. Gifford procured a match, and then Mr. Merritt went down into the hold with a match and a lamp, and lighted the lamp; Mr. Gifford remained over the hatchway. On striking a light, Mr. Merritt found Madison Washington, a very large and strong slave belonging to Thomas McCargo, standing at his back: Mr. Merritt then said, "Madison, is it possible that you are down here! you are the last man on board of the brig I expected to find here." Madison replied, "Yes, sir, it is me;" and instantly jumped to the hatchway, and got on deck, saying, "I am going up, I cannot stay here:" he did so, in spite of the resistance of Gifford and Merritt, who both tried to keep him back, and laid hold of him for that purpose. Madison then ran forward, and Elijah Morris fired a pistol, the ball of which grazed the back part of Mr. Gifford's head. Madison then shouted, "We have commenced, and must go through; rush, boys, rush aft; we have got them now:" calling to the slaves below, he said, "Come up, every damned one of you; if you don't, and lend a hand, I will kill you all and throw you overboard." Mr. Gifford then ran to the cabin, and aroused the captain and others, who were asleep, and the passengers, William Henry Merritt, Theophilus McCargo, Jacob Miller, and John R. Hewell, the second mate, Lucius Stevens, the steward, William Deveux, a free colored man, and the slave Lewis, belonging to Thomas McCargo, acting assistant steward. The slaves then rushed aft, and surrounded the cabin. Mr. Merritt heard the report of the pistol, and blew out the light; he came on deck from the hold, and was caught by one of the negroes, who exclaimed, "Kill him, God damn him, he is one of them;" and the other negroes immediately laid hold of him: one of them attempted to strike Mr. Merritt with a handspike, but missed his aim, and knocked down the negro who was holding Merritt. Mr. Merritt then escaped to the cabin. Hewell got out of his berth, seized a musket, ran to the companionway of the cabin, and after some struggling, fired it; the negroes instantly wrenched the musket from him; he then seized a handspike, and defended the cabin from the negroes who pursued him; they thought he had another musket, and retreated a little; he advanced, and they fell on him with clubs, handspikes, and knives; they knocked him down, and stabbed him in not less than twenty places; he got away from them, and staggered back to the cabin, and exclaimed, "I am dead—the negroes have killed me." It is believed that not more than four or five of the negroes had knives. Ben. Blacksmith had the bowie-knife he wrested from the captain, and stabbed Hewell with it; Madison had a jack-knife, which appeared to have been taken from Mr. Hewell; Morris had a sheath-knife, which he had taken from the fore-castle, and belonged to Henry Speck; that Gifford, after arousing the persons in the cabin, ran out on deck, and up the main rigging to the main-top; that Merritt tried to get through the skylight of the cabin, but could not, without being discovered; the negroes crowded around the skylight, outside, and at the door of the cabin; Merritt then hid himself in one of the berths, and three of the female house servants covered him with blankets, and sat on the edge of the berth, crying and praying. Theophilus McCargo dressed himself, on the alarm being given; Hewell, after being wounded, staggered into said McCargo's state-room, where he fell and expired in about half an

