

CLAIMS ON HAYTI.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

COMMUNICATING

Information in regard to claims of citizens of the United States on Hayti.

DECEMBER 31, 1842.

Referred to the Committee on Foreign Affairs.

To the House of Representatives :

In compliance with your resolution of the 12th of February, 1841, requesting me to communicate to the House of Representatives the documents and other information, in the possession of the Executive, regarding claims of citizens of the United States on the Government of Hayti, I now transmit a letter from the Secretary of State, and the accompanying documents.

JOHN TYLER.

WASHINGTON, December 31, 1842.

DEPARTMENT OF STATE,
December 30, 1842.

The Secretary of State, to whom was referred a resolution of the House of Representatives of the 12th of February, 1841, requesting the President, if in his judgment not incompatible with the public service, to communicate to that House the documents and other information in the possession of the Executive, regarding claims of citizens of the United States on the Government of Hayti, has the honor to lay before the President the accompanying papers, and to state that, owing to the manner in which they were scattered through the files of the Department, they could not be sooner communicated. A list of the papers is annexed.

DAN'L WEBSTER.

To the PRESIDENT of the United States.

Don
Fonds
& Jacques



LIST OF CLAIMS.

Joseph Barker's claim.

Copy of a letter from Joseph Story to the Secretary of State, dated February 4, 1817, with enclosures.

Jabez Boothroyd's claim.

Copy of a letter from Jabez Boothroyd to the Secretary of State, dated November 13, 1816.

Claim of the Chesapeake Insurance Company.

Copy of a letter from A. J. Schwartz to the Secretary of State, dated July 16, 1819, with enclosure.

Claim of Samuel Church's representatives.

Copy of a letter from Rhoda Ann M. Arnold and Harriet E. Humes, to the President of Hayti, dated June 1, 1839, with enclosure.

Schooner Dash.

Copy of a letter from Larkin Smith, collector of the customs at Norfolk, to the Secretary of State, dated September 12, 1810, with enclosure.

Henry Davies's claim.

Copy of a letter from B. C. Howard to the Secretary of State, dated April 2, 1830, with enclosure.

Copy of a letter from Clement Cox to the Secretary of State, dated July 16, 1830.

John Dodge's claim.

Copy of a letter from John Dodge to the Secretary of State, dated September 7, 1831.

Joseph Donath's claim.

Copy of a letter from Joseph Donath to Jabez Boothroyd, dated November 22, 1817.

Gilmor's and Oliver's claim.

Copy of a letter from the Secretary of State, to Andrew Armstrong, United States commercial agent at Port-au-Prince, dated May 28, 1824.

Copy of a letter from Charles Hughes to the Secretary of State, dated March 12, 1826, with enclosures.

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Fonds
Don

EXHIBIT DU BUREAU
SECTION DES
AFFAIRES
INDIENNES

EXHIBIT DU BUREAU
SECTION DES
AFFAIRES
INDIENNES

Copy of a letter from Robert Oliver to the Secretary of State, dated October 30, 1833, with enclosure.

Copy of a letter from the Secretary of State to Robert Oliver, dated November 22, 1833.

Copy of a letter from the Secretary of State, to F. M. Dimond, United States commercial agent at Port-au-Prince, dated December 6, 1833.

Copy of a letter from F. M. Dimond to the Secretary of State, dated April 17, 1834.

Insurance Companies, Philadelphia.

Copy of a letter from Alexander Stuart, jr., to the Secretary of State, dated May 31, 1834, with enclosure.

Copy of a letter from Alexander Stuart, jr., to the Secretary of State, dated June 24, 1834.

Jacob Lewis's claim.

Copy of a letter from Jacob Lewis to the Secretary of State, dated March 1, 1821, with enclosure.

Brig Mary.

Extract of a letter from the Secretary of State to Jacob Lewis, dated February, 1818.

Extract of a letter from the Secretary of State to William Taylor, dated April 16, 1817, with enclosures.

Joseph Meric's claim.

Copy of a memorial from Joseph Meric, and enclosure.

Copy of a letter from William Dawson, United States commercial agent at Port-au-Prince, to the Secretary of State, dated September 6, 1823, with enclosures.

Brigantine Venus.

Copy of a letter from Thomas G. Swain, vice commercial agent of the United States at Port-au-Prince, to the Secretary of State, dated October 23, 1837.

Copy of a letter from Thomas G. Swain, vice commercial agent of the United States at Port-au-Prince, to the Secretary of State, dated November 14, 1837, with enclosures.

Copy of a letter from Thomas G. Swain, vice commercial agent of the United States at Port-au-Prince, to the Secretary of State, dated December 6, 1837, with enclosures.

Copy of a letter from Thomas G. Swain, vice commercial agent of the United States at Port-au-Prince, to the Secretary of State, dated January 25, 1838, with enclosures.

Copy of a letter from William M. Price, district attorney of the United States at New York, to the Secretary of State, dated February 2, 1838, with enclosures.

Copy of a letter from William M. Price, district attorney of the United States at New York, to the Secretary of State, dated February 7, 1838, with enclosures.

Copy of a letter from Thomas G. Swain to the Secretary of State, dated February 15, 1838, with enclosures.

Copy of a letter from William M. Price to the Secretary of State, dated February 26, 1838.

Extract of a letter from T. G. Swain to the Secretary of State, dated March 20, 1838.

Copy of a letter from W. M. Price to the Secretary of State, dated April 26, 1838, with enclosures.

Copy of a letter from T. G. Swain to the Secretary of State, dated May 7, 1838.

Copy of a letter from T. G. Swain to the Secretary of State, dated July 10, 1838, with enclosures.

Mr. Weston's claim.

Extract of a letter from Bache M. Evans to the Secretary of State, dated January 13, 1832.

M. & W. Wurtz's claim.

Copy of a letter from M. & W. Wurtz to Mahlon Dickerson, dated April 16, 1818, with enclosures.

Extract of a letter from the Secretary of State to William Taylor, dated May 1, 1818.

Claims generally.

Copy of a memorial of Ezra Davis and others to the President of the United States, dated January 31, 1811.

Copy of a memorial of J. W. Simonton and others to the President of the United States, with enclosures.

Copy of a letter from the Secretary of State to S. Tyler, dated December 20, 1816.

Copy of a letter from Jabez Boothroyd to S. Tyler, dated December 30, 1816.

Extract of a letter from the Secretary of State to Charles Morris, commander of the United States ship Congress, dated April 25, 1817.

Copy of a letter from the Secretary of State to S. Tyler, dated January 29, 1817.

Copy of a letter from S. Tyler to the Secretary of State, dated August 3, 1817, with enclosure.

Extract of a letter from the Secretary of State to William Taylor, dated February, 1818.

Copy of a letter from William Taylor to the Secretary of State, dated May 30, 1818, with enclosures.

Copy of a letter from the Secretary of State to Edward Weyer, dated January 30, 1821.

JOSEPH BARKER'S CLAIM.

WASHINGTON, February 4, 1817.

SIR: The enclosed papers have been sent to me, with a request that they should be laid before the Government, in case of an application to the Government of Hayti for the payment of moneys due to the citizens of the United States. The originals are, I presume, in the hands of the owner; and, from my personal knowledge of his character, I cannot doubt that it is a just claim which he now asserts.

I have the honor to be, with the highest respect and consideration, your most obedient and humble servant,

JOSEPH STORY.

Hon. JAMES MONROE,
Secretary of State.

UNITED STATES OF AMERICA.

COMMONWEALTH OF MASSACHUSETTS, }
MARBLEHEAD, ESSEX, } ss:

On this eighteenth day of January, in the year of our Lord one thousand eight hundred and seventeen, before me, Nathan Bowen, notary public for said county, duly admitted and sworn, residing at said Marblehead, personally came, Joseph Barker, Esq., of said Marblehead, and made oath that the annexed documents, purporting to be the general order of the army of the State of Hayti, the King of Hayti's order, and the stipulated treasurer's receipts, are true and correct copies from the documents translated from the French original; and I hereby certify that the annexed document, purporting to be the account current of the schooner Sally's cargo, is a true and correct copy of the original—I having examined the same and find it to agree therewith—and that the said Joseph Barker was the sole owner of said schooner Sally's cargo; and that the cash paid into the Treasury according to the order of the King, under date of the twenty-sixth of April, as mentioned in said account, was his property.

In testimony whereof, I have hereunto set my hand, and affixed my [L. s.] notarial seal the day, month, and year, first aforesaid.

NATHAN BOWEN, *Notary Public.*

LIBERTY AND INDEPENDENCE—STATE OF HAYTI.

General order of the army, on Thursday, the 3d of January, 1811, the eighth year of independence. (There has not been any general order since the 15th October, 1810.)

His Supreme Highness, the President, having judged necessary to send to the United States of America, for purchasing a variety of articles on account of his Government, the sum of one hundred and twenty-four thousand nine hundred and fifty-five dollars and nineteen cents, as follows, viz:

741,000 lbs. of coffee, amount of the cargoes of the English ship Earl Bathurst, and of the American brig Maderia, consigned to Messrs. Von Kapff & Brune, merchants, in Baltimore, which coffee, at the rate of 20 sous per pound, would amount to - - \$89,818 17

100,000 lbs. of coffee by the schooner Ocean, to the address of the said Von Kapff & Brune, but which Mr. M'Faden, also merchant at Baltimore, has retained at the same price	\$12,121 19
Two bills of exchange, drawn by Messrs. D'Arcy, Dodge, & Co., favor of Mr. Bunel, which have been remitted to the said Von Kapff & Brune	16,000 00
Export duties, at 2s. 6d. per pound, upon 841,000 lbs. of coffee, here	12,742 47
	<hr/>
	130,681 83
Has deducted for so much taken by the late Grogan, from the hands and revenues of Von Kapff & Brune, for the amount of the cargo of the Earl Bathurst, and by the said deceased paid into the general treasury of Cape Henry	14,444 44
	<hr/>
	116,237 39
Interest of this sum at 7½ per cent.	8,717 80
	<hr/>
Total debt	124,955 19

Since not only the objects, which had determined the sending of these funds, have been detained in the United States, by the said Von Kapff & Brune, and Mr. M'Faden, but that the said funds have been unjustly detained there, notwithstanding that the various measures adopted by his Supreme Highness to this day have proved abortive, and especially by the unprofitable voyage of Mr. Marple, merchant of this city, citizen of the United States, commissioned for the execution of this business, thinking it just, to employ such means as are in his power to seize again his property, especially when it is thus deceitfully retained, notwithstanding what is considered most sacred amongst men, his Supreme Highness has decided upon the following procedure, which is truly repugnant to his heart and policy, but which is the only resource which remains to recover the property of his state.

Wherefore, his Supreme Highness has convoked the American merchants established in this State, in order to declare the American property which was found in their hands, and to make a just detention of it proportionably to the said debt, for its maintenance and preservation. On this account, the American merchants hereafter designated have made the following report, viz:

There is in the hands of Mr. John Myers, accruing from the cargoes of the the schooners Concorde, Hope, Sally, and boat Alert,	\$32,203 89
Mr. William French has the proceeds of the schooners Mariner, Betsey, Leopard, and Centurion,	12,181 30
Mr. Hamer Gaskell has for part of the cargo of the ship John of Baltimore	768 74
Mr. Vilton has proceeds of the cargo of schooner Fanny,	1,886 07
Mr. Mathew Orlieen has the cargoes of the schooner Maria, of Philadelphia; of brig Venus, of Boston, Captain Nash; and what is due to Mr. John M'Faden, together	21,745 02

So much counted into the treasury by Mr. John C. White, being the property of Mr. M'Faden, which Mr. Jo- seph Bunel has paid him	\$6,639 19
Messrs. Charles Saunders & Co., have the cargoes of the schooners, Fanny, of Baltimore, Betsey, Sukey, Nancy, Nymph; of the brig Joseph; and the adventures of Messrs. Stack & M'Kenstey, William Matchet & Oliver Farwell, George Burroughs and William T. Bedford, together	22,951 73
Of Mr. Stevens, supercargo of the schooner Maria, of Philadelphia	5,625 19
Messrs. D'Arcy & Co., have the amount of the adventure of Messrs. Greetham & Devereaux, of Baltimore	948 48
Of Mr. Bazin, supercargo of the schooner Snowdrop	16,226 14
Of Mr. Joseph Bunel, in merchandise, silver, and debts	11,252 77
	132,428 52

It is evident, from this account, that they have on hand in money, merchandise, and private debts, the sum of one hundred and thirty-two thousand four hundred and twenty-eight dollars and fifty-two cents, which have been formally retained in the hands of the said merchants, who remain personally responsible for it, till the amount of the debt of His Supreme Highness be restored to him by the said Von Kapff & Brune, and M'Faden, in which case he solemnly promises to surrender all the detained property. Consequently, since American property was found in sufficient quantity in this state, his Most Serene Highness declares that it was kept for satisfaction; and that, from the present date, he should not forbid American vessels from coming freely into the ports of the state, and desires the merchants of this friendly nation to continue their commercial correspondence without fear, for the future, of being molested on account of the present affair.

Done at the headquarters of Cape Henry, January 3, 1811, eighth year of the Independence.

P. ROMAIN,

Chief of the State, Major General.

Considered and approved for the press:

HENRY CHRISTOPHE.

*Henry, by the grace of God and the constitutional law of the state,
King of Hayti, at the palace of Cape Henry, April 17, 1811, the
eighth year of the Independence:*

The American merchants are ordered to pay into the capital treasury the sums reserved in their hands, for the property of the Government

fraudulently detained in the United States; and this is according to the terms of the general order of the army on the 3d of January, 1811.

Twenty-four hours are allowed for this payment.

By the King:

THE COUNT OF LIMONADE.

The foregoing a true copy from the original:

W. FRENCH.

J. BOOTHROYD.

KINGDOM OF HAYTI.

OFFICE OF BARON PETITE,
Province of the North, April, 1811.

A RECEIPT ACCOUNTABLE FOR PAYMENT OF FUNDS.

I, the subscribed, Jean Baptiste Baron Petite, stipulated treasurer of the King, acknowledge to have received from Mr. John Myers, merchant, established in this city, the sum of thirty-one thousand three hundred and sixty-seven dollars and seventy-two cents; which he has paid into his Majesty's treasury; accruing from the cargoes of the schooners Concord, Hope, Sally, and boat Alert, American property; the detention of which has been enjoined by the general order of the army issued January 3, 1811, (\$31,369 72.)

For which sum I promise to receipt in the accounts which I shall return of the revenues of the King.

In credit of which I have delivered the present, as security for what belongs to Mr. John Myers.

At Cape Henry, April 28, 1811, in the 8th year of the Independence, stipulated treasurer of the King.

BARON JN. BTE. PETITE.

The concerned of schooner Sally's cargo in account credit with John Myers.

Dr.

Cr.

<p>1811, April 25.</p> <p>To amount of disbursements as per account rendered - - Balance due the concerned of schooner Sally - - -</p> <p style="text-align: right;">\$1,512 89 2,671 43 <hr/> \$4,184 32</p>	<p>1811, May 11.</p>	<p>By nett amount of sales as per account of May 12 - -</p> <p style="text-align: right;">\$4,184 32</p> <hr/> <p>By balance due owners of schooner Sally - - -</p> <p style="text-align: right;">\$2,671 43</p>
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E. E.

JOHN MYERS.

CAPE HENRY, May 12, 1811.

JABEZ BOOTHROYD'S CLAIM.

BALTIMORE, *November 13, 1816.*

SIR: Without apology, permit me, as one of the sufferers, to address you on the subject of the St. Domingo claim recently submitted by memorial to the President of the United States.

To the facts already before his Excellency the President, I wish to state some others, connected with this subject, which forms a just ground of further claims on the Haytian Government.

On the 6th October, 1810, an embargo was laid on all American vessels exclusively, then at Cape Henry, which were nine in number. Three days after, another American vessel arrived there, which was forthwith subject to the same restrictions. Fifty-three days after the embargo had been laid, a special permission was obtained for the departure of my vessel only; all the others were detained until the 3d of January, 1811. The owners of those vessels have, most unquestionably, a just claim on the Haytian Government, for the loss sustained in consequence of said embargo, which, at the moderate estimate of twenty dollars per day for each vessel, amounts to seventeen thousand dollars.

The inquiry will doubtless suggest itself: Why was not this claim laid before the President when the confiscation of property was complained of and submitted? To this I answer, because it could not be supported by documentary evidence, emanating from the Haytian Government, as was the case in relation to the confiscation of our property. We therefore viewed this as the weakest part of our cause, although it is not the less just or equivocal in its nature; we also thought that the adjustment of this matter would follow of course, if the main subject should receive the wished for interference of our Government; yet, as without a full statement of our wrongs, justice cannot be claimed in our behalf, it has appeared to me proper and necessary that those facts should be stated to our Government, in order that they may have a full view of the whole subject. I offer no evidence in support of this statement, but submit it with these remarks: that it is made not from memory only, but from notes taken at the time or immediately subsequent to the events having taken place; and that the testimony of many persons who were at the *cape* at the time can be adduced, if deemed necessary.

I have the honor to be, very respectfully, your humble servant,
JABEZ BOOTHROYD.

Hon. JAMES MONROE,
Secretary of State.

CLAIM OF THE CHESAPEAKE INSURANCE COMPANY,
BALTIMORE.

OFFICE OF THE CHESAPEAKE INSURANCE COMPANY,
Baltimore, July 16, 1819.

SIR: At the suggestion of the board of directors of the Chesapeake Insurance Company, I ask your permission to submit to your perusal the

protest of James Smith, late master of the schooner Perry of this port, which vessel being taken by some piratical boats, while in the harbor of Old Providence, has finally got into possession of the Haytian Government, President Boyer. It would appear, from this document, that they will not act in the case unless formally applied to by the Government of the United States.

This company, having paid the loss, would be happy to receive the interposition of the Government, or such direction as might tend to place them in possession of the proceeds of the vessel.

Captain Smith, while at Port-au-Prince, understood that she produced \$1,200; that she was condemned as having been guilty of smuggling; and yet that five of the men detained at Aux Cayes were prosecuted as pirates.

A power of attorney, together with a copy of the register of the schooner, were transmitted to Messrs. David Correy & Co., of Port-au-Prince, by Mr. P. A. Guestier, the agent of her late owner, Mr. John C. King, of this city, in March last.

On the 8th of April, they acknowledge the receipt of these papers, and say they had applied to an attorney, who was of opinion she would be recovered. The attorney was still of the same opinion on the 7th of May; but Captain Smith says that the house at Port-au-Prince had abandoned the cause, from the determination of the Government of Hayti not to act in it, unless at the instance of the United States.

I beg you to pardon the freedom with which I have addressed you, and to accept the homage of the highest respect of your most obedient, humble servant,

A. J. SCHWARTZE,
President Chesapeake Insurance Company.

HON. JOHN Q. ADAMS.

UNITED STATES OF AMERICA.

STATE OF MARYLAND, *to wit*:

I, John Gill, Notary Public, by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore, in the State aforesaid, do hereby certify, attest, and make known that, on the day of the date hereof, before me personally appeared James Smith, late master, and George C. Botefehr, of the schooner Perry, of Baltimore, and made oath on the Holy Evangelists of Almighty God that they proceeded, in and with said schooner, from Baltimore, on or about the 17th day of October last, bound for Aux Cayes, and arrived there without any thing material occurring, and proceeded from thence and arrived at Old Providence without any thing material occurring, arriving there on the 20th of November last; but were prevented from landing the cargo of said schooner by reason of its being the rainy season—it rained every day and night, with little or no intermission—and there being no warehouse on shore to put said cargo in, or shelter it from the rain, there having been a violent gale of wind a little before they arrived, which had done great damage to the houses; that they

remained there 12 days, and on the night of the 3d December last, about midnight, while it was raining and very dark, forty-one men, armed with muskets, pistols, sabres, and cutlasses, came alongside said schooner, in four canoes, and came on board said schooner, and took forcible possession of said schooner Perry and cargo, detained deponents and crew below under strict guard, and proceeded with said schooner Perry and cargo for sea, and, being short of water, put into Little Corn island, where they obtained some water, remaining there about forty-eight hours, and then proceeded for the coast of New Grenada, near Carthagena, where, being again short of water, they put into Rio, about 30 miles to windward of Carthagena, where they supplied themselves with water, and then put deponents and the remainder of the crew on shore, plundering them of every thing they had, and not permitting them to take any thing with them on shore. At the same place, fourteen of the said armed men were also landed. From that place, deponents and crew proceeded by land for Carthagena, where they were arrested and taken before the Governor of that place and detained four days. While at Carthagena, the master, with his mate, made a protest before two American citizens—he offered to do it before a notary there, but was refused permission to do so, because he had not money to pay for it; after which they obtained a passport, and proceeded for Jamaica, where they arrived on the first January last, where the master deposited with a notary the protest he had made at Carthagena, who gave him an attested copy thereof, which he forwarded to Baltimore, and where Captain Smith left the crew, and proceeded for Aux Cayes, with the intention of endeavoring to find or hear something of his vessel. At Aux Cayes, deponent heard the schooner Perry was met with off the port of Aux Cayes, without having any one on board her, or any cargo on board her. At Aux Cayes, deponent saw in the prison of that place five men, part of the forty-one armed men who took forcible possession of said schooner Perry and cargo, at Old Providence. Deponent also learned that the schooner Perry had been sent around from Aux Cayes to Port-au-Prince, by order of the Government of that place; deponent then returned to Jamaica, and from thence went to Port-au-Prince, where he arrived about the last of March, and there he saw the schooner Perry under the Indigene flag, having been condemned and sold by the Government of that place. He was informed by Mr. Correy, of that place, that he had applied to the Government of Hayti to have the schooner Perry restored to her former owner in Baltimore, having received instructions from Baltimore to that effect, and had received for answer that the Government of Hayti would not do any thing in the case unless formally applied to by the Government of the United States; and deponent, finding he could not obtain his schooner, he proceeded from Port-au-Prince for the United States, where he has arrived, and now desires to enter his protest.

JAMES SMITH.

GEORGE C. BOTEFEHR.

Wherefore the said appearers did declare to protest, as by these presents they do most solemnly protest against all and every person and persons whom it doth, shall, or may concern, but particularly against forty-one armed men before mentioned, for taking forcible possession of said

schooner Perry and cargo; and I, the said notary, at the request aforesaid, did, and do hereby, solemnly protest against the same in manner and form aforesaid.

This done and protested at the city of Baltimore.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, the twelfth day of July, in the year of our Lord one
[L. s.] thousand eight hundred and nineteen.

JNO. GILL, *Notary Public.*

CLAIM OF SAMUEL CHURCH'S REPRESENTATIVES.

PHILADELPHIA, June 1, 1839.

To His Excellency GENERAL BOYER, President of the island of Hayti, its dependences, and all the forces by sea and land—

GREETING:

Although a stranger to your Excellency, I take the liberty of addressing you, trusting from your well known character of a brave, just, and humane President, that your Excellency will not refuse your attention for a few moments to the painful and distressing subject herein contained.

My brother, the late Samuel Church, junior, merchant of this city, did, in the year 1808, fit and send out from this port a schooner called the John of Boston, commanded by Captain Cushing, said schooner being loaded with rice and bound hence to Kingston, Jamaica. My youngest brother, Justice Church, also a native of this city, was supercargo of said schooner. This vessel was captured by a brig of war belonging to Christophe, and carried into Port-de-Paix, where by his orders she was altered into a vessel of war, and the crew (with the exception of two seamen, who made their escape) were immediately put into prison. My brother suffered but a few days, when death relieved him from sickness, pain, and an unjust imprisonment. These were the cruel facts made known to us by one of the seamen who escaped and returned to this city.

My brother, Samuel Church, junior, immediately selected a respectable citizen of this place, together with the seaman above named, to go out to your island, and endeavor to prevail on Christophe to give up the property. The gentleman, after arriving there, was persuaded to abandon the attempt; being told that if he mentioned the affair or made known the object of his visit to Christophe, his life would be the forfeit. The derangement produced by this unfortunate event in my brother's business proved fatal to him and melancholy in the extreme to his family.

My father, who was aged and past doing any kind of business, was an endorser for my brother to a very considerable amount. This circumstance induced the latter to set out for Hayti himself, where, through the interest and influence of some powerful friends here and some few in that place, he hoped to be able to get either his property restored to him or the value of it in the produce of the island. The vessel and cargo were valued at seventeen thousand nine hundred dollars (\$17,900.) The brig on board of which my brother took passage was lost in a storm at sea, and every one perished. My father's property was sacrificed to

pay up the endorsements; grief hurried my affectionate mother to the grave; my father did not long survive so great a bereavement; my sister and myself are now the only heirs to the property claimed in this letter.

Your Excellency can imagine but a part the dreadful whole the sufferers only can feel. Possibly your Excellency will say, you do not know any thing of this business, and that you are not accountable for the acts of others; but I am encouraged to hope, from your Excellency's well known character and friendly disposition towards this country, that you will not turn from the just prayer of the unfortunate and distressed. Besides, I have been informed that the above-named schooner remained in your Excellency's service after the downfall of Christophe, and that the Government of Hayti enjoyed all the advantages resulting from her capture.

I must now make known to your Excellency the reason why this statement of facts and this request for damages was not made at a much earlier period. The only person who could confirm the facts herein set down has been absent from the United States many years, and has only within a very recent time returned to this country. His declaration tallies exactly with my own, both as regards the time of seizure, amount confiscated, and the uses to which both vessel and cargo were applied. The affidavit of this gentleman, taken before the mayor of the city of Philadelphia, will testify to every particular enumerated in the foregoing statement.

The above facts I humbly submit to your Excellency's kind condescension, wishing you every happiness and prosperity, as well personally as politically, and with a very high estimate of your Excellency's character.

RHODA ANN M. ARNOLD.

HARRIET C. HUMES.

I, the undersigned, do hereby certify, to all whom it may concern, that Mr. Samuel Church, late merchant and a native of this city of Philadelphia, fitted out, in the year 1808, a schooner called the "John," of which he was the owner, (Captain Cushing, master,) and despatched her to Savannah to take in a load of rice for Kingston Jamaica, sending his brother Justice in her as supercargo; that accounts were subsequently received of the vessel's having taken in her cargo of rice at Savannah, and of her having sailed from thence on her intended voyage to Jamaica; that nothing further was heard of the said vessel until the spring of 1809, when one of the crew, by the name of Bunker, arrived in this city, with the information that, on their passage downwards, while off the island of Hayti, she was boarded and taken possession of by a brig of war belonging to Christophe, then President of that part of the Island subject to his authority, and carried into Port-de-Paix, where the vessel and cargo were confiscated by order of said Christophe, without trial, or assigning any other reason for so doing only that he wanted the rice to feed his troops and the vessel for the service of his naval armament—this outrage against all law and justice being followed by the imprisonment of the captain, supercargo, and crew; two of the latter having by some means made their escape from thence—the death of the captain and supercargo having

previously taken place while in prison, and in all probability the remainder of the crew suffered the same fate, as nothing has been heard of them since. Mr. Church having received this information, (of the truth of which there was no reason to doubt,) requested me, as I was then unoccupied, to proceed immediately to the cape, and, conjointly with Mr. John Myers, merchant of that place, to make a formal representation of the case to the President, for the restitution of the vessel, and asking a fair indemnity for the cargo, giving full powers to that effect—taking along, at the same time, the seaman Bunker, (who escaped,) to testify, if found necessary, to the whole or any of the above facts; and, in the case of the vessel's being given up, I was to have taken charge of her in my professional character of master, with instructions to act as circumstances should afterwards require.

In the month of May, 1809, I left Philadelphia, accompanied by Bunker; put into St. Bartholomew's; and from thence soon after arrived at the cape, then called Cape Henry. On my arrival there, the schooner "John," which I had formerly known, and then recognised by Bunker, was lying at anchor in the harbor, bearing Christophe's colors, and armed in war as a national vessel.

On landing, I immediately waited on Mr. Myers, and delivered to him all the necessary credentials, who, it seems, had some previous knowledge of the outrage, giving me at the same time very little hopes of being able to recover any thing from Christophe's justice, as he thought the affair had not become public, and of course wished to be buried in oblivion. Upon consultation with some other disinterested persons, who also knew something of the circumstance, I was advised to take no steps in the business for the present, as it might not only be hazardous to my own person, but, from the ferocious and violent character of the man, he would not hesitate a moment to sacrifice the life of the seaman Bunker. Therefore, under due and proper consideration, I was under the impression that nothing could be obtained in the humor he then was in, and that it was best, in order to avoid expense and danger, to retire and leave the business in the hands of Mr. Myers, to watch a favorable opportunity when he could with some hopes of success make the demand. Having made this arrangement, I returned to Philadelphia, accompanied as usual by Bunker, where I arrived in the month of June following, giving an account of my proceedings to Mr. Church.

