

10th CONGRESS.]

No. 269.

[2d SESSION.

VIOLATION OF THE ACT PROHIBITING THE IMPORTATION OF SLAVES.

COMMUNICATED TO THE HOUSE OF REPRESENTATIVES, DECEMBER 22, 1809.

To the honorable the Congress of the United States: The petition of Harry Caldwell, of the town of Jersey, in the State of New Jersey, and Amasa Jackson, of the city of New York, merchants, trading under the firm of Harry Caldwell & Co. respectfully sheweth:

That your petitioners are the owners of a brig or vessel called the Joseph Ricketson, now at the port of New Orleans; that the said vessel, after performing a voyage to Jamaica, proceeded from thence, on or about the 25th day of July last, for New Orleans; that while at Kingston, in Jamaica, she took on board, as your petitioners are informed and believe, three persons, called Madam Chazel, Madam Bureau, and Mr. Duvalles, with certain slaves or domestics belonging to them, and mentioned in the papers hereunto annexed, as passengers, bound for the port of New Orleans; that the said passengers and their said slaves or domestics were French subjects, who had been forcibly expelled from the island of Cuba by order of the Government thereof, and proceeded in said vessel for New Orleans, where they lately arrived; that Moses R. Smith, master of the said vessel, before his departure from Jamaica, not being well acquainted with the provisions of the law of the United States prohibiting the importation of slaves, and fearing that he might expose his vessel to some difficulty, applied to one of his consignees at Kingston for his opinion and advice, who conceived there could be no danger in taking the said passengers; but for the greater certainty, they also applied to Mr. Savage, the American consul residing there, who also advised that the said vessel could not thereby be exposed to any difficulty or danger, and added that he himself had a vessel up for New Orleans, and was desirous to take as many such passengers as he could; that, in consequence thereof, the said master did take and carry to New Orleans on board of the Joseph Ricketson the said passengers, with their said slaves or domestics, who are particularly mentioned in the document and papers hereunto annexed; that, in so doing, the master acted without the authority or knowledge of your petitioners, and, as your petitioners fully believe, without any intention to evade any of the provisions of any law of the United States, and was impelled thereto by the distressing situation of the said passengers, and the circumstances above mentioned; that, on arriving at New Orleans, the said vessel, as your petitioners are informed and believe, was seized, and is now there detained, for having on board or importing the said slaves or domestics in manner aforesaid; that a petition was presented on this subject in behalf of your petitioners by their consignees at New Orleans to Philip Grymes, Esquire, district attorney of the United States for the New Orleans district, and certain proofs offered to him substantiating the facts herein above set forth, which petition is hereunto annexed, with a certificate of the said attorney endorsed thereon, that the same, together with the said proofs, were so presented as contained in the documents marked A, B, C, also hereunto annexed. And your petitioners having presented a petition to his excellency the President of the United States, praying him to release the said vessel by virtue of the power vested in him by an act of Congress, entitled "An act for the remission of certain penalties and forfeitures, and for other purposes," passed June 28, 1809, when the President was of opinion that his power by the said act did not extend to the case of your petitioners.

Your petitioners, therefore, pray that the honorable the Congress of the United States would be pleased to pass a law to remit any penalty or forfeiture which the said vessel may have incurred by reason of the premises, and to release the said vessel and any effects on board of her during the said voyage to New Orleans, from all seizures and detention on account thereof, and that the same be restored to your petitioners or their consignees.

And your petitioners, &c.

HARRY CALDWELL,
AMASA JACKSON.

CITY OF JERSEY, December 1, 1809.

To Philip Grymes, Esq., district attorney of the United States for the Orleans district, respectfully show:

Your petitioners, Messrs. Fort and Giraud, merchants, trading under this firm in the city of New Orleans and district aforesaid; that your petitioners are the consignees of a certain vessel called the Joseph Ricketson, owned by Harry Caldwell & Co., and lately arrived here from the island of Jamaica; that the said vessel arrived in ballast, and brought in her some negro slaves, owned by, and the domestic servants of, three French passengers, who, together with the said passengers, had been forcibly expelled from the island of Cuba by order of the Government thereof, and arrived in the said vessel with their said domestics; that, previous to the departure of the said vessel with the said passengers and slaves from Jamaica aforesaid, application was made to the American consul residing at Kingston, to know whether she could proceed to this port with the said slaves without infringing any of the laws of the United States, or being exposed to seizure and detention; and upon being assured by the said consul that she might so proceed, the captain received the said passengers and domestics on board his vessel, and arrived with them in this city as aforesaid.

Wherefore your petitioners humbly pray, in behalf of the owners of the said vessel, that you will be pleased to state and certify to the President of the United States the testimony now offered by your petitioners in support of the facts above set forth, to the end that the President may in mercy, and by virtue of the act entitled "An act for the remission of certain penalties and forfeitures, and for other purposes," passed the 28th day of June, 1809, remit any penalty or forfeiture which the said vessel may have incurred by reason of the circumstances aforesaid, and order her to be forthwith cleared from all seizure and detention, and delivered up to your petitioners as consignees aforesaid.

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

FORD & GIRAUD.

I hereby certify to the President of the United States that the several exhibits marked A, B, C, and hereunto annexed, were produced as evidence in support of the statement of facts contained in the petition of the other side written.