hour; his body was thrown overboard by order of Madison, Ben Blacksmith, and Elijah Morris; McCargo got his two pistols out, and fired one of them at the negroes then in the cabin; the other missed fire; and McCargo, having no ammunition, put his pistols away. That, after the affray, the sheath-knife of Henry Speck was found in Elijah Morris's possession, and that of Foxwell was found in the possession of another negro, both covered with blood to the handles. That Jacob Miller, William Devereux, and the slave Lewis, on the alarm being given, concealed themselves in one of the state-rooms. Elijah Morris then called all who were concealed in the cabin to come forward, or they should have instant death; Miller came out first, and said, "Here I am—do what you please;" Devereux and Lewis came next, and begged for their lives; Madison stood at the door, and ordered them to be sent to the hold. Stevens got up on the alarm being given, and ran out; saw Hewell in the affray, and waited in the cabin until Hewell died, then secreted himself in one of the state-rooms; and when they commenced the search for Merritt, made his escape through the cabin, when they fired the musket; they had reloaded, struck at him with knives and handspikes, and chased him into the rigging; he escaped to the fore-royal yard. That on the alarm being given, the captain ran to the fore-castle—called all hands to get up and fight. Henry Speck, one of the crew, was knocked down with a handspike. The helmsman was a Frenchman. Elijah Morris and Pompey Garrison were going to kill him, when Madison told them, they should not kill him, because he was a Frenchman, and could not speak English; so they spared his life. Blinn Curtis, one of the crew, came aft into the cabin, and concealed himself in the state-room with Stevens, and escaped with him to the fore-royal yard. The captain fought with his bowie-knife alongside of Hewell. The captain was engaged in the fight from eight to ten minutes, until the negroes got him down in the starboard scuppers; he then made his escape to the main-top, being stabbed in several places, and much bruised with blows from sticks of wood found about the brig. That after the captain got into the maintop, he fainted from the loss of blood, and Gifford fastened him therein with the rigging, to prevent him from falling, as the vessel was then rolling heavily. The captain's wife, her child and niece, came out and begged for their lives; and Ben. Blacksmith then called out for Merritt, and exclaimed that all who had secreted him should be killed. The two female servants then left the birth where Merritt was concealed, and were sent down to the hold by Ben. Jim and Lewis, negroes belonging to Thomas McCargo, then ran to Theophilus McCargo, who asked Jim, if the others were going to kill him. Jim and Lewis exclaimed that "Master Theo. should not be killed," and clung around him, begging Elijah Morris and Ben. Blacksmith, who were then close to him, with knives in their hands, not to kill him; they consented, and ordered him to be taken down to the hold. Jim and Lewis went voluntarily with Theophilus McCargo to the hold, and Jim remained several hours, and went back to the cabin with him. Hewell died in McCargo's state-room, before McCargo left the room. That after a great deal of search, Merritt was found, and Ben. Blacksmith and Elijah Morris dragged him from his birth. They and several others surrounded him with knives, half-handspikes, muskets, and pistols, raised their weapons to kill him; made room for him to fall. That on his representing that he had been the mate of a vessel, and that he was the only person who could navigate for them; and on Mary (a woman servant, belonging to Thomas McCargo) urging said Madison Washing-