This is all that I recollect at present of the above transactions; and, as much or all of it fell under my own personal notice, I consider myself bound in justice to give this testimony to the only surviving relations of a highly respectable family of this city, (the sisters of the deceased Mr. Church,) whose property has been seriously injured by this unfortunate event. So far as I can recollect, the original valuation of the above vessel and cargo was about eighteen thousand Spanish dollars.

JOHN GALVIN.

STATE OF PENNSYLVANIA, CITY OF PHILADELPHIA, *Sct* :

I, John Swift, esquire, mayor and chief magistrate of the city of Philadelphia, in the United States of North America, do certify that, on the day of the date hereof, personally came and appeared before me, John Galvin, who being by me duly sworn, on the Holy Evangelists of Almighty God,

did depose and declare that the facts and particulars set forth in the foregoing written statement, which he has subscribed, are true.

In testimony whereof, I have hereunto set my hand, and caused the corporate seal of the said city to be affixed, this twenty-fifth day [L. s.] of September, A. D. one thousand eight hundred and thirty-eight.

JOHN SWIFT, *Mayor*.

SCHOONER DASH.

COLLECTOR'S OFFICE, *Norfolk, September 12, 1810.*

SIR: I herewith transmit to you the protest of Captain Wills, commanding the schooner Dash, belonging to this port, protesting against the conduct of Christophe at Cape François, as well for defrauding him out of a part of his cargo, as also for forcibly arresting and detaining one of his seamen, a native born citizen of the United States. Captain Wills further observed, in a conversation with me, that he was confident that Christophe had impressed, and now held in his service, between four and five hundred American citizens, or sailors, principally men of color.

I have considered it my duty to impart this information to you.

I have the honor to be, sir, with the highest respect, your obedient servant.

LARKIN SMITH.

The Hon. ROBERT SMITH,
Secretary of State, Washington.

VIRGINIA, DISTRICT OF NORFOLK, *to wit*:

To all persons to whom these presents shall come, I, Littleton Waller Tazewell, notary public, in and for the district aforesaid, by lawful authority, duly admitted and qualified, do hereby certify and make known, that on this day personally appeared before me George Wills, master, Thomas Barret, mate, and William Stanton, a seaman, of and belonging to the schooner Dash, on a late intended voyage in the said schooner from the port of Norfolk to the port of Port-au-Prince, in the island of St. Domingo, and, being duly sworn on the Holy Evangelists of Almighty God, declared that they sailed, in the said schooner, on the intended voyage from the port of Norfolk aforesaid, on the 30th day of May last past, having on board an assorted cargo; that they proceeded towards the said port of their destination without meeting with any thing worthy of remark, until the 22d day of June following, when, being off the island of Saint Domingo, Cape Nicholas mole distant from them about four leagues, they were captured by a brig belonging to Christophe, one of the brigand chiefs governing the said island of Saint Domingo, and commanded by one Spalding, an American, formerly a master of a vessel sailing out of the port of Norfolk; that the said Spalding put a prize-master and crew on board the schooner Dash, and ordered her for Port-de-Paix, for which place they immediately made sail, and arrived the next day; that they were detained in the Port-de-Paix, by the order of the said Christophe,

from the said 23d day of June until the 6th day of July following, when this appearant, Wills, having applied for permission to sell his cargo, was granted that privilege upon condition that he would enter into bond with security to proceed direct to Cape François; that this appearant, Wills, having complied with this condition, sailed under the permission aforesaid from Port-de-Paix aforesaid, on the said 6th day of July, and arrived at Cape François on the next day; that, upon their arrival at Cape François, all that part of their cargo which the said Christophe wished to have was taken from their vessel, and paid for by the order of the said Christophe, at such prices as his officers chose to allow for the same—the part of the cargo so taken from the schooner consisted of all the cordage, lard, and candles, which they had on board, and the residue of the cargo they were permitted to sell in their own way; that they remained at Cape François aforesaid, selling and landing their cargo aforesaid, from the said 7th day of July until the 14th day of this instant. During this period—to wit, on the 25th day of July last past, Beverley Grimes, one of the seaman belonging to the said schooner was arrested on board the said schooner, carried away from thence by force, and sent in confinement to a fort, at some distance in the country by the order of the said Christophe, for having stated in conversation with one of his acquaintance, as these appearants understood, that the Government of the United States was about to send some armed ships into those seas to punish the outrages which had been committed upon their citizens in Saint Domingo. Not being able to procure the discharge of this seaman, (who is a native Virginian,) they were compelled to sail from Cape François without him, which they did on the 14th day of this month, and arrived safely in the port of Norfolk, on the 27th day of the same.

GEORGE WILLS.
THOS. BASSETT.
WM. STANTON.

Wherefore, I, the said notary, at the request of these appearants, did, and do now, hereby solemnly protest against the said Christophe, Spalding, and all others concerned in the capture of the said schooner Dash, in the sending her into Port-de-Paix, in detaining her in the said port, in sending her to Cape François, in taking from on board the said schooner any part of her cargo, without the consent of those to whom the same belonged, and in taking from the said schooner by force the said Beverley Grimes, one of her seaman, and confining the said seaman for no offence whatsoever—for all losses, costs, damages, injuries and expenses suffered, or to be suffered, by all or any person or persons whatsoever, interested, or in any manner concerned in the said schooner Dash or her cargo, or any part thereof, by reason of the premises.

In witness whereof, I have hereunto set my hand, and affixed my
[L. s.] seal of office, this twenty-ninth day of August, in the year of our
Lord one thousand eight hundred and ten.

LITTLETON W. TAZEWELL,
Notary Public.

HENRY DAVIES'S CLAIM.

HOUSE OF REPRESENTATIVES, April 2, 1830.

DEAR SIR: I beg leave to enclose you a petition, which has been considered by the Committee on Foreign Affairs as coming within the sphere of your operations. I confess that I do not distinctly see how the Government of the United States can enter into direct communication with that of Hayti; but the petitioner, I understand, means to address you upon the subject.

I am, very respectfully, your obedient servant,

BENJAMIN C. HOWARD.

HON. MARTIN VAN BUREN.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of Henry Davies, a citizen of the United States, respectfully sheweth:

That on the fifth day of February, 1806, your memorialist shipped, from Baltimore, on board the schooner Mary Ann, a vessel of the United States, whereof John Haynes was master and your memorialist owner, among other merchandise, seven hundred barrels of gunpowder, weighing eighteen thousand seventy-eight and half pounds, the property of your memorialist, consigned to John B. Sayre, supercargo, and destined for St. Jago de Cuba and a market, to be sold on account of your memorialist; that the said vessel departed from Baltimore with the said cargo, and in the prosecution of her voyage arrived at Cape François, in the island of St. Domingo, on the 13th day of March, 1806; that, shortly afterwards, General Henry Christophe, without other pretence for his conduct than the necessities of the Haytian Government, forcibly took possession of the said powder against the remonstrances of the supercargo, and appropriated it to the purposes of the Government, as can be made to appear by the receipt of General Tiphanoë, and the acknowledgment of the said General Christophe, dated May 3d, 1806, and now in the possession of your memorialist; that the said powder was then worth two dollars per pound, equal to the sum of thirty-six thousand one hundred and fifty-seven dollars; that your memorialist has since continued to urge his claim for remuneration on the Haytian Government, through different private agencies, but without effect, though the justice of his claim cannot be controverted; that, after having failed in reiterated appeals to the justice of the Haytian Government, your memorialist availed himself of an opportunity to attach certain effects of General Christophe in Baltimore, against which he obtained judgment on the 8th of April, 1813, by which he recovered the sum of five thousand three hundred and fifty-two dollars and thirty-nine cents, after paying costs of suit applicable to the payment of his claim, but has not at any other time recovered any further part thereof; that this loss has proved ruinous to the prospects of your memorialist, and has reduced him and a large family to much suffering. Your memorialist is aware that he is not the only victim, among his countrymen, of the arbitrary conduct of General Christophe, and has learned that, during his absence from the country, other

spoliations on his fellow-citizens by the same authority, to the amount of about \$300,000 have been brought to the knowledge of the Government by means of different memorials, and have been urged through public agents on the Haytian Government for redress, but that the appeals have been continually evaded by a preliminary demand for a formal recognition of that Government, which considerations of policy have prevented. Your memorialist indulges the hope that the subsequent history of the Haytian Government, and the recognition of its independence by France, may, in the opinion of Congress, justify such departure from the policy heretofore deemed expedient towards that Government as to remove the obstacles that have obstructed all negotiations for redress. Should, however, your honorable bodies, in your wisdom, think otherwise, your memorialist trusts that the Haytian Government will not be permitted, on such untenable grounds as heretofore, longer to elude those obligations of justice which attach to recognised nations; and your memorialist, in full confidence of the disposition of your honorable bodies to extend to your fellow-citizens effectual protection, most respectfully appeals to you to sustain his claim for redress in such wise as may be most effectual, and your memorialist will ever pray, &c.

HENRY DAVIES,

By his Attornies.

JOHN BRICE,

HOWEL PRICE.

GEORGETOWN, July 16, 1830.

SIR: During the last session of Congress, a memorial of Henry Davies, a citizen of the United States, but then as now being abroad, was presented to the House of Representatives by his agent and attorney in fact, John Brice, Esq., of Baltimore, praying the interposition of Congress for the recovery of a claim on the Haytian Government. The memorial was referred to the Committee on Foreign Affairs; and, subsequently, on the ground that the office of interposal rested more properly with the Executive, the committee were, on their motion, discharged from the further consideration of the subject, and Col. Howard, of the House of Representatives, advised Mr. Brice that the memorial and report were in your Department, and that he had advised you that Mr. Brice would address you on the subject.

By request of Mr. Brice, I have called several times at the Department on this subject; but, though Mr. Brent retained some recollection of the memorial, it could not be found, and may be lost. I therefore, in behalf of the party, take the liberty to lay before you the particulars of the claim as presented in the memorial, and to appeal through you to the Executive for such interposition as the case merits.

On the 5th of February, 1806, Henry Davies shipped, on his own account from Baltimore, on board of the schooner Mary Ann, a vessel of the United States, whereof he was owner and John Haynes master, among other merchandise, 700 barrels of gunpowder, weighing 18,078½ pounds, consigned to John B. Sayre, supercargo, and destined for St. Jago de Cuba, and a market. The vessel sailed on her voyage, and, in the prosecution of it, arrived at Cape François, March 13, 1806, where, shortly

afterwards, the powder was forcibly taken for the public service by order of General Christophe, and receipted for by him and General Tiphanoë—copies of which receipts and of the report and manifest of the general cargo are enclosed. The value of the powder was then and there two dollars per pound, (at which price the Government was then purchasing the article) making the aggregate sum of \$36,157. The validity of the claim of Mr. Davies for that sum has been recognised by the Baltimore county court—where, by judgment on attachment, after satisfactory proof of the claim as herein mentioned, in the year 1813, he recovered the sum of \$5,352 39, applicable to this debt, of the effects of Christophe—and is further shown by a certificate of value, in his possession, from a gentleman, formerly, and at the time of the seizure of the powder, residing in Hayti.

Before and since the above judgment, Mr. Davies has urged his claim on the Haytian Government through various private agencies, but without effect, though the justice of the claim has not been controverted; as that Government has apparently been astute to see, and been well disposed to avail of the irresponsibility which its situation has heretofore afforded.

It is understood that Mr. Davies is not the only sufferer among the citizens of the United States, by the arbitrary and oppressive acts of the Haytian Government and its agents. Other claims, to the amount of \$300,000 or upwards, have heretofore been laid before the Executive of this Government for its interposition, and have from time to time been urged on the Haytian Government through various inofficial agents, but it is understood entirely without success.

It is understood that the claims have generally been eluded by a preliminary demand for the recognition of the Haytian Government, which considerations of policy have prevented this Government from conceding. It is not known whether subsequent events in the history of Hayti, especially its treaties with France and the permanency which the present Government has acquired, present, in the view of the Executive, any cause for relaxation in the guarded policy heretofore pursued towards the Haytians; but, however this may be, it is presumed that this Government, as the guardian of the rights of its citizens in their foreign commerce, will not permit the line of policy it has seen fit to pursue towards Hayti to operate an immunity for outrage, and to shield the Government of that island from the responsibility that is exacted from recognised nations. It appears, moreover, that the present chief of the island, heretofore, whilst at the head of only one of its then divided independencies, has virtually admitted that the policy dictated to this Government does not constitute a legitimate barrier against reparation for spoliation; for the archives of your Department show that an inofficial agent of this Government was then received and treated with by him, without a demand for the recognition by this Government of the sovereignty over which he presided. He cannot therefore, without a sacrifice of consistency, now insist on this as a preliminary concession.

When considering the large amount of claims on the Haytian Government by citizens of the United States growing out of this and similar outrages on the laws of nations, the great oppression and violation of faith characterizing the seizure of and refusal to pay for the property in question, the total disregard of all private appeals for redress, and the jeop-

ardy to the commercial capital of our citizens when in the reach of that Government that may flow from the example of a patient submission to such gross outrage, it is confidently hoped by Mr. Davies that the Executive will feel impelled, as well for the vindication of the national dignity as by a just regard for the violated rights of our citizens, to grant a favorable attention to his appeal, and to make an energetic demand for reparation on the Haytian Government.

I have the honor to be, sir, with consideration of respect, your obedient servant,

CLEMENT COX.

Hon. M. VAN BUREN,
Secretary of State, Washington.

JOHN DODGE'S CLAIM.

BOSTON, *September 7, 1831.*

SIR: The undersigned respectfully represents to the Government of the United States that he is an American citizen, born in Boston, in the Commonwealth of Massachusetts; that, during a residence of upwards of twenty years at Cape Haytien, Hayti, he was engaged in extensive mercantile transactions. In the year 1822, I was principally instrumental in establishing the house of Marple, Dodge, & Co., under the express patronage of the late Hon. Wm. Gray of this city, at the same time having the countenance and support of some of the most respectable mercantile establishments in our different Atlantic cities. During the four years of my continuance there subsequent to the formation of this last house, its transactions were as extensive, if not more so, than any other American establishment in that island. It was, however, soon ascertained that the undue exactions to which the Americans were subject rendered it impossible to recommend this place to our friends here by holding out inducements to commercial adventure which could not be productive. It was consequently found expedient to relinquish the establishment, loaded, as any American house must be, with all the exactions of licenses demanded by that Government for the mere privilege of transacting business there. It was therefore abandoned, together with all the claims due to ourselves individually, and to those American houses whose representatives we were in the year 1826; and at this time we were left without the slightest prospect, unless some friendly aid of our Government should be interposed, of recovering the just and honest debts due us there. About the the same time, many other American houses, in different parts of the island, determined to withdraw from the trade, and relinquish their *patents*, or right of transacting business—a tax imposed upon all American merchants resident in that country of \$1,600 per annum.

I have at this moment large amounts due me in Hayti, in the various commercial relations in which I have been placed, which it has been found utterly impossible to realize. My individual claims, in connexion with these various operations there, and which are susceptible of the most perfect legal proof, amount to about \$140,000. In many instances, I have appealed to their courts, and have obtained judgments to a large amount; but it has been found that they were only semblances of justice, and it

was found absolutely impossible to enforce any of them or to obtain from the court any satisfactory reasons for the delay. It is here proper to advert to the fact that the Grand Judge of that country, residing at Port-au-Prince, has given private orders or instructions to the different tribunals of the island, by which no claims in favor of American citizens are to be enforced, even in those cases where judgments have been rendered by these same tribunals, and obtained at a very heavy expense. One instance of the injustice of that Government towards us I would mention. On leaving that island in 1814, our house (of D'Arcy, Dodge, & Co.) had a claim against an individual, (Madame Dessalines,) now residing at Port-au-Prince, of about \$20,000. After a delay of four years in the court, and without any sort of denial of the equity of our demand, our attorney there, at a great expense, succeeded in obtaining a judgment against her in our favor for the whole amount of our claim, with interest, but allowing five years to pay the same. No portion of this sum has as yet been realized. Madam Dessalines is the owner of several plantations in that island. I mention this fact, sir, to exhibit the frivolous manner in which the proper claims of our citizens are trifled with in the tribunals of Hayti. There are hundreds of others of constant occurrence in various parts of that island, which, if need be, might be adduced in corroboration. Most, if not all, the American houses, which have for years been located there, have demands resting upon the same basis of right, and subject to the same disposition.

Encouraged by the message of President Jackson to Congress, wherein he says, "Blessed as our country is with every thing that constitutes national strength, she is fully adequate to the maintenance of *all our interests*. In discharging the responsible trust confided to the Executive in this respect, it is my *settled purpose* to ask nothing that is not clearly right, and submit to nothing that is wrong"—in December, 1829, I addressed a memorial* to the Hon. Martin Van Buren, then Secretary of State, on the subject of my claims, and our commercial relations with Hayti. Allow me to refer you to the files of that year for a further exposé of the views I hold relative thereto; and if you deem it necessary, I will furnish you with incontrovertible testimony of the justice of our claims.

Having noticed that our claims upon the French Government are adjusted and settled by a treaty—supposing that our Government were only awaiting the accomplishment of this great national object, before the powerful interposition of the Governmental arm to *demand and enforce* the payment of the just claims of our citizens against the petty princes and Governments that have hitherto committed aggressions upon the persons and property of the citizens of the United States with impunity—I feel it my duty to avail myself of that favorable circumstance to address myself to you, sir, directly, on the subject of our claims aforesaid. The Haytians trample upon *our* rights, but treat with great deference the claims and persons of *all* other nations. Will the republican dignity of the United States submit to this? Shall our commercial relations so suffer? Cannot the large sums now due to our merchants be collected by the aid of our Government? The greatest part of the whole trade of that island is ours by necessity; but of what use is that trade, if this Government, offi-

*Note on file.

cially, does not protect the rights of its merchants? The revenue of our country is directly concerned in a due administration of this matter. Setting aside claims upon judgments, and those of other nature, in favor of American citizens, to a large amount, the honor of our nation is at stake. With great deference, I hope that such measures may be taken as soon as may be, on the part of the Government of the United States, as will be equally for the public dignity of the United States as the private welfare of its industrious and enterprising citizens.

I have the honor to subscribe myself, very respectfully, your most obedient servant,

JNO. DODGE.

HON. EDWARD LIVINGSTON,

Secretary of State of the United States, Washington.

JOSEPH DONATH'S CLAIM.

PHILADELPHIA, November 22, 1817.

I wrote you yesterday in answer to your favor of the 19th instant. The President of the United States Insurance Company having this morning intimated to me that in the case where the office considers itself interested your application will be attended to, but that they had no instructions to communicate to me—by which, no doubt, they would commit themselves—I feel myself at liberty, and herewith empower you, in case you obtain the agency from the General Government, to act for me and in my name, for the best of my interest, in the recovery of the manifest robbery committed on my property by President Christophe. It is necessary to state that this property consisted partly in goods remaining from a former cargo of the Snowdrop in the hands of the supercargo, D. Bazin, at the time when the fatal embargo and sequestration of American property was laid, and partly in the second cargo of the Snowdrop arrived at Cape Henry on the 26th of October, 1810, during the embargo, amounting per invoice to \$6,369 50, and insured for \$6,500. This latter, if I recover here by award or compromise, will needs go to the United States Insurance Company. I wish you would make another attempt to obtain from Mr. Marple a certified copy of the decree of October 8, 1810. You will also oblige me by informing me of the success of your application. I remain, sincerely, your humble servant,

JOS. DONATH.

MR. JABEZ BOOTHROYD.

GILMOR'S AND OLIVER'S CLAIM.

DEPARTMENT OF STATE,

Washington, May 28, 1824.

SIR: Herewith enclosed is a copy of a letter received from Mr. Robert Oliver of Baltimore, respecting a claim upon the Haytian Government, for which he solicits the interposition of the Government of the United

States.* You are accordingly requested to give it all the assistance and support that may be in your power.

I am, with much respect, sir, your very humble and obedient servant,
JOHN QUINCY ADAMS.

ANDREW ARMSTONG,

U. S. Commercial Agent at Port-au-Prince.

BALTIMORE, March 12, 1826.

MY DEAR SIR: My friends, Messrs. Gilmor and Mr. Oliver, have sent me the enclosed statement and papers, with a request that I should ask you to peruse them; but, as I have no intention to go to Washington, I take the liberty of sending them to you.

The case is a very simple one. The President of Hayti has appropriated the money of Messrs. Gilmor and Mr. Oliver to the settlement of a claim of the Government of Hayti against the late Duncan McIntosh who had been the agent of those gentlemen.

The agency of their affairs had been taken out of the hands of Mr. McIntosh more than two years before his death, and the collection of their money confided to other persons. These persons applied to the President of Hayti for his assistance in making the collection, and submitted the papers to him. He retained the papers, enforced the payment, and applied the funds as above explained.

Messrs. Gilmor and Mr. Oliver have been assured, by their correspondent at Hayti, that a letter from you to the President of Hayti, giving them the support and countenance of our Government, would procure them a prompt and equitable adjustment of their claim; and they respectfully request you to give them a letter to that effect.

They do not imagine that any objection can be made, inasmuch as it seems to be the only means by which they can hope to recover property that has been so long and so unjustly kept from them, and as the Secretary of State did give such a letter addressed to the President of Hayti, dated Washington, March 13, 1821, in support of a claim upon that Government.

Messrs. Gilmor and Mr. Oliver offer, as an apology for troubling you at a season when you are so much occupied, the great length of time since the affair originated, and their just apprehensions that this fact and the absence or death of some of the persons on whom the settlement of their claim depends may combine to defeat it altogether.

May I venture to say that your early attention to this subject will confer a welcome favor on the above-named gentlemen, and very much oblige your obedient servant and friend,

CHRISTOPHER HUGHES.

HENRY CLAY, Esq.,

Secretary of State, Washington.

P. S. Mr. Forrest is acquainted with the circumstances of a former application of Mr. Oliver to Mr. Monroe, and can give information on the subject.

C. H.

* See a copy of Mr. Oliver's letter to the Secretary of State, of October 30, 1833.

Statement.

BALTIMORE, March 5, 1826.

Messrs. Robert Gilmor & Sons, and my late house, sent to St. Domingo, in the year 1804, a valuable cargo consigned to Captain William Bartlett, who sold the same to Monsieur Dejoye, and Colonels Bouregard and Bourdett, and received in payment their joint note for \$22,664, and the remainder in cash. Captain Bartlett left said note in the hands of Duncan McIntosh, of Aux Cayes, for collection, who failed soon after he received it, which, with drunkenness and fear of the parties, disqualified him from taking care of our interest. The paper herewith enclosed will explain the present situation of the claim, and show that the Government of Hayti have taken our property to pay D. McIntosh's debt, long after we had taken the agency out of his hands. I employed Mr. Armstrong, our consul at Port-au-Prince, to look after this claim, who informed me that it never would be recovered without the interference of our Government. This information induced me to state the case to Mr. Monroe, who assured me that I should have the support of our Government; but my absence in Europe, and other causes not now necessary to be explained, have occasioned a great delay. I directed Mr. Greer, who made the enclosed affidavit, to call on the Secretary of State for the promised letter, and to make the necessary explanations. He informed me that Mr. Adams was perfectly satisfied with his explanation and the papers laid before him, and promised to send me a letter, which he forgot. The papers relating to this affair were left in the hands of Mr. Richard Forrest, who was present when the President promised to give me the support of the Government; and I am under the impression that he informed me, before I embarked for Europe, that Mr. Adams doubted the propriety of corresponding with the President of Hayti.

I presume our Government can *now* have no objection to correspond with that of Hayti, and you will see by a letter herewith enclosed from Wm. D. Robinson, that Mr. Adams did write to President Boyer in 1821.

ROBERT OLIVER.

To C. HUGHES.

Papers herewith enclosed: Two letters from Wm. D. Robinson; copy of a letter from Wm. Gibson of Aux Cayes; George Greer's affidavit; copy of a letter from Mr. Armstrong, our Consul at Port-au-Prince; a statement of the case.

Statement of facts deposed to by the undersigned, touching the claim of Messrs. Robert & John Oliver, of Baltimore, against General Bouregard, and Colonels Bourdett and Dejoye, of Aux Cayes, island of St. Domingo, for balance of brig Delaware's cargo, sold to them in the year eighteen hundred and four, and for which they were jointly and severally bound by their respective signatures to pay.

The origin of the deponent's agency in that transaction will be found in the following copy of a letter dated—

BALTIMORE, May 23, 1818.

SIR: We have authorized the bearer, Mr. Greer, to call on you for

payment of the \$4,600 loaned to you in March 1809, and for the necessary authority and information to enable him to enforce payment of the debt due to the owners of the brig Delaware's cargo.

Your most obedient servant,

ROBERT & JOHN OLIVER.

Mr. DUNCAN McINTOSH, *Aux Cayes*.

BALTIMORE, *November 27, 1823.*

On presenting the original letter, (of which the above is a true copy,) to Duncan McIntosh, in *Aux Cayes*, during the month of August, 1818, he, the said McIntosh, delivered to me, as agent of Robert & John Oliver, the joint obligation of the above-named Bouregard, Bourdett, and Dejoye, for the sum of \$22,664, which obligation, as expressed on the face of it, was given for balance of the brig Delaware's cargo by them purchased, and which sum being yet unliquidated, would, at the present date, with the interest usually charged in commercial countries, amount to about \$48,000.

That document, with the others received from said McIntosh on the same subject, I subsequently, and in the same year, laid before the present President of Hayti at Port-au-Prince, and, in my memorial on the occasion, prayed that his Excellency would issue a peremptory order for the purpose of compelling payment. This, however, he declined doing, but informed me through P. Palm, a partner of the house of William Doran & Co. of Port-au-Prince, and who accompanied me as interpreter, that he (the President) was going to *Aux Cayes* in a few days, when he would see General Bouregard and investigate the matter, so as to have justice done to the claimants.

On this assurance being given, I forwarded all the papers touching the claim to *Aux Cayes*, where President Boyer soon after arrived, and remained for some time; but the subject not being then brought before him, and the time for my return to the United States approaching, I empowered William Gibson, resident merchant of *Aux Cayes*, to make the recovery, as will more fully appear by the accompanying document subscribed to by that individual.

GEORGE GREER.

UNITED STATES OF AMERICA.

STATE OF MARYLAND, *to wit* :

I, John Gill, notary public by letters patent, under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city of Baltimore in the State aforesaid, do hereby certify, attest, and make known, that, on the day of the date hereof, before me personally appeared George Greer, of this city, merchant, and made oath on the Holy Evangelists of Almighty God that the several matters and things set forth in the preceding document, at foot whereof he has signed his name, are just and true as stated, of which an act having been of me requested, I have

granted these presents to serve and avail as need and occasion may require.

In testimony whereof I have hereunto set my hand, and affixed my [L. s.] notarial seal the twenty-seventh day of November, eighteen hundred and twenty-three.

JNO. GILL, *Notary Public.*

AUX CAYES, *August 5, 1821.*

I am favored with yours of the 29th ultimo, covering a letter from Messrs. R. & J. Oliver, of Baltimore, relative to their claim left in my hands by Mr. George Greer. The parties were Messrs. Dejoye and Colonels Bouregard and Bourdett, all responsible for each other's fulfilling the obligation. The character of Bouregard, (now a general,) and, I believe, commanding at the mole, gave little expectation of making much of the claim. However, he made me frequent promises, without ever fulfilling one of them; and, in the end, I commenced prosecuting Lafarque, as executor, and obtained a judgment against him, not only for that, but other claims also against the succession. In this situation, I applied to the President as by the enclosed copy of my memorial, which I sent to Mr. Wilson with the necessary voucher, as you will please observe by the accompanying extract of my letter to that gentleman. He will be able to explain to you how he left the documents in the hands of the President with the answer he received. Monsieur Inginac, when here with the President, recommended me to discontinue to apply to his Excellency, who was so harassed with applications that he could not give the matter his consideration; at the same time, I am convinced that the settlement of it was arranged for in a very different manner.