P. GRYMES,
United States Attorney for the Orleans district.

A.

District Court of the United States for the Orleans district.

The brig JOSEPH RICKETSON, }
adsm. } Affidavit.
 THE UNITED STATES. }

NEW ORLEANS, ss.

Moses R. Smith, mariner, captain of the Joseph Ricketson, being duly sworn, deposeth, that he sailed from Kingston, in the island of Jamaica, some time on or about the 25th day of July last, having on board Madam Chazel with a black boy and girl, her domestic servants; Madam Burreau with one black girl, her domestic servant; and Mr. Duvalles with one black woman and her two children, his domestics, as passengers, and bound for the port of New Orleans; that when the above named passengers, who were refugees from the island of Cuba, applied to this deponent for the purpose of taking their passages on board of his vessel, having been informed of the law of the United States prohibiting the importation of slaves, but without having seen it, or understanding its particular provisions, this deponent apprehended that by having the domestics aforesaid, he might possibly expose his vessel to some difficulty, and therefore waited upon his consignee in Kingston, and requested his opinion; the consignee conceived that there could be no danger, but, in order to ascertain the point with certainty, called with this deponent, accompanied by Mr. Richard Tice, upon the American consul, Mr. Savage, and the consul being asked by Mr. Stuart whether any difficulty could arise to the vessel from conveying passengers with their domestics from Kingston to New Orleans? Mr. Savage replied "no, not the least;" upon which this deponent mentioned that he had been informed that she would be subject to seizure if she carried black domestics. The consul then assured him that there was not the smallest danger, and, to strengthen this assurance, added that he himself had a vessel up for New Orleans, and was willing to take as many as he could get. The conversation continued for some time longer, was of the same tendency, and left this deponent fully impressed with the idea that he was running no risk in giving an opportunity to these unfortunate refugees of transporting themselves with their domestics to New Orleans, where they were desirous of going; that there was no temptation in the very inconsiderable amount of passage money for so small a number of persons, to induce this deponent to attempt a violation of the law, nor could it in any way be done with impunity: and this deponent most solemnly declares that had it not been for the assurances so given to him as aforesaid, he would not have taken the said domestics on board the vessel. This deponent further adds that this vessel arrived here in ballast, and that there were no other slaves on board but those already enumerated.

MOSES R. SMITH.

Sworn before me, the 22d day of August, 1809.

COLSSON, *Justice of Peace.*

B.

District Court of the United States for the Orleans district.

The brig JOSEPH RICKETSON, }
adsm. } Affidavit.
 THE UNITED STATES. }

NEW ORLEANS, ss.

Richard Tice, mariner, and captain of the schooner William, of Philadelphia, being duly sworn, deposeth, that some time prior to the departure of the Joseph Ricketson from the island of Jamaica in July last, he, this deponent, accompanied Moses R. Smith, the captain of the said brig, and Mr. Alexander Stuart to the house of Mr. Savage, the American consul in Kingston, and there heard Mr. Stuart ask the American consul whether any difficulty could arise to Captain Smith or his vessel from conveying passengers with their domestics from Kingston aforesaid to New Orleans? Upon which Mr. Savage replied "no, not in the least." Upon this Captain Smith observed that he had been informed that the vessel would be liable to seizure if she carried black domestics. The consul then assured him that there was not the smallest danger, and added, by way of confirmation, that he himself had a vessel up for New Orleans, and should be willing to receive as many as he could get. Some other conversation then took place, the particulars of which this deponent does not now recollect, but it was to this effect, that there could be no danger in taking passengers with their domestics. And this deponent is moreover firmly of opinion, from the circumsppection manifested by Captain Smith on this occasion, that he would not have exposed his vessel to the hazard of seizure by receiving passengers with their black domestics on board, had it not been for the assurance so given to him by the American consul as aforesaid. And further this deponent sayeth not.

RICHARD TICE.

Sworn before me, the 22d day of August, 1809.

COLSSON, *Justice of the Peace.*

C.

District Court of the United States for the district of Orleans.

The brig JOSEPH RICKETSON, }
adsm. } Affidavit.
 THE UNITED STATES. }

NEW ORLEANS, ss.

Mr. Duvalles, formerly of the island of Cuba, being duly sworn, deposeth, that he came to this city as a passenger on board the Joseph Ricketson, lately arrived here from Kingston, Jamaica; that he is one of those unfortunate persons who were forcibly compelled to leave the island of Cuba by the Government thereof; and had arrived about three weeks prior to embarking on board the said vessel in the island of Jamaica with his domestic servants, consisting of one black woman and her two children; that in bringing them here, he had no intention of infringing upon any of the laws of the United States, nor was he at that time acquainted with the act prohibiting the importation of slaves; but simply sought a shelter in New Orleans from the violence and persecution to which he had been so lately exposed; that for similar reasons there came passengers with him in the said vessel Madam Chazel, with a black boy and girl, her domestic servants, and Madam Burreau, with one negro girl, her domestic, and that there were no other slaves on board the said vessel.

DERILLAS.

Juré & affirmé pardevant nous, le contenu ci dessus sincère et véritable, à la Nouvelle Orléans le 24 Août, 1809.
 S. DUCOURNAUX, *Juge de Pair.*