ton to interfere, Madison ordered them to stop, and allow Merritt to have a conversation with him: this took place in a state-room. Madison said that they wanted to go to Liberia: Merritt represented that they had not water and provisions for that voyage. Ben Blacksmith, D. Ruffin, and several other slaves, then said they wanted to go to the British islands; they did not want to go anywhere else but where Mr. Lumpkin's negroes went last year (alluding to the shipwreck of the schooner *Hermosa* on Abaco, last year, the taking of the slaves on board of that vessel, by the English wreckers to Nassau, in the Island of New Providence). Merritt then got the chart and explained the route, and read to them the Coast Pilot; and they agreed that, if he would navigate them, they would save his life, otherwise death would be his portion. Pompey Garrison had been to New Orleans, and knew the route; D. Ruffin and George Portlock knew the letters of the compass. They then let Merritt free, and demanded the time of night, which was half-past 1 o'clock, A. M., by Merritt's watch: the vessel was then put in Merritt's charge. That the nineteen slaves imprisoned at Nassau, are the only slaves who took any part in the affray; that all the women appeared perfectly ignorant of the plan, and, from their conduct, could not have known anything of it; they were crying and praying during the fight; that none of the men-slaves, apparently under twenty years, took any part in the affray. That the only negroes belonging to E. Lockett, who were in the fight, so far as can be ascertained, are Ruffin, Ben. Blacksmith, Addison Tyler, and T. Smallwood; the only negroes belonging to Thomas McCargo, who were in the fight; so far as can be ascertained, are Elijah Morris, George Portlock, Willey Glover, Madison Washington, and Pompey Garrison; the only negroes belonging to Sherman Johnson, who were in the fight, were America Woodis, George Benton, Adam Carney, and Reuben Knight; the only slave belonging to J. & H. Hagan, who were in the fight, was Jordan Phillips. All the slaves above named are among the 19 now imprisoned at Nassau; there were no others engaged in said mutiny; there were four who took the most active part in the fight, viz: Ben Blacksmith, Madison Washington, Elijah Morris, and D. Ruffin. Some of the negroes refused to join in the affray, when they were threatened by Madison that they would be killed if they did not join in it. At the beginning of the affray Andrew Jackson, one of the slaves belonging to Thomas McCargo, jumped into the fore-rigging, and called to Francis Foxwell, one of the crew, to know where he should go to save his life, saying that he was fearful they would kill him. Foxwell told him to go into the foretop. He said he was afraid he would fall off, and climbed to the top, and remained there during the fight. There were five sailors belonging to said vessel, two were wounded, Henry Speck and B. Curtiss. They were kept in the cabin. Two of the others, Francis Foxwell and John Silvy, escaped to the main-top, and the remaining sailor, Jaques Lacombe, remained at the wheel during the whole affray. The wounds of the sailors were dressed by the negroes, and the sailors were left to do as they pleased. That during the affray two of the negroes were severely wounded by handspikes. Elijah Morris, when asked after the fight if they intended to kill the sailors, said, "No, I expect we shall rise again among ourselves, but the white people will not be hurt." That at about five o'clock, A. M., one of the negroes informed Mr. Merritt that Gifford was in the rigging. Madison ordered him to come down. Ben. Blacksmith put a musket to his breast, and Madison Washington threatened to kill him if he would not take them to a British island. He promised to

do so. Elijah Morris and Madison ordered Stevens to come down, and released him on making the same promise that Gifford made. The captain was then brought down by them, and he and Stevens put into the forehold, and the wounds of the captain were dressed. Madison Washington, Ben. Blacksmith, Elijah Morris, and D. Ruffin, assumed the sole control of the brig and all on board. About daybreak, by order of Mr. Merritt and Mr. Gifford, they made sail for Abaco. D. Ruffin was all the time either at the compass or watching Merritt. Ben. Blacksmith, Madison, and Elijah Morris, would also watch the compass by turns. D. Ruffin, when he saw Merritt mark on the slate the altitude which he was then taking, compelled him to rub out the words in writing, and make only figures and marks on the slate, for fear that Gifford and Merritt might communicate secretly by that means. Gifford spoke to Merritt about the reckoning, when Elijah Morris told them if they talked any more to each other, one or both would be thrown overboard. Morris, Ruffin, Madison, and Ben. Blacksmith, kept their knives out the whole time; a number of the others of the nineteen, who were in the affray, had knives, but none of the other negroes had knives out, or took any part with the nineteen. The other negroes all remained at their regular stations, where they had been placed at the commencement of the voyage, excepting that the negro men were not in the forehold, the captain, his family, and the second mate being confined there. That none but the nineteen went into the cabin. The nineteen ate in the cabin, the others ate on deck, as they had done on the whole voyage. The nineteen were frequently closely engaged in secret conversation, but the others took no part in it, and appeared not to share in their confidence. The others were quiet, and did not associate with the nineteen. The only words that passed between the others and the nineteen, were, the others asked them for water, or grub, or something of the kind: all the others were kept under by the nineteen, as much as the whites on board were. The nineteen drank liquor in the cabin, and invited the whites, but did not the other negroes, to drink with them. Madison gave orders for the cooking for all but the nineteen should be as it was before, and appointed the same cook for them. The nineteen said, all they had done was for their freedom: the others said nothing about the affair; they scarcely dared to say anything about it, they were so much afraid of the nineteen. All the others remained forward of the mainmast, where they had been on the whole voyage; but the nineteen took possession of the afterpart of the brig, and remained there all the time, or were on the watch. Some of the nineteen were hugging the female servants in the cabin; and one of them said he had picked out one of them for his wife, but none of the others had anything to do with the female servants. The only knives seen after the affray, were two sheath-knives belonging to the sailors, the captain's bowie-knife, and the jack-knife; none of the other negroes had any knives. Madison sometimes had the bowie-knife, and sometimes Ben. Blacksmith had it; no other negro was seen to have that knife. On Monday afternoon, Madison got the pistol from one of the nineteen, and said he did not want them to have any arms when they reached Nassau. The nineteen paraded the deck armed, while the other negroes behaved precisely as they had done before the mutiny. At about 10 o'clock of the eighth day of October, 1841, they made the light of Abaco. Ben. Blacksmith had the gun, and about 10 o'clock, P. M., fired at Stevens, who came on deck, as already stated. That Merritt and Gifford alternately kept watch. Ben. Blacksmith, Madison, Ruffin, and