Notwithstanding the clearness of the claim, and that the documents were transferred and stood in my name as agent, it appears the President has appropriated the debt to liquidate one which the late Mr. McIntosh owed the Government, as appears by a credit to him on the treasury books the 20th of May, 1820, of \$14,772, which I believe is understood to be the share of two of the parties. General Bouregard's pay, I understand, is retained in consequence. Mr. Lafarque is at present at Port-au-Prince. I sincerely wish that this statement, together with the documents at his Excellency's, will enable you to urge successfully the payment of this just claim.

WM. GIBSON.

WM. D. ROBINSON, *Port-au-Prince.*

PORT-AU-PRINCE, *July 31, 1821.*

GENTLEMEN: A few days ago, I landed from the United States brig Enterprise, and was received by the Government in the most friendly manner. The President of Hayti has promised to give an attentive ear to any representations I may make in behalf of our citizens, and to satisfy all just claims. We shall see before long whether those promises are fulfilled or not.

I have sent to Aux Cayes the letter addressed to Mr. Gibson, and in a few days, I presume, shall be made acquainted with the situation of your claims; after which I shall be better enabled than I am at present to give an opinion whether they are likely to be recovered or not.

There is now in this treasury above *two millions* of dollars in specie, taken from the coffers of Christophe. This, with the revenue derived from imports and exports, makes this Government more substantially independent and rich than two-thirds of the nations called civilized.

I judge, from the interviews I have already had with President Boyer and his Secretary General, that they are anxious to cultivate the good will of our Government, and I feel confident that if our Cabinet were to offer to acknowledge the independence of Hayti, or to make a commercial treaty with them, we might make our own terms, and, at all events, obtain payment for every just claim of our citizens, no matter whether they originated under the Government of *Dessalines, Christophe, Petion*, or the present chief. As long as we treat them with indifference, and take no steps by direct *negotiation*, or by the exhibition of *force*, to obtain justice, it is natural they will continue to act as they have hitherto done. However, I shall endeavor to convince them that it is their interest and policy at the present juncture to render our citizens justice.

I find that, some time ago, Captain Stow, of Baltimore, came here to recover a vessel and cargo which had been taken by some pirates of Cuba, and retaken by an Indigene vessel, brought in here, sold, and the money deposited in the treasury at Port-au-Prince. This is a clear case, and could be recovered with facility.

I have not inquired what were the reasons Captain Stow did not succeed; but it has been hinted to me that there will be no difficulty at present, if the application is made. If, therefore, the owners of that vessel and cargo, or the underwriters, think proper to send the documents to me, and give me the same commission I receive on other claims, I will with pleasure endeavor to recover it.

I shall be happy to hear from you occasionally, and remain, gentlemen, your obedient servant,

W. D. ROBINSON.

ROBERT & JOHN OLIVER, Esqs.

— UNITED STATES AGENCY,

Port-au-Prince, May 27, 1823.

GENERAL: I have been duly honored with your note of yesterday, conveying the answer of his Excellency, the President of Hayti, to my memorial of the 4th of March last, on the subject of the claim of Messrs. Oliver, of Baltimore, on the Government of Hayti.

The reasons which his Excellency alleges for refusing to admit this claim are, in my opinion, unjust, because, as I have already stated in my memorial, Mr. McIntosh was but the mandatory of Messrs. Oliver, and, as soon as those gentlemen withdrew their powers from Mr. McIntosh, he became entirely null in the business, and General Bouregard became the debtor of the new mandatories. Therefore the Government of Hayti might with equal justice have seized on the outstanding debts of any other citizen of the United States for the payment of Mr. McIntosh's debt to the Government, as to have appropriated that of Messrs. Oliver to that

purpose ; for it appears very clear, from the testimony of Messrs. Gibson and Greer, that, nearly two years before that debt was carried to the credit of Mr. McIntosh, (which was done on the 20th of May, 1820, as will appear by the treasury books of Aux Cayes,) those gentlemen had, with the authority of Messrs. Oliver, dispossessed Mr. McIntosh of all title on the debt of General Bouregard.

I shall, however, communicate the answer of his Excellency to the Government of the United States, whose administration will be better able than myself to decide on the merits of Messrs. Oliver's claim, and who will no doubt act accordingly.

I have the honor, General, to be, with continued sentiments of the highest consideration and respect, your obedient, humble servant,

A. ARMSTRONG.

B. INGINAC, Esq.,

General of Brigade and Secretary General of Hayti.

BALTIMORE, April 2, 1821.

DEAR SIR: I purpose passing a few months in Hayti, to endeavor to recover claims on that Government which some of our citizens of Boston and New York have placed under my charge.

My friend, General Mason, of Georgetown, has done me the favor to write you a few lines on the subject, which are herewith enclosed.

The following is a copy of a letter from the Department of State on this business:

“DEPARTMENT OF STATE,
Washington, March 13, 1821.

“SIR: Commodore Jacob Lewis, a citizen of the United States, has stated to this Department that he has claims upon the Government of Hayti, with the nature of which you are already acquainted, and that it is of great importance to him to obtain the immediate settlement of; and has solicited the interposition of this Government in behalf of the agent, Mr. Wm. D. Robinson, whom he has employed to prosecute them. It is with pleasure, therefore, that I yield to this request, in recommending Mr. Robinson to your Excellency's countenance and protection, and in asking for him such facilities as will the better enable him to accomplish the object referred to with all the despatch that may be compatible with entire justice to the parties.

“I am, with high consideration, sir, your most obedient servant,
“JOHN QUINCY ADAMS.

“His Excellency GENERAL BOYER,
President of Hayti.”

I understand there are some claimants in Baltimore, and I therefore solicit your good offices towards procuring me their agencies.

I am well aware that my career for several years past has been of such a nature as is not well calculated to inspire mercantile confidence. However, although I am called by the world a *revolutionist* or South American insurgent, nevertheless it is probable, if an opportunity is afforded me, I may develop some qualifications appropriate for the mission with which I am intrusted to Hayti.

I shall embark in a few weeks in one of our public vessels of war, and

in the mean time shall be at New York, where I will be happy to attend to any communications from any of the Baltimore claimants on the Government of Hayti who may deem it expedient to honor me with their commands.

I am, respectfully, your obedient servant,

WM. D. ROBINSON,
At the Fountain Inn.

ROBERT OLIVER, Esq.

BALTIMORE, October 30, 1833.

DEAR SIR: The late firms of Robert Gilmor & Sons, and R. & John Oliver have a claim on the Government of St. Domingo, which the enclosed papers will explain, and which I fear will be lost unless the Government interferes.

The object of this letter is to request you will assist me to recover this property, which will oblige your friend,

ROBERT OLIVER.

L. McLANE, Esq., *Secretary of State.*

BALTIMORE, May 13, 1824.

In the month of February, 1804, we despatched the brig Delaware, William Bartlett, master, and agent for Aux Cayes, in the island of St. Domingo, with a cargo which cost between thirty and forty thousand dollars. On arriving at his port of destination, the said Captain William Bartlett sold to General Bouregard, and Colonels Bourdett and Dejoye, of Aux Cayes, the entire cargo, for which he received prompt payment in part, and the joint obligation of said Bouregard, Bourdett, and Dejoye, payable at a short date, for twenty-two thousand six hundred and sixty-four dollars, being the balance due, and which obligation was made payable to said William Bartlett, as our agent, who, previous to his departure from Aux Cayes, deposited the said obligation with Duncan McIntosh, then a resident merchant of that port, for our account, and with orders to collect and remit the amount to us as early as practicable.

The unsettled state of the island, together with the demise of Bourdett and Dejoye, (two of the parties,) prevented any effective progress being made in the collection of our claim, until the year 1818, when we gave to George Greer, of this city, then going to St. Domingo, an order on Duncan McIntosh for the joint obligation above referred to, and the necessary documents to prosecute our claim, which papers were all handed over by Mr. McIntosh to the said Greer, as will more fully appear by reference to his statement, forwarded to and placed in your office last December, with another statement of William Gibson, a resident merchant of Aux Cayes, who, Mr. Greer, on quitting St. Domingo, empowered to prosecute the claim on our behalf.

We the more particularly refer to Messrs. Greer and Gibson's individual statements, as you will there observe that the existing Government of Hayti have collected from the estates of Bourdett and Dejoye, since the year 1820, upwards of fourteen thousand dollars on account of our claim, which they retain in their treasury, alleging, as the only reason that we

are aware of for so doing, that Duncan McIntosh, who once had the management of the claim, died indebted to the Government.

It will further be observed, and we again take the liberty of directing your attention to that part of William Gibson's statement, which shows that the Government of Hayti, through their Secretary General, (Inginac,) have, by improper means, got possession of the original obligation of Bouregard, Boudet, and Dejoye, together with all the proceedings had in the case.

In addition, we would remark that Bouregard, who is still living, and has not yet been compelled to pay his proportion of the claim, is very able so to do.

Believing that the subject (of which the above is a brief outline) is of such a nature as to justify the interference of this Government, we would respectfully ask you to make such communication to A. Armstrong, Esq., our commercial agent at Port-au-Prince, as the circumstances and our rights would in justice authorize.

JOHN Q. ADAMS, Esq.,
Secretary of State.

[For the statements referred to, see the papers enclosed in Mr. Hughes's letter to the Secretary of State, of the 12th of March, 1826.]

DEPARTMENT OF STATE,
Washington, November 22, 1833.

SIR: I have had the honor to receive your letter of the 30th ultimo. It appeared, by the papers enclosed, that the case to which it referred had formerly received the attention of the Department; and I caused the correspondence to be examined for the purpose of ascertaining the result of the measures which the commercial agent at Port-au-Prince, Mr. A. Armstrong, was instructed to take on the subject. I do not find, however, that any answer has, at any time, been received from that gentleman; and, as he is no longer in office, the necessary instructions will be given to Mr. F. M. Dimond, his successor.

You are doubtless aware that, as Hayti has not been acknowledged by the United States, we have no diplomatic intercourse with the persons in authority in that island. The commercial agent, however, will be directed to interpose his aid, in such manner as he may properly do, to give the fullest effect to your claim.

It will be proper to retain copies of the papers which may be transmitted to the agent at Port-au-Prince, in the case. Those which were enclosed in your letters are therefore sent to you, that you may cause copies to be prepared and returned, with the originals, to this Department.

I am, sir, respectfully, your obedient servant,

LOUIS McLANE.

ROBERT OLIVER, Esq., *Baltimore.*

DEPARTMENT OF STATE,
Washington, December 6, 1833.

SIR: Robert Oliver, Esq., of Baltimore, has handed to this Department certain papers relating to a claim of Messrs. Robert & John Oli-

ver against the Government of Hayti, which, it appears, were formerly recommended to the attention of your predecessor, Mr. A. Armstrong, from whom, however, there does not appear to be any reply on file in this office.

Mr. Oliver has asked the interference of the Department again; and I have the honor, accordingly, to transmit to you copies of these papers, and to request that you will give the subject all the attention which may be in your power, either in urging the claim yourself upon that Government or in pointing out some efficient mode in doing it.

If the claim of Messrs. Robert & John Oliver be such as the circumstances in which you are placed will allow you properly to act in, with any prospect of success, it may become expedient for you to open a direct communication with Mr. Robert Oliver.

I am, sir, respectfully, your obedient servant,

LOUIS McLANE.

F. M. DIMOND, Esq.,

U. S. Commercial Agent, Port-au-Prince.

UNITED STATES CONSULATE,

Port-au-Prince, April 17, 1834.

SIR: On my return here from the United States, I found myself honored with several of your communications. The one respecting the claim of Robert Oliver, Esq., of Baltimore, on this Government, was duly replied to by the vice-commercial agent, who was not aware of the fact that the documents relative to said claim had been received by me previous to my departure for the United States.

The same had my earliest attention, and my doings thereon were forwarded to Mr. Oliver; but, as he does not acknowledge the receipt of them, I presume they must have miscarried.

I regret to state, however, that I have not succeeded in adjusting said claim, or any part thereof, and could procure no definitive answer from this Government. I called personally on the Secretary General, who informed me that he had made the President acquainted with my communication to him on the subject, and then observed that the Government of Hayti did not hold itself responsible for said claim—that the amount they seized was the property of the person from whom they recovered.

I have this day forwarded to Mr. Oliver duplicate copies of my letters to the Secretary General at the time the documents were received by me.

I shall now renew my exertions, and as soon as possible have an interview with the President on the subject; after which I shall immediately make you acquainted with the result.

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

F. M. DIMOND.

Hon. LOUIS McLANE, *Secretary of State.*

INSURANCE COMPANIES AND OTHERS, PHILADELPHIA.

WASHINGTON, *May* 31, 1834.

SIR: The following are the facts connected with the outrage committed by Henry Christophe, styling himself President and Generalissimo of the land and sea forces of the state of Hayti, and King:

"LIBERTY AND INDEPENDENCE."

"At the palace of Cape Henry, the 8th of October, 1810, 7th year of independence, Henry Christophe, President and Generalissimo of the land and sea forces of the state of Hayti, to Messrs. Dodge, Marple, French, Myers, and M. O'Brien—

"GENTLEMEN: You are hereby appointed commissioners to examine the books and accounts of the American merchants, established at this city and at Gonaives; to make an exact report to me of the amount of American property in their hands respectively; and to realize thence funds sufficient to meet the sum due to me, and to pay the same into the treasury of state, to the end that I may reimburse myself for my remittances to Messrs. Von Kapff & Brune, merchants of Baltimore, (United States,) amounting to the sum of \$152,351 38.

"As all steps I have taken to obtain restitution of my funds have hitherto been fruitless, and it is but just one should use the means in his power to repossess himself of his property, especially when it is thus fraudulently withheld, I have decided on this measure, although repugnant to my feelings, as the only resource left for the recovery of my property. Wherefore, gentlemen, being advised that there are sufficient funds here to make restitution, I make a just sequestration of them; and, for the preservation of the rights of the parties interested, you are by these presents formally authorized to draw on Messrs. Von Kapff & Brune for the said sum of \$152,351 38, which they have so unjustly withheld, for which purpose I abandon and make over to you whatsoever may be legally due to me from them."

The next order or decree is as follows, viz:

"LIBERTY AND INDEPENDENCE—STATE OF HAYTI.

General order of the army, Thursday, 3d of January, 1811, eighth year.

"His Most Serene Highness, the Lord President, having judged it necessary to transmit to the United States, for the purchase of divers articles on account of Government, a sum of \$124,955 09, as follows, to wit:

"741,000 lbs. coffee, the amount of the cargoes of the English ship Earl Bathurst and the American brig Madeira, consigned to Messrs. Von Kapff & Brune, merchants of Baltimore, which coffee at 20 sous the pound, amounts to - - - - - \$89,818 17

"100,000 pounds coffee, by the schooner Ocean, to the address of the said Von Kapff & Brune, but which Mr. McFaden, also a merchant of Baltimore, has detained, at same price - - - - - 12,121 19

"Two bills of exchange drawn by D'Arcy, Dodge, & Co., in favor of Mr. Brunel, which have been remitted to the said Von Kapff & Brune -	\$16,000 00
"Export duties at 2s. 6d. the pound on 841,000 lbs. coffee	12,742 47
	<hr/> 130,681 83
"Deducting as so much received from the late Mr. Grogan, from the funds of Von-Kapff & Brune, on account of the cargo of the Earl Bathurst, and by the said deceased paid into the Treasury of Cape Henry	- 14,444 44
	<hr/> \$116,237 39
"Interest on this sum at 7½ per cent	- 8,717 80
	<hr/> \$124,955 19

"Seeing that not only the articles occasioned the sending of those funds have been detained in the United States by the said Von Kapff & Brune and McFaden, but that the said funds have been unjustly withheld to this day, notwithstanding the many fruitless steps that his Most Serene Highness has taken, especially by the useless mission of Mr. Marple, merchant of this city, a citizen of the United States, empowered to act on this business; thinking it just to use the means which are in his power, to repossess himself of this property, especially where it is thus fraudulently withheld in contempt of all that is sacred among men, his Most Serene Highness has decided on the following measure, repugnant alike to his feelings and policy, but which is the sole resource left him for the recovery of the property of the State.

"Wherefore, his Most Serene Highness convoked the American merchants established in this State, for the purpose of obtaining a disclosure of the American property in their hands, and to make a just sequestration thereof, proportionate to the said debt, for the recovery and preservation of the same; whereupon, the American merchants aforesaid made report, the result whereof is as follows, to wit:

"There are in the hands of Mr. John Myers, proceeds of the cargoes of the schooners Concord, Hope, Sally, and sloop Alert	- \$32,203 89
"In the hands of Mr. William French, proceeds of the schooner Mariner, Betsy, Leopard and Centurion	- 12,181 30
"In the hands of Mr. Hamer Gaskell, proceeds of part cargo of ship John of Baltimore	- 768 74
"In the hands of Mr. Wilton, proceeds of cargo of schooner Fanny	- 1,886 07
"In the hands of Mr. Matthew O'Brien, from the cargoes of the schooner Maria, of Philadelphia, the brig Venus, of Boston, and what is due to Mr. McFaden, together	- 21,745 02
"Also, cash paid into the Treasury by Mr. J. C. White, being the property of Mr. McFaden, which Mr. Brunel paid to him	- 6,639 19
"Charles Saunders & Co., the cargoes of the schooner Fanny, of Baltimore, Betsy, Sukey, Nancy, Nymph, the brig Joseph, and the adventures of Messrs. Stack & McKinsley, William Matchell and Oliver Farwell, George Burroughs and William J. Bedford, together	- 22,951 73

" Mr. Stephens, supercargo of the schooner Maria, of Philadelphia - - - - -	\$5,625 19
" In the hands of Messrs. D'Arcy, Dodge, & Co., the amount of the adventures of Messrs. Greetham & Devereux, of Baltimore - - - - -	948 48
" In the hands of Mr. Bazin, supercargo of the schooner Snowdrop, - - - - -	16,226 14
" In the hands of Mr. Joseph Burnel, in merchandise, money, and debts - - - - -	11,252 77
	\$132,428 52

" From which report it appears that there is on hand the sum of \$132,428 52, in money, merchandise, and debts, which have been formally sequestrated, in the hands of the said merchants, who are held personally answerable therefor until the amount of the debt of his Serene Highness shall be restored to him by the said Von Kapff & Brune, and McFaden, in which event he solemnly promises to remove the sequestration from the property described. Wherefore, seeing that American property is found in this State to a sufficient amount, his Most Serene Highness declares that he is satisfied therewith, and from this date he will not hinder American vessels from coming freely into the ports of this State, and desires the merchants of that friendly nation to continue their commercial relations without fear of future trouble in regard to the present matter.

" Given at headquarters, Cape Henry, January 3, 1811, the 8th year of Independence.

P. ROMAINE,
Major General of the Staff.

" Seen and approved, to be printed.

HENRY CHRISTOPHE.

" At Cape Henry: P. ROUSE, *State printer.*"

" *At the palace of Cape Henry, the 27th of April, 1811, the 8th year of Independence, Henry, by the grace of God and the constitutional law of the state, King of Hayti:*

" The American merchants are hereby ordered to pay into the Treasury of the capitol, the sums sequestrated in their hands for property of the Government fraudulently detained in the United States, according to the terms of the general order of the army, of the 3d of January, of the current year, 1811.

" This payment must be made within 24 hours at furthest.

" By the King:

COUNT DE LIMONADE."

In pursuance of the above order, the said amount of \$124,955 19 was paid into the treasury of Hayti, and acquittances given therefor to the American merchants, who by Christophe's order were compelled to render up the property of citizens of the United States which had been consigned to their care, as well as others, as agents, for sales and returns.

Repeated application has been made by the individual sufferers for indemnity for this grievous aggression, but without effect. The hope now is, that our Government will extend to them the energy and protecting care it has so successfully exerted to their fellow citizens who have wrongfully suffered by like illegal, arbitrary, and usurped acts of other foreign Powers.

It is proper to remark that the power granted by the first decree or order to the commission, who were compelled to make returns of the American property in Hayti, to draw bills upon Von Kapff & Brune, for the amount sequestrated, was declined; said Christophe being informed that such act could not be assumed by them.

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

ALEXANDER STEWART, Jr.,

In behalf of Insurance Companies of Philadelphia.

Hon. LOUIS McLANE,

Secretary of State of the United States.

WASHINGTON, June 24, 1834.

SIR: In addition to the claim I had the honor to submit on the 31st ultimo, in behalf of the interested insurance companies of the city of Philadelphia and others, against the Haytian Government, they desire me to represent also the following cases of American vessels and cargoes condemned and despoiled by the unjustifiable and illegal acts of said Government, in the year 1810 and 1811, viz:

Schooner Maria, Hardie, master, seized at Cape François, and sequestered under decree of Christophe; insured by the United States Insurance Company, and total loss paid on her cargo, with costs of detention of vessel	\$7,091 75
Schooner Hound, Quail, master, captured and carried into Cape François, there condemned and sold by orders of Christophe; insured by the United States Insurance Company, and total loss paid on vessel and cargo of	16,000 00
Same vessel, on goods insured and paid for by the Insurance Company of the State of Pennsylvania	3,775 00
Same vessel, on goods insured and paid for by the private underwriters of Philadelphia	1,200 00
Schooner Liberty, Stewart, master, captured, carried into and despoiled by Christophe's orders at Cape François, insured on goods by private underwriters of Philadelphia, and a loss paid thereon of	3,900 00
	31,966 75

The documents in proof of these acts of spoliation will be furnished to your Department, at any moment required, by, sir, your most obedient servant,

ALEXANDER STEWART, Jr.,

United States Insurance Company, Philadelphia.

Hon. LOUIS McLANE,

Secretary of State of the United States.

JACOB LEWIS'S CLAIM.

WASHINGTON, *March 1, 1821.*

During the period that Dessalines was at the head of the Government of Hayti, I entered into various contracts with him, whereby he became possessed of my property to the amount of several hundred thousand dollars; but, in consequence of his death and the civil wars raging in Hayti, it was impracticable to obtain payment.

The late revolution in Hayti and the death of Christophe opens a prospect for the recovery of all legitimate claims on the Haytian Government, and more especially a claim situated under the peculiar circumstances of mine.

When the late President Petion was elected chief of the Haytian republic, he recognized my demand against his predecessor Dessalines, and addressed me a special letter, promising payment as soon as the resources of the Republic would admit its being discharged.

This acknowledgment is in the handwriting of the present President Boyer, who was at that time the private secretary of Petion, and was concurred in by the Senate.

Besides, when Boyer succeeded Petion, he issued a proclamation whereby he confirms all the acts of his predecessor—a copy of which I had the honor of transmitting to the Department. Consequently, these official recognitions of my claim impose a sacred obligation on President Boyer to render me justice, more especially as the Government of Hayti, since the death of Christophe, is now consolidated under Boyer, and the whole resources of the republic placed under his control.

I have received a letter from Port-au-Prince, duplicate of which is herewith annexed, that, if my documents and a power of attorney were sent out, there was no doubt my claim would be immediately settled.

Although it is possible I may recover it without any interposition on the part of the Government of the United States, yet my experience of the character of the Haytian Government has taught me the high importance of having my claim sustained by the interposition of my Government, and more particularly as I am well acquainted with the character of the present chief Boyer, who, I think, will feel some pride in giving his attention to the wishes of the American Government.

The recovery of this claim is of vital importance to me. I therefore solicit that you will be pleased to submit these facts to the President of the United States, informing him that I have placed my claim under the charge of William Davis Robinson; and I request that such a letter be addressed to the Haytian Government as will give the proper weight to the representations of my agent, Mr. Robinson.*

I feel persuaded that, if the President of the United States accedes to my wishes, I shall promptly obtain from the Haytian Government an equitable adjustment and payment of my claim.

I have the honor to assure you of my very high consideration and respect,
J. LEWIS.

Hon. JOHN QUINCY ADAMS.

PORT-AU-PRINCE, *January 15, 1821.*

DEAR LEWIS: The internal peace of the country being now happily established, the period has arrived when the former President promised your claim should be paid; and, from the inquiries I have made, I have every reason to believe the present Chief Magistrate will fulfil his promises. In a word, if you will send me all the documents and vouchers relative thereto, and a full and complete power of attorney, I have no doubt of being able to collect the whole amount with little or no sacrifice. I recommend to you despatch.

I have applied to the Secretary of State to be made commercial agent at the cape; and if you can forward my views at that Department, I shall be obliged to you, though, between ourselves, I do not mean to leave this place. My best respects to your lady and family.

God bless you.

WM. DAWSON.

The documents required from you, are—

1. The decree of the late President, establishing the payment of the claim of the ship Emperor's cargo.
2. The letter from the late President, dated, it is believed, some time in 1808, wherein the whole claim on the administration was *renvoyer à la paix intérim*.
3. The power of attorney.

JANUARY 19, 1821.

The Senate will meet in less than a month, and rise early in May. It is all important to have your documents and power of attorney here in time, to lay before them your claim *in extenso*.

W. D.

BRIG MARY.

DEPARTMENT OF STATE,

April 16, 1817.

[EXTRACT.]

SIR: Your letter of March —, 1817, and another from you, of the 22d of the same month, have both been received and laid before the President. The latter has relation to the seizure of the brig Mary of New York, under the authority of the Government at Port-au-Prince. It appears that this vessel, pursuing a lawful voyage from Samana to St. Thomas, was captured by a cruiser trading under Chilian colors, and sent into Port-au-Prince, where the cruiser herself also arrived; that the latter, conscious that the capture was without cause, abandoned all claim to the Mary, when she was immediately seized as above stated.

Upon what grounds this violation of American property has taken place is not known here, and it is not believed that any have existed which can afford it the least color of justification. It is, therefore, the desire of the President that you promptly remonstrate against the act, and demand

an explanation of it, as well as restitution of the brig and her cargo. While you do this with decision, you will take care also that it be done in a manner altogether respectful to the Government where you are. You will particularly state it to be the wish of your Government to cultivate and preserve none other than the most friendly relations with the Government of Petion, but that it cannot witness acts of injury and injustice to the property and persons of its citizens. * * * Captain Morris of the frigate Congress, commanding on the New Orleans station, who takes out, as incident to another duty, Mr. Tyler to the cape, (where he is to exercise an agency similar to yours,) will call at Port-au-Prince to deliver to you this letter. His stay will be short. Whilst he remains, you will forbear making any communications to the Government relative to the subjects upon which you are herewith instructed. The good effect to be looked to from the appearance of our frigate, it is hoped, may be produced by your making the representations in question after her departure; and such alone is the course which it is the desire of the President should be pursued upon this occasion.

I have the honor to be, with great respect, sir, your obedient servant,

RICHARD RUSH,
Acting Secretary of State.

WILLIAM TAYLOR, Esq., &c.

[EXTRACT.]

UNITED STATES FRIGATE CONGRESS,
Port-au-Prince, July 26, 1817.

SIR: On my arrival at this place on the 22d instant, I found that Mr. Taylor had returned to the United States, and that no person here was authorized in any manner to fill his place. On the 23d, I made a formal visit of ceremony to Petion, and informed him that my object, in coming here, was merely to deliver despatches to Mr. Taylor whom I regretted to find was absent. No instructions having been given me what course to pursue in case of not meeting with Mr. Taylor, and knowing that certain events had taken place here generally deemed obnoxious to our Government, I consulted with Mr. Tyler on the propriety of opening the despatch to Mr. Taylor, to ascertain how far the objects of our Government might be affected by my interference. Mr. Tyler, coinciding with me in opinion that some good might result from the measure and no probable evil, I assumed the responsibility, and opened the despatch—the concluding clause of which directing Mr. Taylor not to make any remonstrances to this Government *during my stay* seemed to prevent the possibility of my acting officially with any propriety. The subjects of complaint against this Government being, however, of general notoriety, and the different protests of persons interested being in possession of Mr. Taylor's partner, I determined to pursue a course of conduct, which I thought could in no manner compromise my own Government, would give no offence to this, and at the same time procure all the explanations that the authorities of the place might feel disposed to give relative to the different subjects of complaint. I requested an interview with the President, Petion, which was granted on the afternoon of the 24th. I commenced by repeating to him that the object of my Government, in sending me here, was merely to deliver a despatch to Mr. Taylor, and that, after delivering it, I was to pro-

ceed on other service immediately, but that, finding Mr. Taylor absent, and no other authorized agent here, the despatches could not be left; that I was ignorant altogether of the views of our Government, excepting their known desire to preserve friendly relations with all others, so far as might be compatible with their rights and honor; that, from the newspapers of our country, and from general report at this place, certain acts had been committed by this Government, which, if correctly stated, must necessarily give just cause of complaint to the Government of the United States; that, if it pleased the President to hear what those reported acts were, and to give explanations of the proceedings of his Government as related to them, I would transmit them to my Government for their consideration, but with a full understanding that I was entirely unauthorized to act, and that my proceedings in this case were altogether without the knowledge of my Government.