Morris, kept watch by turns the whole time, to their arrival at Nassau, with knives drawn. So close was the watch, that it was impossible to rescue the brig. Neither passengers, officers, nor sailors, were allowed to communicate with each other. The sailors performed their usual duties, and were allowed to go about as usual. The pilot that came on board as the brig approached Nassau, and all his men in the pilot-boat, were negroes. The pilot was acting under the legal authorities of the island. He and his men, on coming on board, mingled with the slaves, and told them they were free men; that they could go on shore, and never could be carried away from there. One of the pilot's men told one of the female slaves, that he should claim her for his wife. The regular quarantine officer came alongside, and Gifford went on shore in his boat; he conducted Gifford to the American consul, who accompanied him to the Governor of New Providence and all the other Bahama islands. Gifford then related to the Governor all the facts relating to the voyage from Richmond to that port. The American consul, in behalf of said vessel and all interested, requested of the Governor that he should send a guard on board to protect the vessel and cargo, and keep the slaves on board till such time as they could know what they could do. The Governor did so, and sent a guard of twenty-four negro soldiers, with loaded muskets and bayonets fixed, in British uniform, commanded by a white officer, on board. They took possession of the vessel and all the slaves. That from Tuesday, the tenth, till Friday, the twelfth day of November, they tried Ben. Blacksmith, Madison, Ruffin, and Morris, and put them in the longboat, placed a sentry over them, and fed them there. They mingled with the negroes, and told the women they were free, and persuaded them to remain on the island. Captain Fitzgerald, commanding the company, told Mary, one of the slaves owned by Thomas McCargo, in presence of many of the other slaves, how foolish they were, that they had not, when they rose, killed all the whites on board, and run the vessel ashore, and then they would all have been free, and there would have been no more trouble about it. This was on Wednesday. Every day the officers and soldiers were changed at nine o'clock, A. M. There are five hundred regular soldiers on the island, divided into four equal companies, commanded by four officers, called captains. There was a regular sentry stationed every night, and they placed all the men-slaves, except the four that were tried, in the hold, and placed a guard over the hatchway. They put them in the hold at sunset, and let them out at sunrise. There were apparently twelve to thirteen thousand negroes in the town of Nassau and vicinity, and about three or four thousand whites. That, on Wednesday, the tenth, at about nine o'clock, A. M., three civil magistrates of the island came on board, and commenced examining all the white persons on board. They completed this examination on Friday following. On Friday, the attorney general came on board with the three magistrates, and the depositions were signed. The American consul was present the first two days. The magistrates were accompanied by a clerk. The attorney general, on Friday, placed the nineteen mutineers in the custody of the captain of the guard, and ordered them upon the quarter deck. There were about fifty boats lying round the brig, all filled with men from the shore, armed with clubs, and subject to the order of the attorney general, and awaiting a signal from one of the magistrates. A sloop was towed from the shore by some oar-boats, and anchored near the brig, and was also filled with men armed with clubs. All the men on the boats were negroes. The fleet of boats was under the immediate