To this proposition he acceded without hesitation, and expressed his satisfaction at being able thus to make his explanations.

I first mentioned the case of the *Mary*, of New York, which had been condemned by his courts; that it was impossible to conceive any thing in the case which subjected her to any penalty whatever; that, proceeding originally in a lawful-voyage, but detained and brought into this port against her inclination by a privateer, and then restored by her commander to the original owners, she stood, in every respect, upon the same footing with every American vessel in the harbor; that an illegal exercise of force by the privateer, tacitly acknowledged by her restoration, could in no degree affect the rights of the lawful owner; that an explanation of this affair was very desirable. In reply, he stated that the schooner *Mary* entered this port under the American flag; that the captain (Strong) made her regular entry at the custom-house, as from New York, bound to this place, a certificate of which should be furnished me; that no mention was made, by the captain or any other person, of her having been captured by the privateer for several days, when some of the seamen and clerk of the privateer informed against her as having sailed from Samana bound to St. Thomas, and subsequently made a declaration that Captain Strong was not the real owner of the cargo, but covered it for a Spaniard, who sailed with them; that, when fallen in with by the privateer, Captain Strong, for a stipulated reward, informed the captain of the privateer that the property was Spanish, and agreed with him to have the vessel sent to this place to dispose of her cargo; and that, with the approbation of Captain Strong, the real owner of the cargo (the Spaniard) was landed near the mole of St. Nicholas; that, in consequence of the false declaration made at her entry by the captain, (her nominal owner) the schooner was seized; and that then, for the first time, the captain made his protest against the privateer before Mr. Taylor; that the schooner was tried and condemned for having made a false entry, agreeably to the laws on that subject; that, had the schooner declared her real character on her arrival, the Government would have caused her to be restored, according to the rule established, and always adhered to by this Government, to preserve a strict neutrality with all belligerent Powers, none of which had been permitted to dispose of their prizes in the ports of his Government, or send them in, except in cases of distress.

In conclusion, he expressed his most earnest desire to preserve the

most amicable relations with the United States, as well from the proofs of friendship he had already received from them as from motives of general policy; that it was his greatest ambition to be just to all nations; and that he felt confident the Government of the United States would be convinced of his justice towards their citizens, when they should receive the explanations particular acts might seem to require—that he felt a consciousness of having acted towards them with rectitude, and that he should ever endeavor to preserve that satisfaction.

I have the honor to be, very respectfully, your most obedient,
C. MORRIS.

HON. SECRETARY OF STATE
Of the United States, Washington.

[EXTRACT.] NEW YORK, *February* —, 1818.

SIR: A commission, under the seal of this Department, as agent for the United States at Port-au-Prince, is herewith enclosed to you by the direction of the President, and, together with it, a copy of instructions from this Department to William Taylor, Esq., your predecessor, but which, by his departure from the island, he was prevented from receiving.

The principal and immediate object which will require your attention will be the case of the schooner *Mary*, Captain J. B. Strong, the papers relative to which are herewith transmitted to you. The condemnation of this vessel, notwithstanding all the explanations given and all the documents furnished to Captain Morris, appears to have been altogether unjust. Mr. Strong himself will take passage with you in the ship, by permission of the President; and from him you will receive any other elucidation of his cause which may be necessary. You will embark in the *Hornet* sloop of war, Captain Read, who, after landing William Taylor, Esq., at the other part of the island, and you at Port-au-Prince, will proceed with Baptist Irvine, Esq., to Venezuela. Those gentlemen have commissions similar to your own. Your stores for the passage, with the exception of bedding, will be found by Captain Read, and at the public charge. Your salary will be at the rate of two thousand five hundred dollars a year from the time of your embarking, and you may draw for it quarter-yearly upon this Department. You will abstain from engaging directly or indirectly in trade.

I am, &c.

J. Q. A.

JACOB LEWIS, Esq.

List of papers delivered to Jacob Lewis, Esq.

1. Certificate of appointment.
2. Papers relating to the case of the schooner *Mary*, Captain J. B. Strong.
3. Copy of report from Commodore Morris.
4. Copy of instructions from the Department of State to William Taylor, of April 16, 1817.

JOSEPH MERIC'S CLAIM.

The memorial of Joseph Meric, a citizen of the United States, and a resident of Savannah, in the State of Georgia, respectfully sheweth :

That the schooner Maria Josephine, of the port of Savannah, whereof your memorialist was master and sole owner, sailed on Saturday, the seventeenth day of May, one thousand eight hundred and twenty-three, from the port of Baracoa in the Island of Cuba, laden with a cargo, the property of your memorialist, consisting of three hundred and four ceroons of Spanish tobacco, three hundred and thirty boxes of Spanish segars, and about five hundred pounds of beeswax, bound to the island of St. Thomas, one of the West India Islands ; that, while prosecuting the said voyage, she encountered, on the twenty-second day of the same month, when in sight of the Grange on the coast of St. Domingo, a gale of wind from the north-east which split her flying jib, caused several of the water casks to leak out, and the schooner to make water considerably, and rendered it necessary for your memorialist to put into Maucheneal bay to repair the damages ; that, having effected this as speedily as possible, he got under way on Sunday, the 25th of the same month, with a light breeze from the land ; but, towards noon, a strong wind suddenly springing up from the north-east, he was forced to bear up in order to pass to the leeward of the islands called the Seven Brothers, and thus to proceed to sea, but, in the attempt, the schooner struck, at about 9 o'clock, A. M., upon a reef, where she heeled greatly. From this situation she was extricated only through the utmost exertions of the passengers and crew after having lowered the boats into the water, and thrown overboard about twenty tons of ballast and the greater part of the provisions and water. It was then found that a portion of her false keel had been knocked off and was floating alongside, that the rudder was broken, all the water on deck lost, and that there were on board but two bags of peas, about forty pounds of pork, ten pounds of bread, (which had been casually preserved in the trunk of a passenger,) and about thirty gallons of water, and no other provisions of any description ; and also that the vessel leaked and had three feet water in the hold. Your memorialist was therefore forced, by absolute and imperious necessity, to make the nearest port, in order to save the vessel and cargo and the lives of those on board. During the night of the twenty-fifth, the wind continuing high and the sea being very rough, the pumps were with difficulty kept free ; and at daylight on the morning of Monday, the 26th, finding himself abreast of Fort Liberty, formerly Fort Dauphine, and the wind being squally from the north west, attended with thunder, lightning, and rain, he put into that port to obtain safety and relief. Your memorialist was, immediately after his arrival there, conducted before the commandant of the fort, (a Col. Profile,) who, after treating him with harshness, took possession of his vessel with an armed force, sending all the passengers and crew on shore with the exception of your memorialist. About 9 o'clock on the night of the next day, your memorialist, with his mate, was sent, under the charge of about thirty soldiers, to Port-au-Prince, where he arrived on the 2d or 3d of June ; and soon after, at the recommendation of Mr. Dawson, the worthy acting commercial agent of the United States at that port, filed a claim, in the proper tribunal of that

country, to obtain the restitution of the vessel and cargo. That claim, however, was fruitless; and the vessel and cargo were both condemned—for no other reason, your memorialist verily believes, than that the schooner was fast-sailing, and in every other respect adapted for a cruiser. This consideration was frequently urged upon, and such a motive was also expressed by the court, and, after condemnation, the schooner was not sold, but was; within two days thereafter, equipped as a national armed vessel of the republic of Hayti, and despatched on a cruise. True it is, that they were ostensibly condemned for an imputed infraction of the proclamation of the President of Hayti prohibiting the visits to that republic of vessels sailing from another island in the West Indies; but that proclamation could have been intended to apply to voluntary and not to involuntary voyages, and must have been designed to affect the wanton and not the unfortunate. The duty of extending protection to the unfortunate, as it is enjoined by humanity, has also been consecrated by the decisions of the tribunals and enforced by the practice of all civilized governments. It was not from design, but necessity—it was from the effect of a calamity which could not be avoided, and against which your memorialist desperately struggled, and for the purpose of obtaining repairs essential to the existence of the vessel and supplies necessary to the lives of those on board—that your memorialist sought hospitality and succor in Fort Liberty.

The circumstance attending her voyage sufficiently evince and fully establish this. Her cargo was not adapted to the market of St. Domingo; she first sought succor in a haven where there could be no demand nor disposal of it; and the reduced and inadequate state of the provisions, and the perilous condition of the vessel, make it as unreasonable as it was foreign from truth that they would thus seek the sale of their cargo at the hazard of the safety of the vessel and of their own lives.

Your memorialists, however, furthermore solemnly disavows such intention; he protests against any view to gain or the purposes of convenience in his visit, and as sincerely avers that the single object for which he put into a port of the island of St. Domingo was to seek a refuge and beseech hospitality, to refit his shattered vessel, and to procure succor and necessary refreshments for the suffering crew and passengers of his vessel.

For this wanton, and your memorialist believes mercenary, outrage on the laws of humanity, the principles that pervade all law, the customs of all civilized nations, and the observances he had hitherto trusted even of the barbarous, your memorialist can have no redress except through the interposition of his own Government. He solicits her protection, and appeals with confidence to her justice for aid and succor, with the entire conviction that nothing is wanting to obtain the restoration of the rights of an American citizen, thus violated, and to heal the honor of his country, thus wounded and insulted, but a demand properly enforced.

Nor is the loss which your memorialist has sustained by this act of rapine small in amount, at least as regards himself, or unworthy the notice of his Government; the vessel which was thus unjustifiably wrested from him being worth, at a reasonable valuation, not less than the sum of four

thousand dollars, and her cargo having actually cost, including the duties, (at the port of its purchase and lading,) the sum of seven thousand seven hundred dollars.

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

JOSEPH MERIC.

We certify that we have been long acquainted with the memorialist Joseph Meric, who has always sustained the highest character for honesty and integrity, and whose representations we believe entitled to entire credence.

N. H. Olmstead, *Dep. Coll'r.*
 Jos. S. Pilot, *Naval Officer.*
 A. Hunter, *Surveyor Revenue.*
 J. P. Henry, *Navy Agent.*
 C. H. Hayden.
 F. Gillet.
 U. A. Bourgauz.
 E. Williams.
 Calvin Baker.
 Charles Maury.
 Robert Scott.
 Jos. Cumming.
 W. B. Bullock.
 Wm. Easton.
 E. Harris.
 M. Myers.
 M. Herbert.
 A. Dufaure.
 Thos. N. Morel.
 John P. Gandy.
 William Taylor.

John Lewis.
 Ab'm Nichols.
 Joseph Davis.
 T. M. Stone.
 J. Marshall.
 Jos. Habersham.
 Rich. W. Habersham.
 J. Hunter.
 R. Y. Williams.
 John Miller.
 M. W. Stewart.
 G. Breitsmayer.
 Donald Macleod.
 Worthington Gale.
 Geo. Schley.
 Levi S. D. Lyon.
 Eleaz. Early.
 Jno. P. Williamson.
 John Cumming.
 George Glen.

We, the undersigned, do hereby certify that we are perfectly acquainted with the character of the memorialist, "Joseph Meric," and believe him to be very worthy the protection of the Government.

PAUL P. THOMASON,

Vice Consul of France.

JOSEPH AUZE,

Vice Consul of his Majesty the King of Sardinia.

PETIT DE VILLERS,

Vice Consul of Russia.

SAMUEL CLARK,

Acting Vice Consul of Spain.

FRANCIS SORREL,

Vice Consul of H. M. F. Majesty.

GEORGIA, CITY OF SAVANNAH :

I do hereby certify that I am well acquainted with Joseph Meric; that his character is that of an honest and industrious man; that he has re-

sided here for many years past, and has conducted himself as a worthy citizen; that the signatures to the above certificates of the character of said Meric are well known to me.

In witness whereof, I have hereunto set my hand and caused to be [L. s.] affixed, the seal of the city of Savannah, this 2d day of January, 1824.

JAMES MORRISON,
Mayor of City of Savannah.

Attest: M. MYERS, C. C.

U. S. VICE COMMERCIAL AGENCY,
Port-au-Prince, September 6, 1823.

SIR: A long and serious indisposition has prevented me from having the honor of making known to you, for the information of the President of the United States, an act of injustice committed on an American vessel from Baracoa, Cuba, bound to the island of St. Thomas, with a cargo of tobacco, belonging to citizens of the United States. The facts are simply these:

The schooner Maria Josephine, of Savannah, Joseph Meric, master and owner, sailed from Baracoa on the 17th May, with a cargo of tobacco, belonging to the said captain, and John N. Maurel, of Charleston, South Carolina, and on the 25th they got ashore, on a reef to leeward of the Seven Brothers, lying between Cape Haytien and Fort Dauphine, now called Fort Liberty, where he was compelled to start his water, and throw his ballast and provisions overboard, to enable him to get off. In this situation, he was obliged to seek assistance in a friendly port; and it cannot be denied that having been deprived of the necessaries to sustain life was a sufficient cause for him to put into port; but he had additional ones, which, even without the want of provision, would have compelled him to have gone into some friendly port for succor; for, besides the want of sufficient ballast to enable him to beat up to St. Thomas, he discovered he had injured her rudder and false keel, and that his vessel leaked badly. Fort Liberty being the nearest port, he went there the twentieth, and was immediately taken possession of by the commandant of the place, with an armed force, and sent to this place for adjudication, for a breach of the proclamation of his Excellency the President of Hayti, [interdicting all intercourse with the islands in the West Indies.

In the course of her trial in the admiralty courts, it was admitted that she had been on the reef and had received damage, but contended that it was not sufficient to require her to go into port for repairs. She was on that ground condemned, together with her cargo. It is proper for me to observe to you that the court ordered a survey to ascertain the damage done to the vessel, appointing two Haytien captains or carpenters, and one foreign captain, who made up their report on board of the vessel, and which was duly signed and handed to the *chef des mouvements du port*, who, not finding it very likely to confiscate the vessel and cargo to the benefit of the republic, had one drawn up by his son, better calculated to answer its purpose. To effect this, he found no difficulty in obtaining the signatures of the two Haytians, but, on its being presented to the foreign captain on

board of his own vessel after dark, he refused to acknowledge it, assigning in writing at the bottom of the instrument why he did so, and subscribed his name, I am informed by Captain Meric, that a very material document sent by the commandant of the place at Fort Liberty had been suppressed, which, had it been produced at the trial, would have left no reason to doubt that the vessel and cargo would have been acquitted. I shall, if possible, obtain the documents produced in the case, and, if successful, shall have the honor to send them herewith, deeming the condemnation of the Maria Josephine and her cargo an outrage seldom committed by a civilized nation against the flag of a neutral Power claiming hospitality in the ports of another; and, not having been able, from the cause already mentioned, to write to his Excellency, I sent for Mr. Inginae, the Secretary General, with whom I entered fully into the merits of the case, and enforced my observations, by contrasting the conduct of the judges on this occasion with that of other nations, who always deemed themselves bound to relax, rather than enforce with rigor, the laws against an unfortunate vessel, seeking shelter in a friendly port, unless the pretences were frivolous, or an intention to violate the laws evident, which, in the present case, could not be pretended. I also stated that he could not but be aware that the United States, who do not possess any colonies in the West Indies, ought not to be made to suffer in consequence of any hostile acts of those colonies, against the commerce and individuals of this republic, when their own vessels and citizens were received in the ports of the United States on the same friendly terms and footing with all other nations. Whether he faithfully communicated to his Excellency the President what passed between him and myself in this interview, I am unable to say; but, finding that no written reply was transmitted to me, I sent my clerk to the Secretary General, to have the President's opinion on the subject, and was answered, that, since the court had thought proper to condemn the property on the evidence before them, he could not interfere; and here permit me to remark, that, as the confiscation was exclusively for the benefit of the Government, I have strong reasons for believing that private instructions had been given to the judges, which produced the decree of condemnation.

Having obtained the documents alluded to above, I have the honor of transmitting such of them herewith as will show the absolute necessity the captain was under of entering some port to repair his damages, obtain ballast, and procure water and provisions. I had demanded of the Government to be informed whether American vessels touching at other islands to know the state of the market and coming here would be seized or subject to confiscation; but I have not been able to obtain any other answer than that they were unable to say, as no decision had as yet been made on that head. The attorney for the Government said, whilst pleading in court the cause of the Maria Josephine, that all vessels coming to this island, either directly from another, or after having touched at one, for information or any other purpose, would be seized and condemned. The importance of the commerce of the United States with this island is too well known to you, sir, to need any elucidation from me; but I cannot help recommending to the Government to send a vessel, with a person qualified in all respects, to have an explanation with the President, on the subject of his proclamation, and other very important points, touching the citizens of the United States that trade with this island, one of which is the

great and increasing difficulty of collecting outstanding debts ; for, after expending large sums of money to obtain a judgment against the debtor, the President takes upon himself to suspend its execution, in consequence of which nine times out of ten the money is lost ; and to such an extent is this carried on, that foreigners in many instances prefer abandoning their just claims before risking a law-suit, which in the outset, they are almost sure, will only eventuate in adding to the sum claimed the heavy expenses attending the prosecution. It may be asked why such persons are trusted. I answer, because, generally, those who buy have but small capitals, and many have none, and without giving credit business would be suspended, for, among the purchasers of entire cargoes, there are not more than three who can buy one for cash to the amount of \$10,000, and then not more than once a month. In this state of things, the importer is compelled to retail his cargo. If it were not inconsistent with the arrangements of the Navy Department, the interest of the United States would be greatly promoted by a vessel of war looking in here at least once in two months. I am promised by the President, in my individual capacity, a statement of the entire imports and exports in the republic for one year, together with the population and military forces of the same. Should I obtain it, I will have the honor of sending you a copy, and I have no doubt that the document will be an interesting one. Having made the application upwards of six months ago, I have been assured by the Secretary General that I shall have it in a few days. By the way, every person capable of bearing arms is a soldier, without regard to age, so that nearly the whole male population can be brought to the field in a few days. No foreign Power can disturb them on land for more than six months, nor it is practicable to blockade all their ports.

I make these remarks with no other view than that of informing the Government on a subject, which, it is true, is not very interesting to it, but which, nevertheless, may be wished to be known.

With great regard, I have the honor to be, your very humble servant,
WM. DAWSON.

HON. JOHN QUINCY ADAMS,
Secretary of State.

AGENCY OF THE UNITED STATES OF N. A., PORT-AU-PRINCE.

By this public instrument of protest, be it known unto all those who shall see these presents :

That on the day of the date hereof, before me, William Dawson, vice agent of commerce and seamen of the United States of America for Port-au-Prince, personally appeared Joseph Meric, master, Charles Bennett, mate and mariner, of the schooner Maria Josephine, of Savannah, in the State of Georgia, who, being duly sworn on the Holy Evangelist of Almighty God, solemnly declare each for himself, separately speaking, that they sailed in and with said schooner, from Baracoa island of Cuba, on the seventeenth day of May, in the year of our Lord 1823, bound on a voyage to St. Thomas ; she being then tight, stanch, and strong, well manned and

equipped, and in every other respect prepared for a like voyage; that they proceeded to sea on the seventeenth day of May, with fine weather. The eighteenth commenced with fresh breezes, and the latter part ends with light airs; the nineteenth light breeze sprang up and increased to a gale, at 6 o'clock P. M. split the flying-jib, off bonnets, and lowered the main-sail; the twentieth commenced with fresh gales; at one o'clock, P. M., tacked to the southeast, the latter part squally with rain. They continued their voyage with various winds and weather, making and shortening sail as occasion required, without any thing worthy of note taking place until the twenty-fifth, when, at seven o'clock, A. M., they unfortunately got ashore on a reef to leeward of the Seven Brothers; but, by the exertions of the passengers and crew, by getting the boat out, the cargo put on deck, starting the water, and heaving eighteen or twenty tons of ballast overboard, got off; found the rudder broke, the false keel hurt, and three feet water in the hold; determined to make the first port. The twenty-sixth, at daylight, found them abreast of Fort Dauphin; at meridian they got into the harbor; the commandant came with a number of officers and soldiers, and took possession of the schooner, and took the captain and crew and passengers on shore; the twenty-seventh, lying in Fort Dauphin; the twenty-eighth, still lying in Fort Dauphin; the twenty-ninth, the commandant determined to send the schooner to Port-au-Prince; the thirtieth, put a new captain and crew on board, and detained their crew, with the exception of the captain, mate, and one mariner, and ordered for Port-au-Prince; the thirty-first, at four o'clock, A. M., they got under way, and went to sea with light breezes; the latter part calm. The first of June commenced with light breezes—at 6 o'clock, A. M., came to anchor in the mole; the second, at 9 o'clock, got under way from the mole; at 4, P. M., passed the platform; the third, at meridian, passed the Grand Saline; the fourth, beating between Gonaives, and Port-au-Prince; the fifth, at 5 o'clock, P. M., the pilot came on board, and moored them safely in the harbor of Port-au-Prince.

Therefore, as all the incidents set forth in the preceding part of this instrument have really happened, these appearers have required of me, the said agent of commerce and seamen, to make this their lawful protest, having been previously regularly noted within the time prescribed by law; and, in witness of the truth of all the foregoing facts, they have, with me, hereunto subscribed their names, and caused the said protest to be duly registered in this office.

Wherefore I, the said agent of commerce and seamen, do, with them, most solemnly protest against the proceedings of the Government of Hayti for the detention of said schooner and cargo, as being the property of citizens of the United States, and against every other occurrence afore set forth, as the real and sole cause of all losses, damages, average, and other inconvenience sustained, or to be sustained, by the owner or owners, and all others concerned in the property of the cargo, as well as in the hull and equipments of the said Maria Josephine, of Savannah, in the State of Georgia aforesaid.

JOSEPH MERIC,
CHARLES BENNETT.

Thus done and protested at the office of the agency of commerce and seamen of the United States of America, in the city of Port-au-Prince, island of Hayti; and in testimony of which I have hereunto subscribed my name and affixed my official seal, this eleventh day of June, in the year of our Lord 1823, and of the independence and sovereignty of the United States of America the forty-seventh.

[L. s.]

WILLIAM DAWSON.

Liberté.

REPUBLIQUE D'HAÏTI.

*[Egalité.]**Copie du jugement.*

[Extrait des registres du greffe du tribunal civil, séant au Port-au-Prince.]

AU NOM DE LA REPUBLIQUE :

Le tribunal civil, séant au Port-au-Prince, ayant attribution de celui d'amirauté, entre le Capitaine Joseph Meric, domicilié à Savannah de Georgia, dans les Etats Unis d'Amérique, où il est citoyen, propriétaire de la goëlette la Marie Josephine du dit lieu, sous pavillon Américain; le dit Sieur Meric, présentement en cette ville du Port-au-Prince, agissant tant en son nom, qu'en ceux qui chargent la goëlette susdite mouillée en cette rade, demandeur suivant réquête en date du onze du courant, comparant par Mr. Mullery, son fondé de pouvoir d'une part; et le Gouvernement, comparant par le citoyen Jn. Bte. Lespinasse, substitut du commissaire du Gouvernement près ce tribunal, intimé, d'autre part. Mr. Mullery a conclu—

Attendu qu'il a été constaté par procès verbal d'experte en date du vingt-quatre du courant, que la goëlette la Marie Josephine a touché sur des roches; attendu que c'est là le motif du relâche de la dite goëlette dans le port du Fort Liberté; qu'il plaise au tribunal donner main-levée sur l'arrestation de la susdite goëlette, ses agrés, apparaux, et chargement, et condamner le citoyen Jn. Bte. Lespinasse, en sa qualité de ministre public, aux dépens. Le citoyen Lespinasse, substitut du commissaire du Gouvernement près ce tribunal, en sa dite qualité, a conclu à ce qu'il plaise au tribunal prononcer la confiscation de la goëlette Marie Josephine, ses agrés, apparaux, et chargement, au profit de l'état, en vertu de la proclamation de son Excellence le Président d'Haïti, en date du vingt Mars, présente année: sur le coupe de laquelle, elle se trouve les parties entendues; et,

Vu, 1. La réquête en main-levée, en date du onze du courant, ainsi que procès verbal de naufrage produit à l'appui; 2. La lettre du Colonel Christophe Prophile, commandant l'arrondissement du Fort Liberté, constatant la rentrée de la goëlette Américaine, la Marie Josephine, dans le port du Fort Liberté le vingt-six Mai dernier; 3. Jugement en date du quatorze du même mois de Juin, ordonnant la visite de la dite goëlette; 4. Procès verbal de visite, en date du vingt-quatre du courant; et enfin la lettre de M. le Grand Juge, en date du six courant, tendant à poursuivre la confiscation de la susdite goëlette;—il résulte en fait, que le vingt-six Mai dernier, la goëlette Américaine, la Marie Josephine, Capitaine Joseph Meric, est entrée dans le port du Fort Liberté, venant de Baracoa dans l'île de Cube, alléguant cause de relâche forcée, arrêtée par le commandant de l'arrondissement du lieu, et conduite en ce port pour sa confiscation, être

poursuivie par le tribunal civil de cette ville en ses attributions d'amirauté. Le Sieur Joseph Meric, capitaine de la dite goëlette, par requête du onze du courant, ayant demandé la main-levée sur l'arrestation de la susdite goëlette, par jugement du quatorze du courant, sur la demande du ministre public,—une visite à bord de la dite goëlette a été ordonnée le 24 même mois; la dite visite ayant été effectuée par nouvelle requête, en date du vingt-six, l'audience ayant été poursuivie ce jour, où les conclusions ci-dessus ont été prises: En droit, il s'agit de savoir s'il peut être fait droit à la demande en main-levée, ou à celle du ministère public.

Attendu que par le proces verbal de visite, fait le vingt-quatre du courant, de la goëlette Américaine Marie Josephine, que les avaries dont s'étaye le Capitaine Joseph Meric pour justifier sa rentrée dans le port du Fort Liberté, ne se trouvant pas suffisante pour l'avoir contraint d'entrer en relâche dans le susdit port; en conséquence, en vertu de la proclamation de S. E. le Président d'Haïti, en date du vingt Mars, présente année, le tribunal confisque la goëlette Américaine la Marie Josephine, mouillée en cette rade, ses agrès, apparaux, et chargement, au profit de l'état, pour le tout être vendu en conformité de l'article 4 de la loi du 24 Novembre, 1813, et condamne le dit Capitaine Joseph Meric aux dépens.

Donné de nous, Perpignand, juge remplissant les fonctions de doyen; MM. Zamour, juge, et Preston, suppléant de juge, au palais de justice, en audience extraordinaire du vingt-huit Juin, mil huit cent vingt-trois, an 20ème de l'indépendance. Mandons et ordonnons que le présent soit mis à execution par le premier huissier sur ce réquis; à nos commissaires du Gouvernement et leurs substitués près les tribunaux civils, d'y tenir la main; à tout commandant et autre officier de la force publique, de prêter main forte s'ils sont réquis. En foi de quoi, le présent a été signé par le juge Perpignand and le greffier.

Collationné:

PERPIGNAND,
ARMAND, *Greffier*
D'ETRE LEON.

Liberté.]

RÉPUBLIQUE D'HAÏTI.

[*Egalité.*

[Extrait des minutes composant la dossier de la goëlette Marie Josephine, aujourd'hui, le vingt-quatrième jour du mois de Juin, l'an mil huit cent vingt-trois, vingtième année de l'indépendance, à trois heures de l'après-midi.]