command of the pilot who piloted the brig into harbor. This pilot, shortly before the signal was given by one of the magistrates, [said] that he wished they would get through the business; that they had their time, and he wanted his. The attorney general then stepped on the quarter-deck, and, addressing himself to all the slaves, except the nineteen who were in custody, said, "My friends, you have been detained a short time on board of the Creole, for the purpose of ascertaining the individuals who were concerned in this mutiny and murder; they have been identified, and will be retained; the rest of you are free, and are at liberty to go on shore, and wherever you please." Addressing the prisoners, he said, "Men, there are nineteen of you who have been identified as having engaged in the murder of Mr. Hewell, and in an attempt to kill the captain and others; you will be detained and lodged in prison for a time, in order that we may communicate to the English Government, and ascertain whether your trial shall take place here or elsewhere." At this time, Mr. Gifford, the mate of the vessel, then in command, the captain being on shore under the care of a physician, addressed the attorney general in the presence of the magistrates; protested against the boats being permitted to come alongside of the vessel, or that the negroes, other than the nineteen, should be sent on shore. The attorney general replied, that Mr. Gifford had better make no objection, but let them go quietly on shore, for if he did, there might be bloodshed. At this moment one of the magistrates advised Mr. Merritt, Mr. McCargo, and the other passengers to look to their money and effects, as he apprehended that the cabin of the Creole would be sacked and robbed. The attorney general, with one of the magistrates, stepped into his boat and withdrew into the stream, a short distance from the brig, where they stopped; a magistrate on the deck of the Creole gave the signal for the boats to approach instantly; with a huzza and a shout, the fleet of boats came alongside of the brig, and the magistrate directed the men to remain on board of their boats; commanded the slaves to leave the brig and go on board the boats. They obeyed his orders, and, passing from the Creole into the boats, they were assisted, many of them by this magistrate. During this proceeding, the soldiers and officers were on the quarter-deck of the Creole, armed with loaded muskets, and bayonets fixed, and the attorney general, with one of the magistrates, in his boat, lay at a convenient distance looking on. After the negroes had embarked on the boats, the attorney general and his accompanying magistrate pushed out the boat and mingled with the fleet, congratulating the slaves on their escape, and shaking hands with them. Three cheers were then given, and the boats went on shore, where thousands were waiting to receive the slaves. That when this proceeding was over, and all the slaves, except the nineteen, landed, a barge was sent from the barracks to the Creole, to take on shore the nineteen prisoners, and the guard which had been left over them; they were taken on shore to the barracks, and the nineteen carried thence to prison. One of the nineteen died the day after he had been put in prison, in consequence of wounds received in the affray. During the investigation carried on by the magistrates on board the Creole, and on the evening of the same day on which the slaves and prisoners were landed, the nineteen were recognised and identified by the witnesses. That many of the negroes who were emancipated expressed a desire to go to New Orleans in the Creole, but were deterred from it, by reason of threats, which were made to sink the vessel, if she attempted to carry the slaves. Three women, one girl, and a boy, concealed themselves on board of the Creole, and were brought to New Or-

leans in the brig; many of the male slaves, and nearly all of the female slaves, would have remained on the vessel, and come to New Orleans, had it not been for the commands of the magistrates, and interference as before stated. That, on Monday following these events, being the fifteenth day of November, the attorney general wrote a letter to Captain Ensor, informing him that the *passengers* of the Creole (as he called the slaves) had applied to him for assistance in obtaining their baggage, which was still on board the brig, and that he should assist them in getting it on shore. To this letter, Mr. Gifford, the officer in command of the vessel, replied, that there was no baggage on board belonging to the slaves, that he was aware, as he considered them cargo, and the property of their owners, and that if they had left anything on the brig it was the property also of their masters; besides, he could not land anything without a permit from the custom-house, and an order from the American consul. That the attorney general immediately got a permit from the custom-house, but no order from the American consul, and sent an officer of the customs on board the brig and demanded delivery of the baggage of the slaves aforesaid to be landed in the brig's boat. The master of the Creole not finding himself at liberty to refuse, permitted the officer with his men to come on board, and take such baggage and property as they chose to consider belonging to the slaves. They went into the hold of the vessel and took all the wearing apparel, blankets, and other articles of the negroes, also one bale of blankets belonging to Mr. Lockett which had not been opened. These things were put on board of the boat of the officer of the customs and carried on shore, the master of the brig refusing to send them on shore in the brig's boat. That the correspondence which took place between the attorney general and the master of the brig, is in the possession of the American consul at Nassau. That on the next day, Tuesday, Captain Ensor proposed to sell a portion of the provisions on board the brig, in order to pay her expenses while lying at Nassau, having more than enough for the remainder of the voyage to New Orleans. The collector of the customs refused to allow the provisions to be landed (consisting of several barrels of meat and navy bread) to be entered, unless the slaves which had been emancipated should be likewise entered as *passengers*. The master of the brig refused to accede to this condition. The next day after the landing of the slaves from the Creole, the officers of the Government of New Providence caused to be advertised a vessel for Jamaica, to take out passengers to that island (passage paid). A number of the slaves of the Creole entered their names for that said island. It was generally said by persons, white and black, that the object of putting this vessel up for Jamaica, was to carry away the slaves of the Creole. The captain was so informed by the American consul, and by Mr Stark, agent of the Boston insurance companies. That about two or three hours after the brig reached Nassau, Captain Woodside, of the bark *Louisia*, with the American consul, came on board, and it was agreed that Captain Woodside, with as many of his crew as could be spared, and the second mate, and four sailors of the brig *Congress*, should come on board with arms, and, with the officers and crew of the Creole, rescue the brig from the British officers then in command, and conduct her to Indian Key, where there was a United States vessel of war. The *Louisia* and the *Congress* were American vessels, and the arrangement was made under the control of the American consul. The captain was to come on board the Creole, with a part of the crews of the *Louisia* and the *Congress*, as soon as the Creole was ready to leave Nassau.

Frequent interviews were had every day with Captain Woodside, the American consul, and the officers of the Congress, on the subject, and the whole plan was arranged. Accordingly, on the morning of the 12th of November, Captain Woodside, with the men in a boat, rowed to the Creole. The muskets and cutlasses were obtained from the brig Congress. Every effort had been made, in concert with the American consul, to purchase arms of the dealers at Nassau, but they all refused to sell. The arms were wrapped in the American flag, and concealed in the bottom of the boat. As said boat approached the Creole, a negro in a boat, who had watched the loading of the boat, followed her, and gave the alarm to the British officer in command on board the Creole; and as the boat came up to the Creole, the officer called to them, "Keep off, or I will fire into you." His company of twenty-four men were then all standing on deck, and drawn up in line facing Captain Woodside's boat, and were ready, with loaded muskets and fixed bayonets, for an engagement. Captain Woodside was thus forced to withdraw from the Creole, and the plan was prevented from being executed; the said British officer still remaining in command of the Creole. The officers and crews of the Louisa and the Congress, and the American consul, were warmly interested in the plan, and everything possible was done for its success. Indian Key is about four hundred miles from Nassau. The nineteen negroes had thrown overboard and burnt all their weapons, before their arrival at Nassau; and the aid thus offered of American sailors and arms, was amply sufficient for the management and safety of the Creole on her voyage. That if there had been no interference on the part of the legal authorities of Nassau, the slaves might have been safely brought to New Orleans. It was that interference which prevented aid from being rendered by the American sailors in Nassau, and caused the loss of the slaves to their owners. That on the same day on which the slaves were liberated, and before the attorney general and the magistrates came on board, the American consul and the captain had another interview with the British Governor. The consul stated that they wanted time to write to Indian Key, on the Florida shore, to get a vessel of war of the United States to come and protect the brig and cargo on her voyage from Nassau to New Orleans, and a guard was wanted to protect the said brig and cargo in the meantime. The Governor refused to grant one for that purpose. The consul then proposed to get the crews of the American vessels then in the port of Nassau, and place them on board the brig to conduct her to New Orleans, and requested the Governor to station a guard on board until the American sailors could be collected; but the Governor refused to station the guard as requested. A proposition was then finally made by the American consul to the Governor, that the American seamen then in port, in American vessels, should go on board the Creole, and be furnished with arms by the Governor, for the purpose of defending the vessel and her cargo (except the nineteen slaves who were in the fight, who were to be left behind) on her way to New Orleans. This the Governor also refused. That on the 15th, the consul, on behalf of the master of the brig Creole and all interested, proposed to the Governor to permit the nineteen slaves who were in the affray to be sent to the United States, on board of the Creole, for trial; and this too was refused. That two half-boxes tobacco (marked L. Banks) were broken up and destroyed by the negroes, and about six or seven barrels lying on the deck of the brig were thrown overboard by the negroes, to make room for them to walk the deck; the contents of which said bar-