Nous, Maximilien Stor, maître charpentier d'état, Ambroise Petit, second maître calfat, and le Sieur R. F. Hoff, capitaine du brick Danois Rosen, ancré en cette rade, experts choisis tant par le tribunal civil, que par les parties en vertu de son jugement rendu dans ses attributions d'amirauté sous la date du quatorze courant—

Sommestransportés, accompagnés du Colonel Boisblanc, chef des mouvements du port, à bord de la goëlette la Marie Josephine, ancrée en cette rade, à l'effet de visiter et examiner les avaries d'un échouement du dit bâtiment: avons trouvé que le dit bâtiment avait un pied d'eau dans la pompe; d'après la question du chef des mouvements du port, l'officier Charles Cézard a répondu que le bâtiment n'avait pas été pompé depuis six heures du matin. En conséquence, ayant fait vider le logement de devant, nous avons découvert un petit voie d'eau de mer à l'extrémité de

l'étaie, qui se réunit à la quille. Après avoir oté toutes les marchandises que nous avons trouvés, saines et sauvés, and sans avaries, dans le grand panneau, nous avons vu le lest un peu humide, comme l'usage de tous les batiments; il parait que le batiment avoit touché sur les roches; il y a que le chef du gouvernail qui a été levé; les montants ont un peu soufferts; ce n'est que par la viellesse du batiment. Mais que ceci ne pouvait pas être un motif de relâche, puisqu'il est vrai que le batiment pouvait continuer sa route, en moins que la capitaine, ayant eu besoin de communiquer avec la terre, comme ancien habitant de cette ville, ayant même deux filles résidant au Fort Liberté, qui sont présentement dans cette ville. Nous experts sommes donc d'opinion, que la dite goëlette, ayant fait le voyage du Fort Liberté ici sans avaries, pouvait également continuer à sa destination. Fait et clos le présent procès verbal les jour, mois, et an que dessus. Avons signé.

MN. STOR,

Faisant pour Lieut. Ambroise Petit,

BOISBLANC,

Collationné:

D'ETRE LEON, *Commis Greffier.*

Je, soussigné, ayant prêté serment [devant] le tribunal de cette ville d'assister à l'opération et visite du batiment Américain, la Josephine de Savanna, declare avoir vu, en faisant la visite, que l'extrémité de l'étaie qui s'unit à la quille est endommagée, et que pour boucher le voie d'eau, on avait été obligé de briser le vergeage et le logement; que tous les montants ont soufferts; que tous les plats-bords sont ouverts à passer un couteau dans les coutures. Ce qui a fait le maitre calfat de l'état; et que, en passant autour du naviere, nous avons découvert toutes les coutures ouvertes, la toupe sortie; and même les sus-mentionnées personnes ont eux-mêmes passé le couteau en travers dans deux endroits; que les bordages tribord et babord sont detachés en partie de l'étron, surtout du portage du beau-pré; enfin, qu'il y a de pièces de bois mises en dessous ces coutures pour boucher le voie d'eau, et que même le batiment a l'air d'être rompu. En foi de quoi, j'ai signé en âme et conscience.

R. F. HOFF.

Collationné, pour expositions conformes.

DETRE LEON, *Commis Greffier.*

BRIGANTINE VENUS.

[No. 41.]

UNITED STATES COMMERCIAL AGENCY,

Port-au-Prince, October 23, 1837.

SIR: I have the honor to inform the Department that, in accordance with the duties of my office as vice commercial agent of the United States, I legalized the sale of the condemned brigantine Venus, of New York, on the 12th May last. Said vessel was bought at auction by two Haytians, they paying \$910 for her. After repairing, she was despatched for New York, with a freight consisting chiefly of mahogany, where she was seized and taken possession of by Ralph Plympton, her former owner. The captain, (Chassaings,) as agent, protested and commenced suit in the court of New York, and immediately returned to this port and in-

stituted a suit here against F. M. Dimond and myself, for the recovery of the vessel and damages, or rather for their estimated value of vessel, &c., repairs, and damages. By a decision of the "tribunal de commerce and tribunal civil," we were condemned to pay the amount of \$7,776, with costs; or, in default of payment, to suffer imprisonment until final payment.

On the 30th instant, the execution of the judgment will take place.

I beg leave to call your attention to the peculiar position in which an agent of the United States Government is by this proceeding placed.

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

THOMAS GEO. SWAIN,

Vice Commercial Agent Port-au-Prince.

Hon. JOHN FORSYTH,

Secretary of State of the U. S.

[No. 43.]

PRISON OF THE CITY OF PORT-AU-PRINCE,

November 14, 1837.

SIR: I have the honor to state to the Department, that, in consequence of my imprisonment by virtue of a decision of the civil court of this city, in the case of the American brigantine *Venus*, of New York, condemned by a regular survey and sold at auction by my authority as acting commercial agent, the office of the United States commercial agency in this city is closed; and, under the seal of the office, herewith, I have the honor to transmit copies of the documents, &c., relative to this unpleasant affair, to which I beg respectfully to refer you, viz: [See B, C.]

The reports of the surveys held on said vessel are from gentlemen of respectability.

Also, herewith, are transmitted the account current and bill of tonnage dues, [D, A;] which latter was left unpaid by the consignees, they having already advanced more to the captain of the vessel than his irregular conduct warranted, so that the Government threatened seizure of the brig to pay the above-mentioned dues, which I thought it my duty to prevent by requesting the consignees to advance the sum on my own responsibility. I mention these circumstances, sir, to establish the fact of the bad character of the captain, through whom this difficulty has in a great measure been occasioned.

Copies of the judgments rendered at this date are herewith transmitted, to which I must respectfully beg to refer you, [E.]

The final judgment, condemning Mr. Dimond and myself conjointly to pay the sum of eight thousand Haytian dollars, has not yet been rendered.

I immediately protested before a notary—a copy of which protest I have the honor herewith to transmit. [F.]

There are at this moment in the harbor two American vessels, from Boston, and New York. One of these vessels having cleared for Boston, and wishing to deliver the register and papers to the captain, I asked permission at the proper quarter, stating expressly the inconvenience to which the brig might be put in case of any accident before her arrival at her destined port, (Boston,) by the absence of her register, &c., but was told that no law of the civil code of Hayti authorized the provisional liberation of an individual in a like case.

At the opening of this process, sir, I thought it my duty to address the President of Hayti, merely giving a clear and just statement of the facts relative to the affair of the Venus—a copy of which representation I have the honor herewith to transmit, and to it I respectfully refer you. [G.]

Having thus, sir, faithfully laid before you all the facts connected with this affair, in conclusion, I most respectfully, but earnestly, solicit your early attention to the unfortunate situation in which I am placed; for, in addition to the hardship of being imprisoned for an act performed strictly as I conceive in accordance with the laws and instructions which are the guide of American commercial agents, my situation is aggravated by being confined in a common jail in this hot and unhealthy city.

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

THOMAS GEO. SWAIN,

U. S. Acting Commercial Agent, Port-au-Prince, Hayti.

HON. JOHN FORSYTH,

Secretary of State of the U. S.

A.

Doit le Brigantin Américain Venus, Capitaine Thomas, à J. Dejardin & Deserre.

Pour autant que nous avons payé à la douane, savoir :

Tonnage, sur 143 tonneaux, à \$2	-	-	-	\$286
Droits de fontaine	-	-	-	12
Manifeste chez l'interprète	-	-	-	20
Papiers timbres pour exportations	-	-	-	10
Pilote, vigie, et passe	-	-	-	4
				<hr/>
				\$332

PORT-AU-PRINCE, le 13 Mai, 1837.

Nous certifions le présent compte sincère et véritable, montant à la somme de *trois cent trente-deux gourdes*.

J. DEJARDIN ET DESERRE.

PORT-AU-PRINCE, 27 Mai, 1837.

Reçue de l'agent commercial des Etats Unis la somme de trois cent trente-deux gourdes, montant des droits de douane au brig Venus, Capitaine S. R. Thomas.

J. DEJARDIN ET DESERRE.

B.

Whereas we, the undersigned, have repaired alongside and on board the brig Venus, of New York, S. R. Thomas, master, to examine said brig,

do hereby report, that, after a close examination, we found the hull of said brig in good order, with the exception of the apex of the stern, which we found defective—also the ends of three timbers on the larboard side. Found a carpenter on board caulking, and found the fore yard decayed; and, in case a new one could not be procured in this port, it might be rendered secure, for the passage to New York, by fishing. We examined the rigging, and found two of the fore shrouds stopped, and the remainder chafed. We found the sails in bad order, and the vessel, in her present state, unfit to prosecute her destined voyage. We further report, that it is possible to make such repairs necessary as will render said vessel seaworthy.

Given under our hands, at Port-au-Prince, the 14th day of April, 1837.

TIMOTHY PHELPS.

JOHN R. TOWNSEND.

J. A. SILLIMAN.

AMBROISE.

—
C.

We, whose names are hereunto subscribed, do hereby certify and attest, that, on the 12th day of May, at the instance and request of Thomas George Swain, Esq., United States vice commercial agent resident in this city, we went on board and alongside of the American brigantine, called the Venus, to examine the said brigantine, in order to ascertain the possibility of said vessel being able to prosecute her voyage hence to New York, as well as the state of the said vessel, and we do report:

That it is entirely impossible for said brigantine Venus to proceed to sea in the state that she now is in, as she makes water very freely while lying at anchor in the harbor; and, furthermore, we give it as our opinion, that the repairs necessary to make said vessel seaworthy will amount to more than the said vessel is worth. We further give it as our opinion that the necessary repairs cannot be made in this place. We therefore recommend that the said vessel be sold for the benefit of whom it may concern.

Given under our hands at Port-au-Prince, this twelfth day of May, 1837.

TIMOTHY PHELPS.

C. McDONALD.

JOHN McDONALD.

AMBROISE.

I do hereby certify that the annexed account of the brig Venus, with Messrs. Desjardin and Desèvre, of this city, merchants, is a true and exact copy of the original account, exhibited at my office by Mr. Thomas H. Grant, and that the annexed documents are true and faithful copies of the original reports, made by the surveyors of the said brig, and exhibited to me by the said Thomas H. Grant.

In testimony whereof, I have hereunto set my hand and affixed my [L. s.] seal of office at Port-au-Prince, this 13th November, 1837.

THOMAS U. USSHER.

Her Britannic Majesty's Acting Consul for Hayti.

D.

(With T. G. Swain's letter of November 14, 1837.)

Dr. Owners of *Venus* and whom it may concern with T. G. Swain, United States Vice Commercial Agent. Cr.

May, 1837.		May, 1837.	By nett proceeds of sale of brig <i>Venus</i>	\$857 50
	Paid R. Gowan seaman on board brig <i>Venus</i>	\$64 00		
	do. J. Hendetson,	7 00		
	do. J. Jackson	69 00		
	do. S. Somerville,	31 00		
	do. W. Wheelwright, do.	23 00		
	do. James Butler, mate brig <i>Venus</i>	80 00		
	do. Louis Beng, ship chandler	80 90		
	do. B. Dejardin & Deserre, their bill against the brig for port charges, as by copy attached to this account	332 00		
	do. Samuel Peters	8 00		
	do. Consulate fees	8 00		
	do. Guardian on board	64 00		
	do. Cash for surveyed	40 60		
		\$857 50		\$857 50

PORT-AU-PRINCE, November 12, 1837.

I hereby certify the above account current is a true and faithful copy of the original account exhibited to me by Mr. Thomas H. Grant, to whom I returned the same after collating the said copy with the original accounts.

In testimony whereof, I have set my *hand* and seal of office hereunto, Port-au-Prince, November 13, 1837.

THOS. N. USSHER, Acting British Consul.

E. & O. E.

[L. s.]

E.

Liberté.]

RÉPUBLIQUE D'HAÏTI.

[Égalité.

[Extrait des registres du greffe du tribunal civil séant au Port-au-Prince.]

AU NOM DE LA REPUBLIQUE :

Le tribunal civil séant au Port-au-Prince, compétemment réuni au palais de justice, a rendu le jugement suivant en ses attributions commerciales :

Entre les Sieurs Dimond, negociant étranger, et Swain, médecin étranger, tous les deux demeurants au Port-au-Prince, défendeurs au principal, demandeurs à l'exception, comparant par Mr. Laborde, leur défenseur constitué d'une part ; et les citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant patenté sous le No. 37, tous les deux propriétaires et armateurs du brick les Deux Amis, patentés à cet effet sous le No. 83, demeurants au Port-au-Prince, demandeurs au principal, défendeurs à l'exception, comparant par Mr. Nathan, leur défenseur, constitué, d'autre part :

La cause au rôle appelée par l'audiencier, et après la conclusion prise au fond par les demandeurs, Mr. Laborde, au nom de ses clients, a conclu par exception—

Attendu que du protêt fait par le citoyen Chassaing, capitaine du brick-goëlette les Deux Amis, ci-devant Vénus, il appert qu'un Sieur Plympton, citoyen des Etats Unis, se serait, d'après l'autorisation de la justice, fait arrêter le dit bâtiment, et aurait fait sommer le dit capitaine à se présenter au tribunal de New York, pour voir déclarer valable l'arrestation provisoire qu'il a fait du susdit bâtiment :

Attendu que de cet acte il appert aussi que le dit Capitaine Chassaing, au nom de ses armateurs, a constitué avocat, pour répondre à cette action, à la garantie de la validité de laquelle le dit Sieur Plympton a fourni d'ailleurs une caution de quarante mil gourdes :

Attendu que de ces faits et énonciations, il reste évidence que le Sieur Plympton et les armateurs du brick-goëlette les Deux Amis ont soumis le titre à la juridiction des Etats Unis, où la cause est pendante depuis le trente Juin :

Attendu que deux tribunaux ne peuvent être saisis en même temps de la même question, et qu'aux termes de l'article 172 du code de procédure civile, s'il a été formé précédemment en un autre tribunal une demande pour le même objet, ou si la contestation est connexe à une cause déjà pendante à un autre tribunal, le renvoi pourra être demandé et ordonné :

Plaise au tribunal, à cause ces motifs, se déclarer incompetent pour juger de la demande, et condamner les demandeurs aux dépens.

M. Nathan, pour ses clients, de son côté, a ainsi conclu :

Attendu que le contrat de vente, qui lie les parties est intervenu en Haïti, et que les demandeurs sont Haïtiens :

Attendu que l'étranger, même non résidant en Haïti, peut être cité devant les tribunaux Haïtiens pour l'exécution par lui contractée en Haïti avec un Haïtien, (art. 15 du code civil :)

Attendu que l'étranger peut être traduit devant les tribunaux Haïtiens, pour les obligations par lui contractées en pays étranger envers un Haïtien, (art. 16 du code civil :)

Attendu que les jugemens rendus par les tribunaux étrangers ne sont point exécutoires en Haïti; (art. 470 du code de procedure.)

Attendu que la litispendance mentionnée en l'art. 172 du code de procedure civile n'est applicable que dans le cas où la cause est pendante à un autre tribunal de la République, et non pas en pays étranger, que l'on ne saurait entendre autrement les termes de cet article 172 du code de procedure Haïtien, sans porter atteinte à notre droit public :

Plaise au tribunal débouter les adversaires de leur déclinatoire, et les condamner par corps aux dépens.

Faits.—Il est de fait que le vingt-quatre Mai, 1837, les citoyens St. Mexan Rigaud et William Cole achetèrent à la criée publique le brick-goëlette Américain la Venus, que le Sieur Swain, représentant le Sieur Dimond, se disant agent commercial des Etats Unis, avait mis à l'encan. Le vingt-six du dit mois, les acheteurs versèrent le prix de leur acquisition entre les mains de l'encanteur Grant, qui le Sieur Swain avait chargé de faire la criée, et en prirent reçu. Le même jour le Sieur Swain retira des mains de l'encanteur les deniers provenant de la vente qu'il avait fait faire, et lui en fournit sur ses livres un reçu, qu'il signa "Thomas E. Swain, agent de les Etats Unis." Les deux Haïtiens, devenus les légitimes propriétaires du brick la Venus, s'empressèrent de le faire naturaliser Haïtien, sous le nom de Les Deux Amis, y firent faire les réparations que son état exigeait, le munirent d'une toute d'ustensile et d'appareux dont il manquait, lui achetèrent un canot qu'il n'avait pas, et le mirent en état de prendre la mer; ils formèrent un équipage Haïtien, et entreprirent une opération commerciale qui consistait à aller prendre un chargement de comestible à New York—opération que, vu l'état de notre place, promettait d'être avantageux.

Le bâtiment partit du Port-au-Prince dans la nuit de 4 ou 5 Juin, 1837, avec un chargement de bois d'acajou et de *besiller* pour le vendre à New York, à la consignation de Messieurs Rossire & Co. Le frêt de son chargement s'élevait à douze cent piastres fortes, ainsi que le constate le connaissance. Le 27 le bâtiment arriva à sa destination, et mouilla à la quarantaine. Le 29 Juin, 1837, un nommé Ralph Plympton, se disant l'ancien propriétaire du brick la Venus, monta à bord avec un schériff, porteur d'un ordre de la justice de New York, lequel intima l'ordre au capitaine Haïtien et à son équipage d'avoir à vider les lieux. Le capitaine déclara au schériff que le bâtiment était la propriété du Messieurs Rigaud et Cole du Port-au-Prince, pour l'avoir loyalement acheté, et voulut lui exhiber les titres. Le schériff lui répondit, qu'il n'avait pas besoin de voir ses papiers; que sa mission était d'installer Ralph Plympton, et de le faire reconnaître maître du bord, ce qu'il fit; et le navire entier, agrés, ustensiles, et provisions furent livrés au dit Ralph Plympton, et à ses agens. L'équipage Haïtien obtint seulement de rester quelques heures de plus, pour ramasser effets; et éviter l'ignominie de cette expulsion en plein jour, on leur fit nettoyer le bord, et ils débarquèrent. Le schériff remit aussi au capitaine Haïtien une sommation écrite pour comparaître au tribunal de New York, et répondre au dit Ralph Plympton pour avoir pris et détenu injustement le dit bâtiment, ses agrés, appareux, meubles, et canot.

Le capitaine, pour la conservation du droit de ses armateurs, constitua un avocat, protesta entre les mains d'un notaire, et ramena dans leur patrie les gens de l'équipage Haïtien, après beaucoup de difficulté, vu

que le bâtiment, étant saisi avec ses accessoires, le frêt, s'élevant à douze cent piastres fortes, l'avait été aussi.

Les citoyens St. Mexan Rigaud et William Cole, pour avoir réparation de ces torts et griefs, ouvraient le dix-neuf Août, 1837, au tribunal civil du Port-au-Prince en ses attributions commerciales, contre les Sieurs Dimond et Swain, leurs vendeurs, une action en résolution du contrat de vente, attendu qu'au terme du code civil, le vendeur est tenu d'assurer à l'acquéreur la paisible possession de la chose vendue ; et qu'en cas d'éviction, l'acquéreur a droit de demander contre le vendeur la restitution du prix, fruit, tous les frais faits, et des dommages intérêts, tendant d'avoir paiement de la somme de dix-sept mil huit cent vingt-trois gourdes soizante-quinze centimes, montant de leurs pertes et déboursés.

Droit.—En droit, il s'agissait de savoir si l'exception de litispendance en pays étrangers pourrait être opposée à des Haïtiens plaidant en Haïti, partant si les conclusions des demandeurs à l'exception étaient fondées et devaient être accueillies, ou si elles devaient être rejetées en les condamnant aux dépens par corps, d'après la loi ?

Les parties ayant été entendues en la susdite audience du vingt-huit Août dernier :—Vu 1. La requête introductive d'instance, repondue d'ordonnance du doyen au date du dix-neuf Août dernier, enregistrée le même jour No. 166 recto, case 3,000 du registre I, droit payé une gourde, et signifiée par exploit de l'huissier Charles Garidal du dix-neuf même mois d'Août enregistrée le même jour, fo. 166 recto, case 3,001 du même registre, droit payé cinquante centimes. 2. Compte de vente du brick-goëlette Américain Venus, adjugé aux demandeurs par l'encanteur Charles Grant le vingt-quatre Mai dernier, enregistré le dix-neuf Août dernier, fo. 121 verso, case 2,189 du registre I, droit payé une gourde 3. Le protêt fait par le Capitaine Pierre Chassaing par devant Mr. E. R. Fellon, notaire public à New York, le quinze Juillet de cette année, dûment traduit par le citoyen Lewis Pouilk, interprète, de dix-huit Août expiré, enregistré le dix-neuf, fo. 121 verso, case 2,188 du registre I, droit payé une gourde ; et enfin les conclusions des parties—

Considérant que l'autorité du juge émanant de la souveraineté nationale, les jugements n'ont de force et d'autorité que dans les pays où ils ont été rendus, sans pouvoir s'étendre au delà des limites de ces états :

Considérant que ces principes sont consacrés par l'article 470 du code de procédure civile, qui dispose que les jugements rendus par les tribunaux étrangers, et les actes reçus par les officiers étrangers, ne sont point exécutoires en Haïti :

Considérant que les articles 15 et 16 du code civile ne veulent que dans aucun cas l'Haïtien soit obligé d'aller plaider en pays étranger :

Attendu qu'un étranger ne peut proposer devant les tribunaux Haïtiens l'exception de litispendance en pays étranger, que l'article 172 du code de procédure civile, en parlant d'un autre tribunal, n'entend que d'un autre tribunal de la république, et non pas d'un tribunal étranger.

Par ces motifs, le tribunal rejette l'exception de litispendance proposée par Mr. Laborde, lui ordonne de plaider sur le fond, et condamne ses parties aux dépens, même par corps, en vertu de l'article 7 de la loi du 27 Mai, 1834, alloués à Mr. Nathan à la somme de vingt gourdes vingt-cinq centimes ; et à Mr. Laborde à celle de —, en ces non compris le coût du présent jugement.

Donné de nous, Louis Lilavois, doyen, Jn. Alexandre, et P. Nibor,

juges, au palais de justice, en audience extraordinaire, du quatre Septembre, mil huit cent trente-sept, an 34 de l'indépendance d'Haïti.

Il est ordonné à tous huissiers, sur ce requis de mettre le présent jugement à exécution; aux officiers du ministère public près les tribunaux civils d'y tenir la main; à tous commandants et autres officiers de la force publique, d'y prêter main forte lorsqu'ils en seront légalement requis.

En foi de quoi, la minute du présent jugement a été signée par les juges, le doyen Louis Lilavois, Jn. Alexandre, P. Nibor, Detré Leon, commis greffier, collationné pour 1ère expedition, signé "Detré Léon, C. Greffier."—Coût papier non compris, l'enregistrement ci \$14.—Enregistré au Port-au-Prince, le trente Septembre, 1837, fo. 187 verso, case 3,387, du registre I. Reçu deux gourdes pour le directeur principal.

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, 34e de l'indépendance d'Haïti, et le trois Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté sous le No. 37, tous les deux demeurants au Port-au-Prince leur domicile réel, propriétaires et armateurs du brick les Deux Amis, patentés à cet effet No. 83, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince,—Je, Charles Garidal, huissier audiencier, reçu et assermenté près le tribunal civil du Port-au-Prince, demeurant en la dite ville, soussigné, ai signifié à Mr. Laborde, demeurant au Port-au-Prince, défenseur des Sieurs Dimond et Swain en son domicile, parlant à sa femme ainsi qu'elle m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince, entre les parties, le quatre Septembre dernier. Dûment signé, scellé, et enregistré.

Et j'ai au dit Mr. Laborde à domicile, et parlant comme dit est, laissée copie du dit jugement et du présent exploit, dont le coût est de cinq gourdes. Dont acte (signé) Charles Garidal; enregistré au Port-au-Prince le trois Octobre, 1837, fo. 489 verso, case 3,432 du registre I. Reçu cinquante centimes pour le principal.

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et le vingt-trois Octobre.—A la requête du citoyen St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux propriétaires et armateurs du brick les Deux Amis, patentés No. 83, demeurants au Port-au-Prince leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution—Je, J. Dauphiné, huissier exploitant reçu et assermenté près le tribunal civil du Port-au-Prince, ayant les attributions commerciales, demeurant en la dite ville, soussigné, ai signifié—1. Au Sieur Thomas Swain, demeurant au Port-au-Prince, en son domicile, parlant à Mr. Grant, son ami qui partage sa chambre, trouvé chez lui ainsi qu'il m'a dit être; 2. Au Sieur Dimond, demeurant au Port-au-Prince, en son domicile, parlant à Mr. Dupuy, son associé, ainsi qu'il m'a

dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le quatre Septembre dernier, entre mes requérants, et les Sieurs Swain et Dimond, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du trois Octobre courant, enregistré le même jour. Et à mêmes requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la République, la loi, et la justice, ai fait commandement—1. Au dit Sieur Swain, en son domicile, parlant comme dit est; 2. Au dit Sieur Dimond, en son domicile, parlant comme dit est, d'avoir à payer à mes requérants, ou à moi, huissier pour eux, porteur des pièces, chacun sa part, 1. vingt gourdes vingt-cinq centimes, montant des frais alloués au jugement; 2. cinq gourdes cinquante centimes, pour qualités significations et dépôt d'icelles; 3. seize gourdes vingt-cinq centimes pour le coût du jugement et vacation; 4. cinq gourdes pour le coût de la signification à défenseur; et 5, sept gourdes pour le présent exploit de signification avec commandement, formant la somme de *cinquante-quatre* gourdes; leur déclarant que faute par eux d'y satisfaire, ils y seront contraints dans les délais de la loi par toutes les voies de droit, et même par corps. Et afin qu'ils n'en ignorent, je leur ai, à chacun séparément, à domicile et parlant comme dit est, laissée copie du jugement et du présent exploit, dont le coût est de sept gourdes, à cause des écritures et des deux copies. Dont acte. (Signé) P. Dauphine. Enregistré au Port-au-Prince le vingt-quatre Octobre, 1837, fo. 201 verso, case 3,653, du registre I; reçu cinquante centimes, pour le directeur principal.

R. LAROCHE.

Vu par autorisation du contrôleur:

B. LAROCHE.

L'an mil huit cent trente-sept, 34^e de l'indépendance d'Haïti, et le vingt-cinq Octobre.—A la requête du citoyen St. Mexan Rigaud, capitaine, aide-de-camp près son excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux propriétaires et armateurs du brick les *Deux Amis*, patenté No. 83, demeurants au Port-au-Prince, leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution: Je, Nosedelus Jean Pierre, huissier reçu et assermenté près le tribunal civil du Port-au-Prince y demeurant, soussigné, dument commis par ordonnance enregistrée de Mr. le Doyen de mon dit tribunal, ai signifié au Sjeur Swain (Thomas,) médecin, demeurant au Port-au-Prince, en son domicile parlant à la citoyenne Angélique, sa servante, ainsi qu'elle m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le quatre Septembre dernier, entre mes requérants et les Sieurs Swain et Dimond, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du trois Octobre courant, enregistré le même jour; et à même requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la République, la loi, et la justice, ai fait commandement au dit Sieur Swain, en son domicile parlant comme dit est, d'avoir à payer à mes requérants, ou à moi, huissier, pour eux porteur des pièces, sa moitié de 1, vingt gourdes vingt-cinq centimes, montant des frais alloués au jugement; 2. cinq gourdes

cinquante centimes, pour qualité, significations d'icelle, et dépôt; seize gourdes vingt-cinq centimes, pour le coût du jugement et le lever; 4. cinq gourdes, pour le coût de la signification à défendeur; 5. sept gourdes, pour la signification; 6. sept gourdes, pour le présent exploit de signification avec commandement; formant ensemble la somme de *soixante-une* gourdes—lui déclarant que faute par lui d'y satisfaire, il y sera contraint dans le délai de la loi, par toutes les voies de droit, et même par corps. Et afin qu'il n'en ignore, je lui ai, à domicile et parlant comme dit est, laissé copie du jugement de la requête, de l'ordonnance, et du présent exploit, dont le coût est de sept gourdes à cause de la requête et de l'ordonnance, et des écritures. Dont acte:

NOSDELUS JEAN PIERRE.

Liberté.

RÉPUBLIQUE D'HAÏTI.

[Égalité.]

[Extrait du registre du greffe du tribunal civil séant au Port-au-Prince, ayant les attributions commerciales.]