rels they do not know. That on the 19th day of November the said brig sailed from Nassau, bound for the port of New Orleans, leaving Captain Ensor at said port, unable to proceed on the voyage in consequence of the severity of his wounds. That nothing material occurred during the passage aforesaid, until the 1st day of December, at 11 o'clock, P. M., when they made the Southwest Pass light, bearing north by west, distant about twelve miles. At 7 o'clock, A. M., took a pilot on board, crossed the bar of said pass in tow of the steamboat Shark, and discharged the pilot, and proceeded up the river for the port of New Orleans, where they arrived on the 2d day of said month, when the necessary surveys were called, and they commenced discharging cargo.

And thereupon these said appearers, and especially the said acting master, did protest, and with them I, notary, at their request, do most solemnly and publicly protest against the winds and the waves, and the dangers of the seas generally, but more especially against the insurrection of the nineteen slaves herein particularly named, and the illegal action of the British authorities at Nassau in regard to the remainder of the slaves on board said vessel, as the cause of all the loss and damage in the premises; and that no fault, negligence, or mismanagement, is, or ought to be, ascribed to these said appearers, or to any part of said brig's company.

Done and protested, at New Orleans, this 7th day of November, 1841; the protesters hereunto signing their respective names with said notary.

ZEPHANIAH C. GIFFORD,

LUCIUS A. STEVENS,

HENRY SPECK, his X mark.

BLINN CURTIS,

JOHN SILVY, his X mark.

FRANCIS FOXWELL, his X mark.

JACQUES LACOMBE,

WM. DEVEREUX, his X mark.

W. Y. LEWIS, *Notary Public.*

Be it remembered, that on this day of the date hereof, before me, William Young Lewis, notary public in and for the city of New Orleans, duly commissioned and sworn, personally appeared William H. Merritt, Theophilus J. D. McCargo, and Jacob Lightner, passengers on board of the brig Creole, Captain Ensor, bound from Norfolk, in Virginia, for New Orleans, persons well known to me and worthy of faith and credit, who, being duly sworn, deposed that, having heard the foregoing protest read to them, that all the facts therein set forth are just and true; and hereto sign their respective names, with said notary, at New Orleans, this 7th day of December, 1841.

WM. H. MERRITT,

T. J. D. McCARGO,

J. LEIDNER.

W. Y. LEWIS, *Notary Public.*

I hereby certify the foregoing documents true copies of the originals upon
[l. s.] my records. In faith whereof, I hereunto set my hand and seal, at New Orleans, this 14th December, 1841.

W. Y. LEWIS, *Notary Public.*