AU NOM DE LA RÉPUBLIQUE:

Le tribunal civil séant au Port-au-Prince, compétemment réuni au palais de justice, a rendu le jugement suivant en ses attributions: Entre les Sieurs Dimond, négociant étranger, et Swain, médecin étranger, tous les deux demeurants au Port-au-Prince, défendeurs au principal, demandeurs à l'exception comparant par Mr. Laborde, leur défenseur constitué, d'uné part; et les citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté sous le No. 37, tous les deux propriétaires et armateurs du brick les Deux Amis, patentés à cet effet sous le No. 83, demeurants au Port-au-Prince, demandeurs au principal, défendeurs à l'exception, comparant par Mr. Nathan, leur défenseur constitué, d'autre part:

La cause au rôle appelée par l'audiencier, les demandeurs du principal ayant déjà pris leurs conclusions au fond, Mr. Laborde, aux noms de ses clients, a pris et déposé, par exception, les conclusions suivantes:

Attendu que le Sieur Swain, remplissant provisoirement au Port-au-Prince, et en l'absence du Sieur Dimond, les fonctions d'agent commercial des Etats Unis, n'a fait procéder à la vente du brick la Venus qu'en vertu des pouvoirs qui lui étaient conférés par le Gouvernement Américain, et après que les jurés experts ont constaté qu'il était dans un état d'innavigabilité expertise, qui n'a été faite que d'après les demandes réitérées de l'équipage d'alors:

Attendu que l'examen de ces pouvoirs et l'étendue de sa responsabilité ne peuvent être appréciés que par l'autorité qui a constitué l'agence en ce pays, ou par les tribunaux de la juridiction de cette autorité, tant à cause de leur connaissance du lois qui ont trait à cette responsabilité, que parceque celui de New York est saisi de la question de la validité de la vente du dit bâtiment qui s'est opérée en Haïti le vingt-six Mai de cette année:

Attendu que le protêt du Capitaine Chassaing ne constate pas les causes réelles et positives de l'arrestation faite à la requisition du Sieur Plympton de ce bâtiment; qu'il n'est point dit pour quelle cause que ce bâti-

ment est arrêté; qu'il est question d'un avis du schériff par écrit, dont on ne justifie ni les motifs, ni les raisons, que l'on voit; au contraire, que cette arrestation émane de la justice de New York d'après la demande du dit Sieur Plympton, propriétaire du dit brick, lorsqu'il était expédié pour Haïti, puisque l'officier ministerial s'est refusé, ainsi que le déclare le Capitaine Chassaing, à voir les papiers:

Attendu que les magistrats du Port-au-Prince ne sauraient déclarer à la charge de l'agent Américain établi en cette ville, aucun fait, ni aucune responsabilité, puisque nul jusqu'ici ne lui reproche personnellement aucun concernant ses fonctions:

Attendu, enfin, que la validité de la vente du brick Venus (aujourd'hui Deux Amis) est soumise au tribunal de New York, qui statuera sur les pouvoirs de l'agent commercial—

Plaise au tribunal, et par exception, déclarer les citoyens Rigaud et Cole * * *, de leur demande en paiement de dix sept mil huit cent vingt-trois gourdes soixante-quinze centimes, et les condamner par corps aux dépens.

Mr. Nathan, de son côté, et au nom de ses parties, a conclu—

Attendu que les prétendus agens commerciaux des Etats Unis n'ont point de caractère public en Haïti, où ils ne sont point accrédités:

Attendu que c'est en vain que les vendeurs du bâtiment voudraient s'envelopper d'un prétendu mandat public pour échapper à votre juridiction, et ne relever que de leur Gouvernement; qu'ils relèvent en effet de leur Gouvernement, pour ce qui est de leur caractère comme agens publics, lui devant compte de leurs actes en cette qualité; mais qu'ils relèvent de votre juridiction pour les obligations qu'ils ont contractés en Haïti, où ils ne sont point considérés comme des agens publics, mais comme de simples particuliers:

Attendu que les défendeurs au principal ne sont, enfin, que de simples vendeurs de bâtiment en Haïti; partant, soumettre à toutes les obligations des vendeurs d'après nos lois:

Attendu qu'il est constaté et avéré au procès que Ralph Plympton s'est emparé du bâtiment à New York, comme s'en disant propriétaire; qu'il a été autorisé à le faire, par la justice de son pays; et qu'il plaide en cette qualité en son pays, ainsi qu'il résulte de la litispendance qui nous a été opposée:

Attendu qu'il est indifférent au procès de connaître en détail les motifs de la demande de Plympton, puisqu'il est constant que les concluants ont été evincés par ce Plympton, qui, autorisé en cela par la justice de son pays, s'est emparé à titre de propriétaire du bâtiment que les concluants ont acheté des Sieurs Swain et Dimond, et leur ont payé:—

Par ces motifs, plaise au tribunal rejeter leur exception, en les condamnant par corps aux dépens.

Faits.—Il est de fait, que les citoyens St. Mexan Rigaud et William Col, ayant acheté un bâtiment, que les Sieurs Dimond et Swain, se disant agens commerciaux des Etats Unis, faisaient vendre, le firent naturaliser Haïtien sous le nom de *les Deux Amis*, et l'expédièrent à New York; là, un nommé Ralph Plympton, soutenu en cela par la justice de son pays, les en depouilla; disant que ce bâtiment était toujours à lui, et les assigna devant la cour de New York, et lui repondre pour avoir pris et détenu injustement le dit bâtiment, ses agrés, appareils, meubles, et canot. Le capitaine Haïtien, expulsé de son bord, protesta, entre les main d'un no-

taire, pour la conservation des droits de ses armateurs, constitua un avocat, et ramena son équipage en Haïti. Les citoyens Rigaud et Cole assignèrent alors leurs vendeurs au tribunal de commerce du Port-au-Prince, en restitution du prix de la vente et de leurs avances, et en réparation du tort causé.

Droit.—Il s'agissait de savoir, si l'exception proposée était fondée et devait être accueillie ; ou si elle devait être rejetée en condamnant les défendeurs au principal aux dépens même par corps ?

Les parties entendues—

Vu—1. La requête introductive d'instance répondue d'ordonnance du doyen en date du dix-neuf Août dernier ; 2 Le-compte de vente du brick-goëlette Américain Vénus, adjugé aux demandeurs par l'encanteur Charles Grant, le vingt-quatre Mai dernier ; 3. Le protêt fait par le capitaine Pierre Chassaing par devant Mr. F. R. Fillon, notaire public à New York, le quinze Juillet de cette année, et dûment traduit par le citoyen Louis Pouilk, interprète judiciaire, le dix-huit même mois d'Août, le tout dûment enregistré ; et, enfin, les conclusions des dites parties—

Considérant, que pour être considéré comme agent d'une puissance quelconque, il faut que le caractère dont on est revêtu ait été accepté par le Gouvernement, et enregistré au greffe du tribunal civil du lieu où on exerce cette fonction :

Considérant qu'aucun acte ne prouve que ni le Sieur Dimond, ni le Sieur Swain, aient qualités qu'ils ont prises, et, par conséquent, ne peuvent être considérés que comme de simples commerçants étrangers qui ont vendu un bâtiment, se disant autorisés par leur Gouvernement ; attendu qu'ils ne peuvent exciper de la validité de la vente du brick-goëlette *les Deux Amis*, qui est soumise au tribunal de New York, la litispendance ne pouvant avoir lieu qu'entre deux tribunaux Haïtiens :

Par ces motifs, le tribunal rejette l'exception proposée par Mr. Laborde, lui ordonne de plaider sur le fond, et condamne ses parties aux dépens même par corps, en vertu de l'article 7 de la loi du 27 Mai, 1834 ; alloue à Mr. Nathan à la somme de treize gourdes vingt-cinq centimes, et à Mr. Laborde à celle de — ; en ce non compris le coût du présent.

Donné de nous, Louis Lilavois, doyen ; Th. Alexandre, P. Nibor, juges ; au palais de justice, en audience extraordinaire du quatre Septembre, mil huit cent trente-sept, an 34 d'indépendance d'Haïti.

Il est ordonné à tous huissiers, sur ce requis de mettre le présent jugement à exécution ; aux officiers du ministère public près les tribunaux civils d'y tenir la main ; à tous commandans et autres officiers de la force publique d'y prêter main forte, lorsqu'ils en seront légalement requis.

En foi de quoi, la minute du présent jugement a été signée par les juges : Le doyen, Louis Lilavois, Ths. Alexandre, P. Nibor, juges ; et Détre Leon, commis greffier.—Collationné pour première expedition (signé) Détre Léon.—Coût papier non compris : l'enregistrement ci, \$14.

L'an mil huit cent trente-sept, 34ème de l'indépendance d'Haïti, et le trois Octobre.—A la requête du citoyen St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux demeurans au Port-au-Prince, propriétaires et armateurs du brick *les Deux Amis*, patentés à cet effet No. 83, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince,—Je, Charles Garidol, huissier audiencier reçu et assermenté près le tribunal civil du Port-au-Prince y demeurant, soussig-

né, ai signifié à Mr. Laborde, demeurant au Port-au-Prince, défenseur des Sieurs Dimond et Swain, en son domicile, parlant à sa femme ainsi qu'elle m'a dit être, le jugement rendu entre les parties par le tribunal civil du Port-au-Prince en ses attributions commerciales, le quatre Septembre dernier, dûment signé, scellé, enregistré, et expédié en forme exécutoire.

Et afin que Mr. Laborde n'en ignore, je lui ai, à domicile parlant comme dit est, laissé copie du jugement et du présent exploit, dont le coût est de cinq gourdes.

Dont acte :

CHARLES GARIDOL.

Enregistré au Port-au-Prince, le trois Octobre, 1837, folio 190 recto, case 3435 du registre I. Reçu cinquante centimes pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, 34ème de l'indépendance d'Haïti, et le vingt-trois Octobre.—À la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté au No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés au No. 83, demeurants au Port-au-Prince, leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution.—Je, P. Dauphiné, huissier exploitant reçu et assermenté près le tribunal civil du Port-au-Prince ayant les attributions commerciales, demeurant en la dite ville, soussigné, ai signifié—1. Au Sieur Thomas Swain, demeurant au Port-au-Prince, en son domicile parlant à Mr. Grant, son ami, qui partage sa chambre, trouvé chez lui ainsi qu'il m'a dit être ; 2. Au Sieur Dimond, demeurant au Port-au-Prince, en son domicile parlant à Mr. Maurice Dupuy, son associé, ainsi qu'il m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince, en ses attributions commerciales, le quatre Septembre dernier, entre mes requérants et les Sieurs Dimond et Swain, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers par exploit en date du trois Octobre courant, enregistré le même jour.

Et à mêmes requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la république, la loi, et justice, ai fait commandement—

1. Au dit Sieur Swain, en son domicile parlant comme dit est ; 2. Au dit Sieur Dimond, en son domicile parlant comme dit est, d'avoir à payer à mes requérants, ou à moi huissier pour eux porteur de pièces, chacun d'eux sa part—

1, treize gourdes vingt-cinq centimes montant des frais alloués ; 2, cinq gourdes cinquante centimes pour qualités, significations, et dépôts d'icelle ; 3, seize gourdes vingt-cinq centimes pour le coût du jugement et vacation ; 4, cinq gourdes pour le coût de la signification à défenseur ; et 5, sept gourdes pour le présent exploit de signification avec commandement formant la somme de quarante-sept gourdes ; leur déclarant que faute par eux d'y satisfaire, ils y seront contraints dans les délais de la loi, par toutes les voies de droit, et même par corps. Et afin qu'ils n'en ignorent, je leur ai, à chacun séparément, à domicile, et parlant comme dit est, laissé copie

du jugement et du présent exploit, dont le coût est de sept gourdes à cause des écritures et des deux copies : Dont acte.

P. DAUPHINE.

Enregistré au Port-au-Prince, le vingt-quatre Octobre, 1837, fo. 201 verso, case 3652 du registre I. Reçu cinquante centimes pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, an 36e de l'indépendance d'Haïti, et le vingt-cinq Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté au No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés No. 83, demeurants au Port-au-Prince, leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution,—Je, Nosdelus Jean Pierre, huissier reçu et assermenté près le tribunal civil du Port-au-Prince, y demeurant, soussigné, commis par ordonnance enregistrée de Mr. le Doyen de mon dit tribunal, ai signifié au Sieur Swain, (Thomas,) médecin, demeurant au Port-au-Prince, en son domicile parlant à la citoyenne Angélique, sa servante, ainsi qu'elle m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le quatre Septembre dernier, entre mes requérants, et les Sieurs Swain et Dimond, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du trois Octobre courant, enregistré le même jour. Et à mêmes requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la république, la loi, et justice, ai fait commandement au dit Sieur Swain, en son domicile parlant comme dit est, d'avoir à payer à mes requérants, ou à moi huissier, pour eux, porteur de pièces, sa moitié de—1, treize gourdes vingt-cinq centimes, montant des frais alloués au jugement ; 2, cinq gourdes cinquante centimes, pour qualité, signification d'icelles, et dépôt ; 3, seize gourdes vingt-cinq centimes, pour le coût de jugement et le lever ; 4, cinq gourdes, pour le coût de la signification à défenseur ; 5, sept gourdes, pour la signification à partie ; et 6, sept gourdes, pour le coût du présent exploit de signification avec commandement—formant ensemble la somme de cinquante-quatre gourdes ; lui déclarant que faute par lui d'y satisfaire, il y sera contraint dans le délai de la loi, par toutes les voies de droit, et même par corps.

Et afin qu'il n'en ignore, je lui ai, à domicile et parlant comme dit est, laissé copie du jugement de la requête, de l'ordonnance, et du présent exploit, dont le coût est de sept gourdes, à cause des écritures de la requête et de l'ordonnance.

Dont acte :

NOSDELUS JEAN PIERRE.

Enregistré au Port-au-Prince, le vingt-six Octobre, 1837, fo. 203 verso, case 3639 du registre I. Reçu cinquante centimes pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

Liberté.]

RÉPUBLIQUE D'HAÏTI.

[Égalité.]

[Extrait des registres du greffe du tribunal civil séant au Port-au-Prince, ayant les attributions commerciales.]

AU NOM DE LA RÉPUBLIQUE :

Le tribunal civil séant au Port-au-Prince, competemment réuni au palais de justice, en ses attributions commerciales, a rendu le jugement suivant :—Entre les Sieurs Dimond, négociant étranger, et Swain, médecin étranger, tous les deux demeurants au Port-au-Prince, défendeurs au principal, demandeurs à l'exception, comparant par Mr. Laborde, leur défenseur constitué, d'une part ; et les citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté sous le No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés à cet effet sous le No. 83, demeurants au Port-au-Prince, demandeurs au principal, défendeurs à l'exception, comparant par Mr. Nathan, leur défenseur constitué, d'autre part :—

La cause au rôle appelée par l'audiencier, les demandeurs au principal ayant déjà pris leurs conclusions au fond, Mr. Laborde, aux noms de ses clients, a pris et déposé les conclusions suivantes :

Attendu que, par leur demande, les citoyens St. Mexan Rigaud et Cole, considerent les agens commerciaux comme leurs vendeurs, obligés par conséquent à les garantir contre toute eviction :

Attendu que, dans l'hypothèse de cette position, le procès étant pendant au tribunal de New York, il s'ensuivrait que les garants doivent y être appelés, aux termes des articles 176 inclusivement à 182 du code de procédure civile :

Attendu qu'il ne serait ni juste ni raisonnable d'obliger les agens Américains à payer une somme valeur du bâtiment lorsque l'on atteste que l'arrestation du Sieur Plympton est valable, ce qui le Sieur Plympton lui-même sait tellement qu'il n'a opéré l'arrestation que sous la garantie d'un cautionnement ; et que par le jugement du tribunal de New York, il peut arriver que l'arrestation soit déclarée nulle, and non avenue, toutes parties présentes ont dûment appelées :

Attendu que, pour condamner les agens Américains à payer les sommes que reclament les demandeurs, il eut fallu que le tribunal déclarât la vente à eux faite nulle ; mais il est impossible de le faire, puisque les demandeurs n'excipent aucune nullité formelle contre la vente, si c'est la prise de possession de Plympton, faite par ordre de la justice d'après le texte du protêt :

Attendu que cette prise de possession ne prouve rien contre la vente ; et que, tant qu'elle n'aura pas été jugée légale et fondée, elle ne peut être considérée que comme le fait d'un homme qui se croit en droit, mais dont l'action peut fort bien être reprouvée et condamnée par la justice :

Attendu que, s'il pouvait être permis à tout acheteur de délaisser l'objet vendu, bien que parceque des tiers le reclameraient, sans justification valable, pour en suite recouvrir aux vendeurs afin de les faire payer non seulement le prix de la vente, mais de prétendus, bénéfiques, il s'ensuivrait qu'il n'y aurait pas d'acheteur qui, mécontent de son acquisition, ou qui comptant sur un gain, ne forçat le vendeur à lui payer, même quand la vente serait régulière :

Attendu que la réclamation des demandeurs est repoussée par la raison et par la loi :

Plaise au tribunal par exception les en débouter, et les condamner par corps aux dépens.

Mr. Nathan, pour ses parties, a conclu de son côté :—

Attendu que les concluants n'ont jamais conféré aux Sieurs Swain et Dimond la qualité d'agens commerciaux, ni n'avaient mandat de la leur conférer :

Attendu que les acheteurs n'ont pas délaissé le bâtiment sur une simple réclamation sans justification, mais bien contraints par voie de justice :

Attendu que le fait de l'éviction ne prouve pas la nullité de la vente, que nous n'avons jamais non plus demandé la nullité de la vente, mais bien la résolution du contrat, en vertu de l'art. 974 du code civil :

Attendu que les articles 176 du code de procédure civile à 182 n'ont trait qu'à une action en garantie, qui n'est pas l'action que nous avons introduite ; que d'ailleurs, ces articles n'ont trait qu'aux tribunaux Haïtiens, et que l'on ne saurait argumenter de l'article 182 pour envoyer des Haïtiens plaider en pays étranger :

Plaise au tribunal débouter les demandeurs à l'exception de leur demande, et les condamner par corps aux dépens.

Faits.—Il est de fait, que le vingt-quatre Mai, 1837, les citoyens St. Mexan Rigaud et William Cole achetèrent à la criée publique le brick-goëlette Américain Venus, que le Sieur Swain, représentant le Sieur Dimond, se disant agent commercial des Etats Unis, avait mis à l'encan. Le vingt-six du dit mois, les acheteurs versèrent le prix de leur acquisition entre les mains de l'encanteur Grant, que le Sieur Swain avait chargé de faire la criée, et en présenté reçu. Le même jour, le Sieur Swain retira des mains de l'encanteur les deniers provenant de la vente qu'il avait fait faire, et lui en fournit sur les livres un reçu, qu'il signa "Thomas E. Swain, agent résidant de les Etats Unis." Les deux Haïtiens, dévenus les légitimes propriétaires du brick la Venus, s'empressèrent de le faire naturaliser Haïtien, sous le nom de *les Deux Amis* ; y firent faire les réparations que son état exigeait, le munèrent d'une soule d'ustensiles et d'appareux dont il manquait ; lui achetèrent un canot, qu'il n'avait pas ; et le misent en état de prendre la mer ; ils formèrent un équipage Haïtien, et entreprirent une opération commerciale, qui consistait à aller prendre un chargement de comestibles à New York—opération qui, vu l'état de notre place, (état qui se continue,) promettait d'être avantageuse.

Le bâtiment partit du Port-au-Prince dans la nuit du 4 ou 5 Juin, 1837, avec un chargement de bois d'acajou et de barilla pour le vendre à New York, à la consignation de Messieurs Rossire & Co. ; le frêt de son chargement s'élevait à douze cent piastres fortes, ainsi que le constate le connaissance. Le vingt-sept, le bâtiment arriva à sa destination, et mouilla à la quarantaine. Le 29 Juin, 1837, un nommé Ralph Plympton, se disant l'ancien propriétaire du brick la Venus, monta à bord avec un schériff, porteur d'un ordre de la justice de New York, lequel intima l'ordre au capitaine Haïtien et à son équipage d'avoir à vider les lieux. Le capitaine déclara au schériff que le bâtiment était la propriété de Messieurs Rigaud et Cole, du Port-au-Prince, pour l'avoir loyalement acheté, et voulut lui exhiber les titres. Le schériff lui répondit qu'il n'avait pas besoin de voir les papiers ; que sa mission était d'installer Ralph Plympton, et de le faire reconnaître maître du bord ; ce qu'il fit, et le navire entier, agrés, ustensiles, provisions, et cargaison furent [livrés] au dit Ralph Plympton et à ses agens. L'équipage Haïtien obtint seulement

la permission de rester quelques heures de plus, pour ramasser leurs effets; et, éviter l'ignominie de cette expulsion en plein jour, on leur fit nettoyer le bord, et ils débarquèrent. Le schériff remit aussi au capitaine Haïtien une sommation écrite, pour comparaître au tribunal de New York, et répondre au dit Ralph Plympton pour avoir pris et détenu injustement le dit bâtiment, les agrès, apparaux, meubles, et canot. Le capitaine, pour la conservation des droits de ses armateurs, constitua un avocat, protesta entre les mains d'un notaire, et ramena dans leur patrie les gens de l'équipage Haïtien, après beaucoup de difficultés, vu que le bâtiment étant saisi avec ses accessoires, le frêt, s'élevant à douze cent piastres fortes, l'avait été aussi. Les citoyens St. Mexan Rigaud et William Cole, pour avoir réparation de ces torts et griefs, ouvrirent le dix-neuf Août, 1837, une action au tribunal civil du Port-au-Prince en ses attributions commerciales, contre les Sieurs Swain et Dimond, en paiement de la somme de dix-sept mil huit cent vingt-trois gourdes, soixante-quinze centimes, montant de leurs pertes.

Droit.—En droit, il s'agissait de savoir si les citoyens Rigaud et Cole devaient être déboutés de leur demande, et condamnés par corps aux dépens, ainsi que les Sieurs Swain et Dimond le requeraient dans leurs conclusions sur exception ci-dessus relatées; ou si, au contraire, l'exception des dits sieurs devoient être réjctée avec dépens par corps?

Les parties entendues: Vu—1, la requête introductive d'instance repondue d'ordonnance du doyen en date du dix-neuf Août dernier; 2, le compte de vente du brick-goëlette Américain Vénus, adjuge aux demandeurs par l'encanteur public, Charles Grant, le vingt-quatre Mai dernier; 3, le protêt fait par le citoyen Pierre Chassaing, par devant F. R. Fillon, notaire public, à New York, le quinze Juillet expiré, et dûment traduit par le citoyen Louis Pouilk, interprète judiciaire, le dix-huit même mois d'Août, le tout dûment enrégistré; et enfin les conclusions des parties—

Attendu que, pour appeler en garantie, comme le prescrit l'article 176 du code de procédure civile, il faudrait que l'action serait ouverte par devant un tribunal du même lieu; que le procès étant en instance par devant le tribunal de New York, on ne peut appeler les vendeurs en garantie par devant ce tribunal, car ce serait contraindre l'Haïtien à plaider par devant un tribunal étranger; ce qui serait contraire aux dispositions des articles 15 et 16 du code civil.

Par ces motifs, le tribunal rejette l'exception proposée par Mr. Laborde, lui ordonne de plaider sur le fond à l'audience de Lundi prochain ou Jeudi courant, et condamne ses parties aux dépens, et même par corps, alloués à Mr. Nathan à la somme de treize gourdes vingt-cinq centimes, et à Mr. Laborde à celle de—; en ce non compris le coût du présent jugement.

Donné de nous, Louis Lilavois, doyen, Th. Alexandre et P. Nibor, juges, au palais de justice, en audience extraordinaire du quatre Septembre, mil huit cent trente-sept, an 34 de l'indépendance.

Il est ordonné à tous huissiers sur ce requis de mettre le présent jugement à exécution; aux officiers du ministère public près les tribunaux civils d'y tenir la main; à tous commandants et autres officiers de la force publique d'y prêter main-forte lorsqu'ils en seraient légalement requis. En foi de quoi, la minute du présent jugement a été signée par les juges

Ls. Lilavois, doyen, Th. Alexandre, P. Nibor, et le commis greffier Détré Léon.

Collationné pour premier expedition.

DETRE LEON, C. Greffier.

Coût papier non compris, l'enregistrement-ci \$14.—Enregistré au Port-au-Prince le 30 Septembre, 1837, fo. 187 verso, case 3389 du registre I.—Reçu deux gourdes, pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et le trois Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux demeurants au Port-au-Prince, propriétaires et armateurs du brick *les Deux Amis*, patentés à cet effet No. 83, ayant pour défenseur M. Nathan, défenseur public, demeurant au Port-au-Prince, je, Charles Garidol, huissier, audiencier reçu et assermenté par le tribunal civil au Port-au-Prince, y demeurant, soussigné, ai signifié à Mr. Laborde, demeurant au Port-au-Prince, défenseur des Sieurs Dimond et Swain, en son domicile parlant à sa femme ainsi qu'elle m'a dit être, le jugement rendu entre les parties par le tribunal civil du Port-au-Prince, en ses attributions commerciales le quatre Septembre dernier, dûment signé, scellé, enregistré, et expédié en forme exécutoire. Et j'ai au dit Mr. Laborde, à domicile parlant comme dit est, laissé copie du dit jugement et du présent exploit, dont le coût est de cinq gourdes. Dont acte :

CHARLES GARIDOL.

Enregistré au Port-au-Prince, le trois Octobre, 1837, fo. 190 recto, case 3434 du registre I.—Reçu cinquante centimes pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et le vingt-trois Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté au No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés No. 83, demeurants au Port-au-Prince leur domicile réel, ayant pour défenseur M. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Revolution,—Je, P. Dauphiné, huissier exploitant, reçu et assermenté près le tribunal civil du Port-au-Prince ayant attributions commerciales, demeurant en la dite ville, soussigné, ai signifié—1, au Sieur Thomas Swain, demeurant au Port-au-Prince, en son domicile parlant à Mr. Grant, qui partage sa chambre, trouvé chez lui, ainsi qu'il m'a dit être ; 2, au Sieur Dimond, demeurant au Port-au-Prince, en son domicile parlant à Mr. Maurice Dupuy, son associé ainsi qu'il m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le quatre Septembre dernier, entre mes requérants et les Sieurs Swain et Dimond, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du

trois Octobre courant, enregistré le même jour. Et à même requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la République, la loi, et justice, ai fait commandement, 1^o, au dit Sieur Swain, en son domicile parlant comme dit est; 2^o, au dit Sieur Dimond, en son domicile parlant comme dit est, d'avoir à payer à mes requérants, ou à moi huissier pour eux, porteur de pièces, chacun d'eux sa part—1, treize gourdes vingt-cinq centimes montant des frais alloués au jugement; 2, cinq gourdes et demie, pour qualité, signification d'icelle, et dépôt; 3, seize gourdes vingt-cinq centimes, pour le coût du jugement et le lever; 4, cinq gourdes pour signification à défenseur; et, 5, sept gourdes pour le présent exploit de signification avec commandement—formant la somme de quarante-sept gourdes; leur déclarant que faute par eux d'y satisfaire, ils y seront contraints dans les délais de la loi, par toutes les voies de droit et même par corps. Et afin qu'ils n'en ignorent, je leur ai, à chacun séparément, à domicile et parlant comme dit est, laissé copie du jugement, et du présent exploit, dont le coût est de sept gourdes, à cause des écritures et des deux copies. Dont acte :

P. DAUPHINE.

Enregistré au Port-au-Prince, le vingt-quatre Octobre, 1837, fo. 202 recto, case 3655 du registre I.—Reçu cinquante centimes pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et vingt-cinq Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés No. 83, demeurants au Port-au-Prince leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution.—Je, Nosedus Jean Pierre, huissier reçu et assermenté près le tribunal civil du Port-au-Prince, y demeurant, soussigné, dûment commis par ordonnance enregistrée de Monsieur le Doyen de mon dit tribunal, ai signifié au Sieur Swain, (Thomas,) médecin demeurant au Port-au-Prince, en son domicile, parlant à la citoyenne Angélique, sa servante, ainsi qu'elle m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le quatre Septembre dernier, entre mes requérants et les Sieurs Swain et Dimond, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du trois Octobre courant. Et à même requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la République, la loi, et justice, ai fait commandement au dit Sieur Swain, en son domicile, parlant comme dit est, d'avoir à payer à mes requérants, ou à moi huissier pour eux, porteur de pièces, sa part de—1, treize gourdes vingt-cinq centimes, montant de frais alloués au jugement; 2, cinq gourdes et demie, pour qualité, signification, et dépôt; 3, seize gourdes vingt-cinq centimes pour le coût de jugement et vacation et le lever; 4, cinq gourdes pour signification à défenseur; 5, sept gourdes pour la signification; et,

8, sept gourdes pour le présent exploit de signification avec commandement—formant la somme de cinquante quatre gourdes ; lui déclarant que faute par lui d'y satisfaire, il y sera contraint dans le délai de la loi, par toutes les voies de droit et même par corps. Et afin qu'il n'en ignore, je lui ai à domicile, parlant comme dit est, laissé copie du jugement, de la requête, de l'ordonnance, et du présent exploit, dont le coût est de sept gourdes à cause des écritures et du coût de la requête et de l'ordonnance.

Dont acte :

NOSDELUS JEAN PIERRE.

Enregistré au Port-au-Prince, le vingt-six Octobre, 1837, fo. 203 verso, case 3691 du registre I.—Reçu cinquante centimes pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

Liberté.]

REPUBLIQUE D'HAÏTI.

[Egalité.]

[Extrait des registres du greffe du tribunal civil séant au Port-au-Prince ayant les attributions commerciales.]

AU NOM DE LA RÉPUBLIQUE :

Le tribunal civil séant au Port-au-Prince, compétemment réuni au palais de justice, a rendu le jugement suivant en ses attributions commerciales :—

Entre les Sieurs Dimond, negociant étranger, et Thomas Swain, médecin étranger, tous les deux demeurants au Port-au-Prince, défendeurs au principal, demandeurs à l'exception, comparant par Mr. Laborde, leur défenseur constitué, d'une part ;

Et les citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté sur le No. 37, tous les deux propriétaires et armateurs du brick les Deux Amis, patentés à cet effet sous le No. 83, demeurants au Port-au-Prince, demandeurs au principal, défendeurs à l'exception, comparant par Mr. Nathan, leur défenseur constitué, d'autre part ;—

La cause au rôle appelée par l'audiencier, les demandeurs au principal ayant déjà pris leurs conclusions au fond, Mr. Laborde, au nom de ses clients, a pris et déposé les conclusions suivantes :

Vu les dispositions de l'article 75 du code de procédure, ainsi conçues, il sera donné ; et vu aussi l'article 1100 du code civil ;

Attendu que le compte qui a été signifié ne remplit point le but de cet article, car il ne dit point les motifs de ces différentes réclamations, et n'est appuyé d'aucune preuve de paiement faite, ni des bénéfices prétendus, et ni enfin les débours imaginés non plus de saisie du frêt :

Plaise au tribunal ordonner que les demandeurs signifient tous les documents qui prouvent leurs droits ; c'est-à-dire, ceux qu'ils ne font qu'annoncer dans leur dit compte, afin de mettre les défendeurs à même de les refuter, et renvoyer la cause à l'audience prochaine.

Mr. Nathan, pour ses clients, a ainsi conclu :—

Attendu que les demandes en matière de commerce sont dispenser du préliminaire de conciliation, (article 58 du code de procédure :)

Attendu que la demande est fondée sur le fait de la spoliation constatée et averée au procès, et dont tous les documens qui le prouvent ont été signifiés :

Plaise au tribunal rejeter l'exception, et condamner les défenseurs aux dépens par corps.

Faits.—Il est de fait, que les citoyens St. Mexan Rigaud et William Cole, ayant acheté un bâtiment que les Sieurs Swain et Dimond, se disant agens commerciaux des Etats Unis, faisaient vendre, le firent naturaliser Haïtien, sous le nom de *les Deux Amis*, et l'expédièrent à New York; où un nommé Ralph Plympton, soutenu en cela par la justice de son pays, leur en depouilla, disant que ce bâtiment était toujours à lui, et qu'il avait été mal vendu. Le capitaine Haïtien, expulsé de son bord, protesta entre les mains d'un notaire public, pour la conservation des droits de ses armateurs, et ramena son équipage en Haïti. Les citoyens St. Mexan Rigaud et William Cole assignèrent alors leur vendeur au tribunal de commerce du Port-au-Prince, en restitution du prix de la vente, des avances par eux faites, et en réparation du tort causé; ils lui signifièrent, à cet effet, l'avis annonçant la vente, la quittance du prix de leur acquisition, le protêt fait à New York, et l'état de dépenses et des pertes résultant de cette spoliation.

Droit.—En droit, il s'agissait de savoir si les conclusions des demandeurs à l'exception étaient fondées; ou si les demandeurs au principal avaient satisfait au vœu de la loi?

Les parties entendues, vu les conclusions des parties :

Attendu que les dispositions de l'article 1100 du code civil, invoquées par Mr. Laborde, ne concernent que l'obligation des conventions, qui ne sont point applicables en l'espèce :

Attendu qu'il a été donné copie de la partie des pièces sur lesquelles la demande est fondée, et laquelle est sur la saisie du brick *les Deux Amis* opérée à New York, comme le constate le protêt du Capitaine Chassaing—

Par ces motifs, le tribunal deboute Mr. Laborde de son exception, et lui ordonne de plaider sur le fond, et condamne ses parties aux dépens même par corps, alloués à Mr. Nathan à la somme de dix-neuf gourdes, et à Mr. Laborde à celle de—; en ce non compris le coût du présent jugement.

Donné de nous, Louis Lilavois, doyen, Th. Alexandre, et P. Nibor, juges; au palais de justice, en audience extraordinaire du onze Septembre, mil huit cent trente-sept, an 34 de l'indépendance.

Il est ordonné à tous huissiers sur ce requis de mettre le présent jugement à exécution; aux officiers du ministère public près les tribunaux civils d'y tenir la main; à tous commandants et autres officiers de la force publique d'y prêter main-forte lorsqu'ils en seront légalement requis.

En foi de quoi, la minute du présent jugement a été signée par le doyen Louis Lilavois, les juges Alexandre et P. Nibor, et le commis greffier Détré Léon.

Collationné pour première expedition:

DETRE LEON.

Coût de papier non compris, l'enregistrement ci—\$.

Enregistré au Port-au-Prince, le trente Septembre, 1837, fo. 187 verso, case 3,390 du registre I.—Reçu deux gourdes pour le directeur principal:
R. LAROCHE.

Vu par autorisation du contrôleur:

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et le trois Octobre. A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patentés sous le No. 37, tous les deux demeurants au Port-au-Prince, propriétaires et armateurs du brick *les Deux Amis*, patentés à cet effet No. 83, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince,—Je, Charles Garidol, huissier audiencier reçu et assermenté près le tribunal civil du Port-au-Prince, y demeurant, soussigné, ai signifié à Mr. Laborde, demeurant au Port-au-Prince, défenseur des Sieurs Dimond et Swain, en son domicile parlant à sa femme ainsi qu'elle m'a dit être, le jugement rendu entre les parties par le tribunal civil du Port-au-Prince en ses attributions commerciales, le onze Septembre dernier, dûment signé, scellé, enregistré, et expédié en forme exécutoire. Et j'ai à Mr. Laborde, en son domicile parlant comme dit est, laissé copie de jugement et du présent exploit, dont le coût est de cinq gourdes. Dont acte:

CHARLES GARIDOL.

Enrégistré au Port-au Prince, le trois Octobre, mil huit cent trente-sept, fo. 190 recto, case 3,434 du registre I.—Reçu cinquante centimes pour le directeur principal:

R. LAROCHE.

Vu par autorisation du contrôleur:

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et le vingt-trois Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés, No. 83, demeurants au Port-au-Prince leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution,—Je, P. Dauphiné, huissier exploitant reçu et assermenté près le tribunal civil du Port-au-Prince ayant les attributions commerciales, demeurant en la dite ville, soussigné, ai signifié—1. au Sieur Thomas Swain, demeurant au Port-au-Prince, en son domicile parlant à Mr. Grant, son ami qui partage sa chambre, trouvé chez lui ainsi qu'il m'a dit être; 2, au Sieur Dimond, demeurant au Port-au-Prince, en son domicile parlant à Mr. Maurice Dupuy, son associé ainsi qu'il m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le onze Septembre dernier, entre mes requérants et les Sieurs Swain et Dimond, dûment signé, scellé, enregistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du trois Octobre courant, enregistré le même jour.

Et à même requête et demeuré, en vertu de la grosse en forme exécutoire de susdit jugement ci-dessus transcrit, je, huissier susdit et soussigné, au nom de la République, la loi, et justice, ai fait commandement—1^o. au dit Sieur Swain, en son domicile parlant comme dit est; 2^o. au dit Sieur Dimond, en son domicile parlant comme dit est, d'avoir à payer à mes requérants, ou à moi huissier pour eux porteur de pièces, chacun sa part—1, dix-neuf gourdes montant des frais alloués au dit jugement; 2, quinze gourdes pour le coût du susdit jugement; 3, cinq gourdes pour le coût de la signification à défenseur; 4, sept gourdes pour le présent exploit de signification avec commandement—formant la somme de quarante-six gourdes; leur déclarant que faute par eux d'y satisfaire, ils y seront

contraints dans les délais de la loi, par toutes les voies de droit et même par corps.

Et afin qu'ils n'en ignorent, je leur ai, à chacun séparément, à domicile en parlant comme dit est, laissé copie du jugement et du présent exploit, dont le coût est de sept gourdes, à cause des écritures et des deux copies. Dont acte:

P. DAUPHINE.

Enrégistré au Port-au-Prince, le vingt-quatre Octobre, 1837, fo. 201 verso, case 3,654 du registre I.—Reçu cinquante centimes pour le directeur principal:

R. LAROCHE.

Vu par autorisation du contrôleur:

B. LAROCHE.

L'an mil huit cent trente-sept, 34 de l'indépendance d'Haïti, et le vingt-cinq Octobre.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté au No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés, au No. 83, demeurants au Port-au-Prince leur domicile réel, ayant pour défenseur Mr. Nathan, défenseur public, demeurant au Port-au-Prince, rue de la Révolution, Je, Nosdelus Jean Pierre, huissier reçu et assermenté près le tribunal civil du Port-au-Prince y demeurant, soussigné, dûment commis par ordonnance enrégistrée de Mr. le doyen de mon dit tribunal, ai signifié au Sieur Thomas Swain, médecin, demeurant au Port-au-Prince, en son domicile parlant à la citoyenne Angelique, sa servante, ainsi qu'elle m'a dit être, le jugement rendu par le tribunal civil du Port-au-Prince en ses attributions commerciales, le onze Septembre dernier, entre mes requérants et les Sieurs Swain et Dimond, dûment signé, scellé, enrégistré, et signifié à Mr. Laborde, défenseur de ces derniers, par exploit en date du trois Octobre courant, enrégistré le même jour.

Et à même requête et demeure, en vertu de la grosse en forme exécutoire du susdit jugement ci-dessus transcrit, je, huissier susdit et sousigné, au nom de la République, la loi, et justice, ai fait commandement au dit Sieur Swain, en son domicile parlant comme dit est, d'avoir à payer à mes requérants, ou à moi huissier pour eux porteur de pièces, sa moitié de—1, dix-neuf gourdes montant des frais alloués au dit jugement; 2, quinze gourdes pour le coût du susdit jugement; 3, cinq gourdes pour le coût de la signification à défenseur; 4, sept gourdes pour la signification à partie; et 5, sept gourdes pour le coût du présent exploit de signification avec commandement—formant ensemble la somme de *cinquante-trois gourdes*; lui déclarant que faute par lui d'y satisfaire, il y sera contraint dans le délai de la loi, par toutes les voies de droit et même par corps. Et afin qu'il n'en ignore, je lui ai, à domicile parlant comme dit est, laissé copie du jugement, de la requête, de l'ordonnance, et du présent exploit, dont le coût est de sept gourdes, à cause des écritures et du coût de la requête et de l'ordonnance. Dont acte:

NOSDELUS JEAN PIERRE.

Enrégistré au Port-au-Prince, le vingt-six Octobre, 1837, fo. 203 verso, case 3,690 du registre I.—Reçu cinquante centimes pour le directeur principal:

R. LAROCHE,

Vu par autorisation du contrôleur:

B. LAROCHE.

F.

L'an mil huit cent trente-sept, 34^{ème} année de l'indépendance d'Haïti.

A comparu pardevant Mr. Charles Devimieux, notaire public résidant au Port-au-Prince, soussigné, et en présence des temoins ci-après nommés, aussi soussignés, le Sieur Thomas George Swain, agent commercial des Etats Unis d'Amérique, domicilié au Port-au-Prince, par substitution du Sieur Dimond ; le comparant présentement détenu en la conciergerie du Port-au-Prince :

Lequel a déclaré que sa comparution avait pour objet de protester contre les poursuites dirigées mal-à propos contre lui, et notamment contre son emprisonnement, qu'il considere comme mal fondé et vexatoire en même tems.

Et pour ces motifs, il a exposé—

Qu'en sa qualité d'agent commercial des Etats Unis d'Amérique, en conformité des lois Américains, et après avoir rempli toutes les formalités qu'elles prescrivent lui, Thomas George Swain fit vendre par l'entremise de l'encanteur Charles Grant, en cette ville, la goëlette Américaine Venus, reconnue innavigable par quatre experts jurés, à cause des réparations qu'elle nécessitait ; lesquelles réparations ne pouvaient point être faites en Haïti. Cette vente ayant été publiée et annoncée par des affiches, ainsi qu'il est d'usage, le vingt-six du mois de Mai, présente année, la goëlette Venus fut adjugée à Messieurs Saint Mexan Rigaud et William Cole, comme plus offrants and derniers enchérisseurs.

Que Messieurs Saint Mexan Rigaud et William Cole, dévenus propriétaires de cette goëlette, l'expédièrent à leurs risques et perils à New York, où elle fut réclamée par son précédent propriétaire, ainsi qu'il résulte du protêt que fit à cet égard le Capitaine Chassaing, au commandement duquel elle avait été confiée.

Que sans attendre la décision des tribunaux des Etats Unis compétant pour statuer sur la validité des droits des réclamants de la dite goëlette Venus, Messieurs Rigaud et Cole, par exploit du dix-neuf Août expiré, assignèrent le comparant à comparaître devant le tribunal civil du Port-au-Prince dans ses attributions commerciales, pour s'y entendre condamnée, solidairement avec le Sieur Dimond, à leur payer la somme de dix-sept mil huit cent vingt-trois gourdes soixante quinze centimes, à titre de remboursement du prix de la dite goëlette, dommages, intérêts, et accessoires, lorsque cette goëlette ne leur fut adjugée que pour la somme de neuf cent dix gourdes ; que dans le cours de cette instance, nonobstant toutes exceptions produites par le comparant, est intervenu un jugement du dit tribunal civil, dans ses attributions commerciales, en date du vingt-cinq Octobre dernier, par lequel le dit comparant a été condamné à payer à Messieurs Rigaud et Cole, d'abord la somme de dix-neuf cent cinquante gourdes, en monnaie étrangère, et celle de trois mil une gourde en monnaie d'Haïti, et aux dépens.

Et qu'enfin, avant même la signification du jugement ci-dessus-daté et énoncé, il a été en sa qualité privée (c'est-à-dire, comme médecin,) poursuivi, arrêté, et emprisonné pour le paiement des frais des jugements exceptionnels rendus avant celui ci-dessus cité.

En conséquence de tout ce que dessus, et attendu qu'il importe au comparant de faire savoir à tous ceux qu'il appartiendra, que * * * la vente

dont est ci-dessus parlée de la goëlette Venus, comme agent commercial des Etats Unis d'Amérique, et non en sa qualité privée; que déjà plus qu'une vente a été ainsi faite et reconnue; que la réclamation qui a donné lieu à toutes ses poursuites n'est pas encore jugée: et attendu, enfin, qu'on ne sauroit être responsable que des dommages occasionnés directement par son fait; le comparant proteste contre toutes les poursuites dirigées contre lui, et notamment contre l'illégalité de son emprisonnement, pour répeler et se pourvoir contre qui, il appartiendra pour tous dommages et réparations que de droit, faisant au surplus toutes réserves nécessaires.

Dont acte requis et octroyé pour servir et valoir ce que de raison.

Fait et passé au Port-au-Prince, en la conciergerie, les jour et an susdits, en présence des citoyens Alexis Seïcle Laborde et Maurice Dupuy, l'un et l'autre commerçants et propriétaires demeurants au Port-au-Prince, témoins requis en conformité de la loi; et le comparant, après lecture, a signé, avec les dits témoins, et nous notaire.

THOM'S GEO. SWAIN,
*Vice Commercial Agent of the United States
for Port-au-Prince.*

Witnesses:

DUPUY,
LABORDE,
DEVIMIEUX.

EXCELLENCE: Le Sieur Thomas G. Swain, soussigné, a l'honneur d'exposer très respectueusement à votre Excellence, que depuis l'indépendance de la république d'Haïti, celle des Etats Unis n'a jamais cessé d'entretenir un commerce très actif avec ce pays, de sorte que le Gouvernement des Etats Unis avait jugé nécessaire de nommer des agens de commerce pour remplir les formalités requises par la loi, pour la protection du commerce Américain; et il paraît même que le Gouvernement d'Haïti a tacitement permis ces agens de commerce de remplir leurs devoirs envers leur Gouvernement, depuis la commencement de l'existence de la République.

C'est ainsi que le pays a vu Messieurs Taylor, Jacob Lewis, Armstrong, et F. M. Dimond, successivement agens de commerce à Haïti.

Le Sieur F. M. Dimond, agent de commerce nommé par le Gouvernement des Etats Unis, avec pouvoir exprès de substituer un vice agent de commerce en cas d'absence, nomma l'exposant, le premier Avril dernier, pour le représenter pendant son absence aux Etats Unis.

Le 9 Avril de cette année, le brick-goëlette Américain Venus arriva au Port-au-Prince, pour y prendre une cargaison d'acajou, destiné pour New York; mais le second et l'équipage de ce bâtiment exposèrent au l'exposant que le dit bâtiment était en mauvais état, et ne pouvait pas supporter le voyage projeté. En conséquence, l'exposant fait faire la visite voulue par la loi au dit bâtiment, par deux capitaines de bâtiments, un charpentier, et un négociant; et il fut décidé par eux que le dit bâtiment ne pouvait pas supporter le voyage, et que les réparations y nécessaires ne pouvaient pas se faire dans cette île. L'exposant, obligé de se conformer à la loi, legalisa la condamnation ci-dessus énoncé, et, à la requête de l'ex-

posant, le bâtiment fut vendu à l'encan à Messieurs Cole et Rigaud pour la somme de \$910; laquelle somme fut répartir entre l'équipage pour paiement de leurs salaires. Toute fois l'exposant n'a rempli que le devoir public dont il est investé par son Gouvernement, tel qu'un notaire ou un juge aurait pu faire si telles étaient leurs attributions, qui ne repondent que de la faute personnelle. Messieurs Cole et Rigaud firent réparer le bâtiment et l'expédièrent aux Etats Unis avec une cargaison d'acajou (appartenant à la maison de Messieurs Dejardin & Co.,) sous la conduite du Capitaine Chassaing.

Arrivé à New York, le Sieur Ralph Plympton fit opérer une arrestation sur le dit bâtiment, comme étant sa propriété; l'ordonnance qui permet cette saisie arrestation, ordonne aux même temps au saisissant de fournir caution pour 4,000 piastres, pour repondre de dommages en cas qu'il soit mal fondé en ses pretensions.

Le Capitaine Chassaing protesta contre la saisie; le Sieur Rossire, consignataire, constitua un avocat; et l'affaire fut renvoyée pour être jugée, au mois d'Octobre prochain. Il n'y a pas de doute que le Sieur Plympton sera debouté de sa demande, and condamné aux dépens et aux dommages intérêts.

Cependant, Excellence, MM. Cole et Rigaud n'attendent point que l'affaire soit jugée aux Etats Unis, mais, sur ces entrefaites, ils ne demandent point de caution pour repondre de la decision favorable de tribune des Etats Unis, mais ils forment la demande absurde dès à présent au tribunal du Port-au-Prince de la *condamnation* contre moi personnellement, *par corps*, de la somme de \$17,800!

Pendant trois Lundis successives, l'exposant avait **** représenter quand même qu'il soit considéré comme vendeur tant ce qu'il doit; quant à present, se serait la garantie voulue par la code civil d'Haïti envers l'acheteur; il en a été debouté, et le fond de l'affaire fut renvoyé pour être plaidé et jûgé Lundi prochain, le onze du courant.

Quelle absurdité ne commettrait-il pas le tribunal d'Haïti, si, ayant condamné l'exposant, et Payant fait emprisonné dès à présent au mois de Novembre prochain, il apprendrait que le tribunal de New York a libéré la bâtiment Haïtien avec dommages intérêts.

L'exposant a pris la liberté de faire ce narré de l'affaire à votre Excellence, parcequ'il tient à cœur qu'elle en soit bien informe, étant bien convaincu, d'après l'observation qu'il a fait pendant sa résidence en Haïti, que jamais il s'y commet une injustice sans redressement immédiat de la justice connue de votre Excellence.

L'exposant a l'honneur d'être de votre Excellence, avec profond respect, le très humble et très obéissant serviteur,

THOMAS GEO. SWAIN,

Vice Commercial Agent United States, at Port-au-Prince.

A Son Excellence LE PRESIDENT D'HAÏTI.

L'an mil huit cent trente-sept, 34e de l'indépendance d'Haïti, et le vingt-sept Octobre, à neuf heures du matin. En vertu de la grosse—1, de trois jugements en date du quatre Septembre dernier; 2, d'un quatrième en date du onze du dit mois de Septembre—tous les quatre rendus par le tribunal civil du Port-au-Prince en ses attributions commerciales—les

quatre grosses dûment signées, scellées, collationnées, enrégistrées, étant en forme exécutoire, signifiées à défendeur, et signifiées avec commandement au Sieur Thomas Swain ci-après qualifié par exploits de Nosdelus Jn. Pierre, huissier commis à cet effet par ordonnance de Mr. le doyen du tribunal civil du Port-au-Prince, les dits exploits en date du vingt-cinq Octobre courant, enrégistrés le lendemain.—A la requête des citoyens St. Mexan Rigaud, capitaine, aide-de-camp près son Excellence le Président d'Haïti, et William Cole, commerçant, patenté No. 37, tous les deux propriétaires et armateurs du brick *les Deux Amis*, patentés No. 83, demeurants au Port-au-Prince, leur domicile réel, ayant pour défendeur constitué Mr. Nathan, défendeur public, demeurant au Port-au-Prince, rue de la Révolution,—Je, Nosdelus Jean Pierre, huissier exploitant reçu et assermenté près le tribunal civil du Port-au-Prince, demeurant en la dite ville, soussigné, porteur d'un pouvoir spécial de mes requérants à l'effet des présentes, en date du vingt-trois Octobre courant, enrégistré le lendemain, et assisté du citoyen Doizé Pouponneau, suppléant du juge de paix de la commune du Port-au-Prince, qui nous a donné l'ouverture en vertu de la loi, et des citoyens Capdevelle jeune, huissier audienier près le tribunal de cassation de la république, demeurant au Port-au-Prince, et Iréné Jean Louis, fils, propriétaire, demeurant au Port-au-Prince, mes deux recors Haïtiens ayant la jouissance et l'exercice de leurs droits civils et politiques, et non parents ni alliés des parties, ou de moi huissier, ai fait itératif commandement au Sieur Thomas Swain, demeurant au Port-au-Prince, trouvé dans son domicile, dans la rue du Magasin d'Etat, parlant à sa personne, ainsi qu'il m'a dit être; et après lui avoir exhibé les grosses des jugements susdits, au nom de la République, la loi, et justice, de payer présentement à mes requérants, ou à moi huissier pour eux porteur de pièces, sa moitié de—1, soixante et une gourdes, montant des condamnations résultant du premier jugement sus énoncé du quatre Septembre dernier, détaillées dans l'exploit de signification avec commandement du susdit jugement; 2, de cinquante-quatre gourdes, montant des condamnations résultant du second jugement sus énoncé du quatre Septembre dernier, détaillées dans l'exploit de signification avec commandement du susdit jugement; 3, de cinquante-quatre gourdes montant des condamnations résultant du troisième jugement sus énoncé du quatre Septembre dernier, détaillées dans l'exploit de signification avec commandement du susdit jugement; 4, de cinquante trois gourdes, montant des condamnations résultant du quatrième jugement sus énoncé du onze Septembre dernier, détaillées dans l'exploit de signification avec commandement du susdit jugement; sans préjudice de tous autres droits. Le dit Sieur Thomas Swain ayant refusé de payer, je lui ai déclaré, de part de la République, la loi, et justice, que je l'arrêtais, et qu'il était mon prisonnier, et le sommais de me suivre à l'instant à la prison de cette ville du Port-au-Prince destinée à recevoir les prisonniers pour dettes; où étant arrivé à onze heures et demi du matin, je lui ai réitéré le commandement de payer, entre les deux guichets comme lieu de liberté; ce qu'il a encore refusé de faire. C'est pourquoi je lui ai déclaré que j'allais à l'instant l'écrouer sur les régistres de la dite prison ou maison d'arrêt à ce destiné et de fait, en vertu des quatre jugements ci dessus énoncés, et à mêmes requêtes en demeure que dessus. J'ai, huissier susdit et soussigné, écroué le dit Sieur Thomas Swain, toujours parlant à sa personne, sur le registre à ce destiné, et j'ai laissé à la garde du citoyen Pierre Mode, concierge

de la dite maison d'arrêt ; lequel présent, en parlant à sa personne, et après lui avoir représenté les grosses des quatre jugements sus énoncés, a promis de se charger du dit Sieur Thomas Swain, et le représenter quand il en sera légalement réquis. Et j'ai payé au dit citoyen Pierre Mode quatre gourdes pour droit de greffe, papier en droit de transcription sur le dit registre des jugements ci-dessus énoncés. Et j'ai, au dit Sieur Thomas Swain, parlant à sa personne entre les deux guichets comme lieu de liberté, laissé copie du présent procès verbal, contenant arrestation, emprisonnement, et ecrou de sa personne. Le coût du présent procès verbal est de huit gourdes, non compris les frais payés au concierge et aux recors qui ont signé avec moi.

NOSDELUS J. PIERRE.

DOIZÉ POUAPONNEAU.
CAPDEVILLE, jeune.
IRÉNÉ JEAN LOUIS, fils.

By Walter Bowne, mayor of the city of New York.

Doctor Thomas G. Swain being about to visit foreign ports, and having requested of me a certificate of his standing in the community, it gives me great pleasure to state, that Doctor Swain is an American citizen of great respectability and every way entitled to the kindness of all magistrates and others in whatsoever place he may visit.

Given under my hand, this 25th day of October, one thousand eight hundred and thirty-one.

WALTER BOWNE,
Mayor of the City of New York.

By George Courtenay, Esquire, Captain in the Royal Navy, and his Britannic Majesty's consul in the Republic of Hayti, and its dependences.

In virtue of authority in me vested, I hereby constitute and appoint you to act as British vice consul for the district of Port-au-Prince, willing and requiring you to perform the duties of your office with diligence and attention, during the absence of Vice Consul Ussher, or until further order, and for so doing this shall be your sufficient authority.

Given under my hand and seal of office, at Port-au Prince, this [L. s.] twenty-fourth day of January, one thousand eight hundred and thirty-six.

G. W. C. COURTENAY,
His Britannic Majesty's Consul in Hayti and Dependences.
To THOMAS G. SWAIN, Esq.,
*Hereby appointed acting British Vice Consul at
Port-au-Prince and district.*

PORT-AU-PRINCE, November 30, 1836.

MY DEAR SIR: Mr. Ussher's return from leave of absence having, as a matter of course, superseded your appointment as British vice consul at

this port, I cannot let the opportunity slip, without expressing to you my entire approbation of your conduct while we were associated in office, and my regret that your return to your professional avocations will deprive me in a great measure of your society. I will only add, that I shall always entertain a lively remembrance of the friendship that has subsisted between us, and that very few of your friends can be more interested in your welfare than

Your sincere friend,

G. W. COURTENAY.

[No. 44.]

PRISON, PORT-AU-PRINCE, *December 6, 1837.*

SIR: I have the honor to state that, considering it my duty to acquaint the Haytian Government officially with my confinement in the prison of this city, that they might not hereafter plead ignorance of it, I wrote the letter of which I enclose a copy to Secretary General Inginac; and, in reply, I received the letter a copy of which I have the honor to forward.

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

THOS. GEO. SWAIN,

United States Acting Commercial Agent, Port-au-Prince.

HON. JOHN FORSYTH,

Secretary of State of the United States,

Washing'ton, D. C.

NOVEMBER 24, 1837.

SIR: I have the honor to state that, in consequence of a transaction of a commercial nature, in which, in the fulfilment of my duties, as a commercial agent of the United States, I have been sued before a tribunal of this republic, and condemned to pay certain damages, which on my refusal to pay, I have been consigned to the prison of this city, I felt it my duty to enter my protest against such proceedings—a copy of which, together with a copy of the judgment and my commission, I have the honor herewith to transmit.

I have the honor to be, with the most distinguished consideration, sir, your most obedient humble servant,

THOS. GEO. SWAIN,

Acting United States Commercial Agent.

B. INGINAC,

Secretary General Republic of Hayti.

PORT-AU-PRINCE, 4 *Decembre, 1837.*

MONSIEUR: Le Gouvernement des Etats Unis d'Amérique n'ayant jamais correspondu avec celui de la République, pour l'entretien d'agens commerciaux, ceux qui ont été dans le cas d'être envoyés en Haïti n'ont du être considérés que comme des particuliers, puisqu'ils n'ont pu obtenir l'ex-

quatur du chef de l'état, indispensable pour l'exercice d'une fonction publique.

Il est à déplorer, monsieur, que par suite des transactions que vous avez eu à diriger, vous vous trouviez privé de votre liberté par le jugement d'un tribunal competent en la matière de commerce. Pour être fixé sur la validité de la condamnation prononcée contre vous, vous auriez dû, en profitant des provisions de notre code de procédure civile, vous pourvoir en cassation, pour le redressment du tort dont vous vous plaignez. Cette voie est celle à laquelle vous devez recourir, s'il en est tems encore.

J'ai l'honneur de vous retourner, sous ce couvert, les documens que vous m'aviez envoyé en communication par votre lettre du 24 de Novembre dernier, laquelle ne m'a été remise que le 2 du présent mois, et de vous saluer, monsieur, avec considération,

B. INGINAC,

Sécretaire Général près S. E. le Président d'Haïti.

THOS. GEO. SWAIN, Ecuyer.

Appointment by Francis Moor Dimond, consular commercial agent of the United States for the city of Port-au-Prince.

Know all men, that, by virtue of powers in me vested, reposing especial trust and confidence in the abilities and integrity of Thomas G. Swain, a citizen of the United States, I do appoint him to be vice consular commercial agent of the United States, for the city of Port-au-Prince, Hayti aforesaid, hereby revoking all former appointments by me made, and authorizing and empowering him, the said Thomas G. Swain, to have and to hold the said office, and exercise and enjoy the rights and privileges to the same of right appertaining thereto, until by me revoked; hereby enjoining and requiring all citizens of the United States to acknowledge and consider the said T. G. Swain as consular agent aforesaid.

In testimony whereof, I have hereunto subscribed my name, and affixed my seal of office, at this city of Port-au-Prince, Hayti,
 [L. s.] this first day of April, in the year of our Lord one thousand eight hundred and thirty-seven, and of the Independence of the United States the sixty-first.

F. M. DIMOND.

[No. 46.] PRISON, PORT-AU-PRINCE, *January 25, 1838.*

SIR: I have the honor to acknowledge the reception of your despatch bearing date November 23, 1837, wherein I am desired to cause the register of the brigantine Venus, and the report of the surveyors under which she was condemned, to be transmitted to the Department, with any other evidence in my possession supporting the statements made in my letter to the Department numbered 41.

Herewith I have the honor to transmit the register of said brig Venus, Captain S. R. Thomas, of New York.

I beg respectfully to refer you, sir, to my letters, (numbers 42 and 43,) under cover of which I had the honor to transmit certified copies of the documents relating to the condemnation and sale of the Venus. These papers were, at my request, collated and certified by the British consul at this port.

Permit me, sir, to name, as personal evidence in the affair, William Robinson, of New York, late of this city, and Captain S. Silliman, of the brig Finance, Philadelphia, who can also attest to the abandoned character of the captain of the Venus, who was in a state of *mania-a-potu* during the entire period of his stay in this city.

He challenged several individuals, and actually fought two duels at the time he was master of the Venus. He clandestinely sold the long-boat, with other furniture of the Venus, appropriating the proceeds of the sale to his own private use; and, on finding that I was in search of him, fled to Jacmel, and thence to Jamaica. He is now in New York.

The mate, James Butler, of New York, could give important evidence at the trial of the case in New York, were he subpoenaed.

It may not be unimportant to state that Captain Thomas, before the condemnation of the brig, appeared at my office and delivered up the national flag of the United States, with his charter-party, which I have the honor herewith to transmit to your Department.

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

THOMAS GEO. SWAIN,

Vice Commercial Agent.

Hon. JOHN FORSYTH, *Secretary of State, United States.*

This charter-party, made and concluded upon in the city of New York the second day of February, in the year one thousand eight hundred and thirty-seven, between Ralph Plympton, of the brig Venus, of New York, of the burden of one hundred and forty-three tons, or thereabouts, register measurement, now lying in the harbor of New York, of the first part, and A. C. Rossire & Co., merchants of New York, of the second part, witnesseth, that the said party of the first part, for and in consideration of the covenants and agreements hereinafter mentioned, to be kept and performed by the said party of the second part, do covenant and agree, on the freighting and chartering of the said vessel, with the said party of the second part, for a voyage to Port-au-Prince, Gonaives, or St. Marc—all or either. It is understood the Venus is to proceed direct from Tobago to Port-au-Prince, Island of St. Domingo, on the terms following, that is to say—

First: The said party of the first part doth engage that the said vessel, in and during the said voyage, shall be kept tight, staunch, well-fitted, tackled, and provided with every requisite, and with men and provisions, necessary for such voyage.

Third: The said party of the first part doth further engage to take and receive on board the said vessel, during the aforesaid voyage, all such lawful goods and merchandise as the said parties of the second part, or agents, may think proper to ship—a cargo of mahogany.

And the said party of the second part, for and in consideration of the covenants and agreements to be kept and performed by the said party of

the first part, doth covenant and agree, with the said party of the first part, to charter and hire the said vessel, as aforesaid, on the terms following, that is to say—

First: The said party of the second part doth engage to provide and furnish to the said vessel a cargo of mahogany.

Second: The said party of the second part doth further engage to pay, to the said party of the first part or agent, for the charter or freight of the said vessel during the voyage aforesaid, in manner following—that is to say, fifteen Spanish milled dollars, or equivalent, per thousand feet, freight measurement.

It is further agreed, between the parties to this instrument, that the said party of the second part shall be allowed, for the loading and discharging of the vessel at the respective ports aforesaid, lay days as follows—that is to say, thirty running lay days, to commence after due notice is given that the vessel is ready to receive cargo; and in case the vessel is longer detained, the said party of the second part agrees to pay to the said party of the first part demurrage at the rate of fifteen Spanish milled dollars per day, day by day, for every day so detained, provided such detention shall happen by default of the said party of the second part or their agent.

It is also further understood and agreed, that the cargo or cargoes shall be received and delivered alongside of the vessel, within reach of her tackles, or according to the customs and usages at the ports of loading and discharging.

It is further agreed that the captain will aid with his boat and crew.

To the true performance of all and every of the foregoing covenants and agreements of the said parties, each to the other do hereby bind themselves, their heirs, executors, administrators, and assigns, (especially the said party of the first part the said vessel, her freight, tackle, and appurtenances, and the said party of the second part the merchandise to be laden on board,) in the penal sum of one thousand dollars.

In witness whereof, the said parties have hereunto interchangeably set their hands and seals the day and year first above written.

A. C. ROSSIRE & CO.
RALPH PLYMPTON.

Sealed and delivered in the presence of—
Wm. H. TROTT.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New York, February 2, 1838.

SIR: I regret that I am unable to afford you any decisive information on the subject of the brig *Venus*, as the parties who have been engaged in the suits to which your letters refer are unwilling to communicate the proceedings which have been had in relation thereto.

I enclose you copies of letters which I have addressed to Mr. Tillou and to Messrs. Rossire & Co., the consignees, and their reply, by which you will perceive, as a condition precedent to giving any information, they insist that the Department should avow its object in making the inquiry. From the efforts at concealment on all hands, I am satisfied that there is something wrong. I will endeavor to procure a copy of the extended protest, which will be transmitted to you, together with any further informa-

tion I may be able to acquire, and to that end propose to address myself to Mr. Griffin, who, I am informed, has been employed in the suits in question.

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

WILLIAM M. PRICE.

United States District Attorney.

Hon. JOHN FORSYTH,
Secretary of State, Washington.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New York, January 28, 1838.

SIR: Do me the favor to inform me what legal proceedings have been instituted in this city against the brigantine Venus, or her commander, Captain Chassaing, by Ralph Plympton, or any other person that have come to your knowledge, and what has been the result of these proceedings. It is understood that the vessel was twice in charge of the sheriff in replevin suits. If so, have the goodness to state the nature of the respective claims on which such proceedings were based, together with the terms on which they have been adjusted.

Favor me with your early answer.

With great respect, your most obedient servant,

WILLIAM M. PRICE,

United States District Attorney.

F. R. TILLOU, Esq.,
Counsellor at Law, New York.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New York, January 30, 1838.

GENTLEMEN: The honorable the Secretary of State has instructed me to make inquiry as to certain legal proceedings which were instituted in this district in relation to the American brigantine Venus, purchased at Port-au-Prince on a decree of condemnation by Messrs. Rigaud & Cole, by whom the name was changed to the Deux Amis, consigned to your mercantile house on her first arrival at this port after such sale.

Do me the favor to afford me any information in regard to the suits against the vessel or cargo, by Ralph Plympton, or any other person, and particularly as to any portion of the cargo consigned to you, which was seized for freight, stating the result of such suit, and, if settled, the terms of the adjustment.

I am not advised of the particular object of the Secretary in making these inquiries, but suppose they arise from representations that the condemnation of the vessel was attended by circumstances at war with good faith. If you have any intelligence relating to that point, I will thank you to communicate it. Such might have come to your knowledge in contesting the suit involving the cargo. Particularly inform me whether Mr. Plympton, who was the owner of the vessel previous to the condemnation at Port-au-Prince, sustained his claims, as such owner, in the face of the sale to the Messrs. Rigaud & Co.; or were the suits settled under advice

that the sale to the latter gentlemen was attended by such badges of fraud as to render it probable that the ultimate prosecution would result in favor of Plympton's asserted title to the vessel, the sale thereof to the contrary notwithstanding.

I am, very respectfully, your obedient servant,

WILLIAM M. PRICE,
United States District Attorney.

Messrs. A. C. ROSSIRE & Co., *New York.*

NEW YORK, *January 31, 1838.*

DEAR SIR: I have been prevented by sickness from answering your letter to me about the brig *Deux Amis*. Your letter to Messrs. A. C. Rossire & Co., on the same subject, they have handed to me, with a request that, inasmuch as both letters have the same object, I should ask your indulgence to allow my communication to be an answer for both.

It seems to me that with propriety we could not furnish the information desired by the Secretary in full, unless he would be so obliging as to define to us the object he has in seeking it, and that it be clear to our minds that that object be to benefit and not injure third persons. The suits alluded to in our courts have been amicably settled, and it would now appear very ungracious, perhaps absolutely wrong, for us to volunteer intelligence which might operate as hostile to parties with whom we have no controversy.

There is one act done which is an exception to the above. The master of the vessel made before me an extension of protest, in the customary form. That, being an instrument to which all parties have a right of access, is cheerfully kept ready and open for your perusal.

Very respectfully, your obedient servant,

F. R. TILLOU.

WM. M. PRICE, Esq.,

United States District Attorney, &c.

NEW YORK, *January 31, 1838.*

DEAR SIR: Your letter to us has been received. In answer thereto, allow us, respectfully, to refer you to F. R. Tillou, Esq., who has been our counsel in the suits alluded to, and understands the details thereof better than ourselves.

If it be proper, on examination of the matter, we will cheerfully furnish all the information desired.

We remain, respectfully, your obedient servants,

A. C. ROSSIRE & Co.

WM. M. PRICE, Esq.,

District Attorney of the U. S., New York.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

New York, February 7, 1838.

SIR: On the 3d instant, I addressed a letter to F. R. Tillou, Esq., on the subject of the brigantine *Venus*, and yesterday received his reply,

enclosing the extended protest, amongst other papers asked for in my letter; and have now the honor to transmit a copy of *my letter, his reply, and the protest.*

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

WILLIAM M. PRICE,
United States District Attorney.

HON. JOHN FORSYTH,
Secretary of State, Washington City.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New York, February 3, 1838.

SIR: Will you do me the favor to confide to me the extended protest made by the captain of the brig *Venus*, which you refer to in your letter, as well also as the protest made at Port-au-Prince, together with the proceedings under the survey and condemnation of the vessel at that place, if in your possession; if not, will you inform me where I may have access to them. Also, inform me where Captain Chassaing resides, and, if he is not in this city, when he is expected to arrive here. The papers I ask for will be safely returned as soon as I can take copies of them. As the submission of these papers to my examination and the information in regard to the residence of the captain is not embraced in the privilege resulting from the relation of counsel and client, I confidently rely in your compliance with my request.

I am, very respectfully, your obedient servant,

WILLIAM M. PRICE,
United States District Attorney.

F. R. TILLOU, Esq.,
Counsellor at Law, New York.

NEW YORK, *February 3, 1838.*

DEAR SIR: I herewith send you a certified copy of the protest desired. All other documents in relation to the matter you refer to were, on the settlement of the suits, delivered back to my clients. The same objection, as to their delivering to you the information requested, exists, as stated in my last—viz, the want of specific statements as to the purpose for which this information is sought; until this be furnished, I cannot feel justified in advising them to submit to your examination any papers they may have in regard to the matter.

The residence of Captain Chassaing I believe to be in St. Domingo. He is not in this city, and I am not informed whether he intends to return; the probability is, that he may not return. You may assuredly rely on all further information desired, so far as the same can be given without trenching on the duties which my clients or myself may owe to others, and I have no doubt a candid statement of the purposes in view may relieve us of the doubts we entertain of the propriety of non-communicating further.

Very respectfully, yours, &c.

F. R. TILLOU.

WM. M. PRICE, Esq.,
United States District Attorney, &c.

UNITED STATES OF AMERICA.

STATE, CITY, AND COUNTY OF NEW YORK, ss :

I, Francis R. Tillou, a notary public in and for the State of New York, duly commissioned and sworn, do hereby certify, that, on the fifteenth day of July, in the year of our Lord one thousand eight hundred and thirty-seven, before me personally came Pierre Chassaing, master of the brig Deux Amis, of Hayti, and thereupon, being by me duly sworn, did depose and say, that he sailed, in his said capacity, from the port of Port-au-Prince, in Hayti aforesaid, in and with the said brig or vessel, on or about the fifth day of June last, at two o'clock in the morning, having on board a cargo consisting of mahogany and Braziletto wood, bound for New York; that at that time the said vessel was in a bad condition, order, and repair, and was leaky, and usually leaked in rough weather; that, on the said voyage, the said vessel generally leaked very much, particularly in rough weather, and in rough weather they had to use the pumps every half hour; that they arrived at New York, at the quarantine ground, on the 27th day of June aforesaid; that, on the 29th day of said June, about nine o'clock in the morning a deputy sheriff, from the city and county of New York, came on board the said vessel, having a writ from the superior court of the city of New York, which he said was a writ of replevin, by which he was directed to deliver the possession of the said vessel to a person named Ralph Plympton, who claimed to be owner of the said vessel, and had sued out the writ, and the said deputy sheriff thereupon ordered the deponent and his crew to quit the said vessel, and gave them two hours to do so; that the deponent and his crew afterwards obtained permission to remain till the next morning, in order to pack up their things, and make such arrangements as were necessary before their departure; that the next morning, (to wit, on the morning of June 30th,) the deponent and his crew left the vessel, and the said deputy sheriff put the said Plympton in possession of said vessel, and he then placed a person as guard on board; that the person so placed on board as guard compelled the mate of the brig to give him the keys of the provision closets in the vessel, and thereupon took and used the greater part of the provisions on board; that, when the said deputy sheriff came on board and showed him said writ, the appearer told the said deputy sheriff that Messrs. William Cole and S. M. Rigaud, Port-au-Prince, were the owners of said vessel, and offered to show him the vessel's papers, manifesting the ownership, but the said deputy sheriff told him that this would be of no avail, that he did not want to see the papers, that Mr. Plympton claimed to be the real owner, and it must be tried in court whether he was or not, and the said sheriff's officer, on said occasion, when he came on board, gave the appearer a written notice from the sheriff, summoning the appearer to appear before the said court to answer the same Ralph Plympton for taking and unjustly detaining the said vessel, her tackle, apparel, furniture, and boats; that the appearer constantly protested against the said proceedings, and hath since employed counsel to appear for him and answer for the summons aforesaid. And the said appearer, desirous of giving every degree of satisfaction in his power to all persons concerned, or in any wise interested in the said vessel and her cargo aforesaid, hath protested, and I, the said notary, at the special instance and request of the said appearer, do, on the foregoing premises, publicly and most solemnly protest against the said Ralph Plympton and the said deputy sheriff, for

taking of the said vessel from him as aforesaid, and as the sole causes thereof, and against all other persons whom it doth or may concern, and against all and every other act, matter, or thing, had and met with as aforesaid, for all loss, costs, charges, damages, delay, injury, and expenses, that already has or have, or hereafter shall happen or accrue to the owner, freighters, shippers, insurers, and others, concerned in the said vessel and her cargo aforesaid, and in the freight of the said vessel, by reason and means aforesaid.

Thus done and protested in the city of New York, agreeably to the mercantile law.

In testimony whereof, the said appearer, and I, the said notary, have hereto signed our names, and I have hereto set my official seal, the day and year first above-mentioned.

PN. CHASSAING.

F. R. TILLOU, *Notary Public*.

And I, the said notary, do further certify, that, on the said 15th day of June, 1837, before me personally came Alex. Hyppolite, the first mate, and Noel Fabre, a seaman of the said vessel, on the said voyage, and thereupon, being by me duly sworn, did depose and say, that they sailed in said vessel, in their said respective capacities, on said voyage; that they have had the foregoing instrument and the contents thereof explained and read to them, and understand the contents thereof; that they know of all the facts therein contained; and that all the said facts therein contained are true, and they join in the protest aforesaid, and protest in like manner as the said master has protested, and declare the said instrument of protest to be correct.

A. HYPPOLITE,

NOEL FABRE, his + mark.

[L. S.] F. R. TILLOU, *Notary Public*.

A true copy :

F. R. TILLOU, *Notary Public*.

PRISON, PORT-AU-PRINCE, *February, 1838.*

SIR: I have the honor to state that, on the 27th January last, the United States ship Ontario, S. L. Breese, commandant, anchored in this port, and that a few days after her arrival the United States ship St. Louis, Captain Payne—crew and officers, I am happy to state, all well.

On learning of my detention in the prison of this city, Captain Breese immediately addressed the Secretary General on the subject. I have the honor herewith to transmit a copy of this letter, with General Inginac's reply.

I beg to observe that the General has been misinformed in regard to my having refused giving security or a guaranty in case of the loss of the suit in the United States. No such guaranty has ever been asked of me. But proposals have been made, which, if agreed to, would liberate me immediately, (these were to give bonds, with good endorsement, promising to pay the whole amount of the judgment, \$8,000, in sixty days after the day of the date of my liberation;) which proposals I refused. I have appealed to the court of cassation, and to-morrow judgment *should be*

rendered. Should the judgment be in my favor, the case then goes before another and final tribunal.

The legality of the condemnation and sale will shortly be tried in the courts of New York. Here there has been no question of the legality of the proceedings, but the vessel has been thrown upon the consulate; the proceedings (on the part of the Haytian owners) abandoned in the courts of New York; and I am condemned, as a private individual and seller of the vessel, to pay a large sum of money, and in default of which I am incarcerated in the common jail of this unhealthy city, where I have twice narrowly escaped death (from fever and lately from dysentery) from severe illness. I beg, most respectfully, to entreat your early attention to this unfortunate affair.

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

THOS. GEO. SWAIN,
Vice Commercial Agent.

Hon. JOHN FORSYTH,

Secretary of State of the United States.

UNITED STATES SHIP ONTARIO,

Port-au-Prince, Hayti, January 29, 1838.

SIR: It is with great regret and mortification that, on my arrival in the port of a nation with whom my own has been and would continue to be on terms of amity, I find that one of my countrymen, and he, too, one officially charged by my Government with certain indispensable duties pertaining to our commerce and its interests, has been, by one of the inferior courts of this country, thrust into a common prison, and there continued to the disadvantage and detriment of such commercial interests and to the dishonor of our flag. That the Haytian Government *itself* has the remotest desire to do, or consent to aught being done, that can be construed into intentional insult to my country, I cannot believe; and your past disavowal of any such intention or wish on its part, in the interview you honored me with this morning, is to me a sufficient guaranty of the absence of such wish or intention. But, unhappily, sir, it has been considered by an inferior tribunal here to be within the purview of their duties, and within the limits of their powers, in default of the payment of a very considerable sum of money, adjudged by it as due from Doctor Swain, the United States commercial agent for this port, to certain persons who had purchased under his order for sale, a certain vessel condemned as unseaworthy, in the manner prescribed by our laws, to incarcerate him for the past three months. What makes this transaction in my view of it the more extraordinary is, that, prior to the institution of *this process* here, *another* one was pending, and still pends, in the courts of the United States, to which the gentlemen at whose suit the consular agent has been thrust into the common jail of this city at first appealed for redress.

I believe, sir, that it is quite inadmissible that the parties should at one and the *same* time commence actions for the self-same matter, before two or more courts of law; but should rather wait the decision of the first tribunal appealed to.

To the illegality and impropriety of an opposite course, I am quite sure the Secretary General will accord me his assent. For this reason, then, sir, might I not with propriety claim from the comity of the Haytian Government, the release of Doctor Swain, were he simply a private citizen of the United States? With how much greater emphasis should I, then, require his immediate freedom from bonds, since he is an agent of the United States Government, appointed by it for the purpose of attending to the interests of citizens of the United States engaged in commerce with the citizens of this republic at this port—which interests by reason of his confinement have suffered, and must more or less suffer?

Whatever and to whatever extent the lien may be, that the prosecutors may have on our commercial agent of a pecuniary nature, now or hereafter I do not presume to canvass, nor is it my province; but I do consider it my duty to require, for the reasons just above enumerated, his speedy liberation from disgraceful thralldom.

In conclusion, I pray, General, you will accept the assurances of respect and high consideration with which I have the honor to be, sir, your most obedient servant,

SAML. L. BREESE,
Commander United States Ship Ontario.

General B. INGINAC,
Secretary General of the Republic of Hayti.

PORT-AU-PRINCE, le 5 Février, 1838.

MONS. LE COMMANDANT: J'ai reçu, le jour même de sa date, votre lettre du 29 Janvier dernier, et aujourd'hui celle de cette date; toutes deux relatives à la detention du Docteur Swain.

Lorsque j'ai eue le plaisir de votre visite, je ne vous ai pas laissé ignorer que le Gouvernement de la République ne pouvait pas interférer dans une affaire pour laquelle les parties devaient se présenter pardevant les juges compétents pour connaître et juger sur les différences. Le Docteur Swain, n'ayant point été accrédité par le Gouvernement des Etats Unis d'Amérique en la forme régulière comme agent de commerce en cette ville; n'ayant point, par conséquent, reçu d'exequatur du Gouvernement d'Haïti, savait bien qu'il n'était pas fondé à réclamer du Gouvernement auquel le sien ne s'était point adressé pour être placé au-dehors de la juridiction des tribunaux ordinaires, pour les actes de son exercice comme agent commercial.

J'ai appris que le Docteur Swain s'est refusé à fournir caution solvable pour répondre, au besoin, de la réclamation des valeurs qui lui était faite relativement au bâtiment Américain qu'il avait vendu ici, et qui a été réclamé aux Etats Unis; si ce fait est exact, il serait en quelque sorte l'auteur du désagrément de sa rétention. Si les réclamateurs ont, en même temps, fait valoir leurs demandes en Haïti, et aux Etats Unis, et si les tribunaux ici ont jugé contrairement aux lois et aux principes qui en découlent, le Docteur Swain sera habile à faire valoir, à son tour, ses réclamations contre ceux qui auraient violés ses droits. Je reste convaincu qu'il trouvera dans les tribunaux de la République la justice qui s'y distribue sans partialité.

L'affaire du Docteur Swain est en ce moment devant le tribunal de cassation, lequel, à ce que j'ai appris, prononcera avant long-temps son jugement; c'est au Docteur à le provoquer le plutôt possible; mais, Monsieur le Commandant, je vous le repète, le Gouvernement n'a point à se mêler, quelque regret qu'il en éprouve, de la detention dont il est ici question.

Je saisi, Monsieur le Commandant, cette occasion pour vous offrir l'assurance de ma considération distinguée.

B. INGINAC,

Secrétaire Général près le Président d'Haiti.

SAMUEL L. BREESE,

Commandant U. S. S. Ontario,

UNITED STATE SHIP ONTARIO,

Port-au-Prince, February 7, 1838.

DEAR SIR: Learning immediately on my arrival in this port on the 27th ultimo that you were detained in the city prison, I addressed a note to the Secretary General requesting an interview, which was accorded me on the following day; in which interview, I could obtain nothing more satisfactory than the assurance that there was no intention and no desire felt by the Haytian Government to offend that of the United States.

The day after, I addressed to General Inginac a letter, of which I have furnished you with a copy. Until to-day I have received no reply to my communication. This morning an answer from the Secretary has been sent me, of which attached to this is a copy.

By this it would appear the Government here will not recognise you as a United States officer, and cannot interfere with the course of the laws, I trust the court of cassation will revoke the decision of the first tribunal, and liberate you speedily.

You will, of course, by the first opportunity, make our Government acquainted with the whole matter, and to that end you may at your pleasure forward to the Department a copy of my letters to the Haytian authorities, their answer, and mine to yourself; and I have not the least doubt that, so soon as our Government are put in possession of all the facts that pertain to this matter, ample justice will be rendered you, not only for the pecuniary loss you have sustained, but for the mortification you have endured in a protracted confinement.

If in any thing I can be of further service to you at this juncture, please acquaint me.

I am, very respectfully, your obedient servant,

SAMUEL L. BREESE,

Commander United States Ship Ontario.

To Doctor SWAIN,

United States Commercial Agent, Port-au-Prince.

UNITED STATES SHIP ONTARIO,

Port-au-Prince, February 8.

SIR: On the 29th ultimo, I addressed a note to the Secretary General of

the republic of Hayti, on the subject of Doctor Swain's detention in the prison of this city, and it is with regret that I am obliged to remind him that to this moment I have received no reply to that communication.

Reiterating my assurances of great consideration, I am, sir, very respectfully, your obedient servant,

SAMUEL L. BREESE,
Com'g U. S. Navy.

General B. INGINAC,
Secretary General of the Republic of Hayti.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New York, February 26th, 1838.

SIR: I have the honor to acknowledge the receipt of your letter of the 17th inst., stating the object of your inquiries in regard to the brig Venus. With this intelligence, I will again address myself to Mr. Tillou in the hope of getting the information you desire.

I am, sir, very respectfully, your most obedient servant,
WILLIAM M. PRICE,
United States District Attorney.

Hon. JOHN FORSYTH,
Secretary of State, Washington City.

[Extract of a letter from Thomas George Swain to the Hon. John Forsyth, dated Port-au-Prince, March 20th, 1838.]

In relation to the affair of the brigantine Venus, which I carried to the court of cassation, I regret to inform you that the previous judgment was found formal and good, and consequently I was still detained in prison for the sum of about eight thousand dollars currency. Not having received any instructions from the Department since yours of the 23d November, 1837, which you did me the honor to address me, I have been obliged, in order to recover my health, and at the same time my liberty, to agree to the payment of the above-named amount, in six months from the day of the date of my liberation, which was on the 14th of this month.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
New York, April 26, 1838.

SIR: I have the honor to transmit copies of papers received from Francis R. Tillou, Esq., relating to the condemnation and sale of the brig Venus at Port-au-Prince. Besides the enclosed, Mr. Tillou has submitted to me other papers, in the French language, which I have not thought necessary to have translated or copied; being the register of naturalization, her measurement and certificate of payment of duties, in which the vessel is described as the Deux Amis, formerly the brig Venus—also a

printed notice by the auctioneer of the sale of the brig *Venus*. If, however, you desire copies of those papers, I will have them prepared and forwarded to your Department.

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

WILLIAM M. PRICE,
United States District Attorney.

HON. JOHN FORSYTH,
Secretary of State, Washington.

UNITED STATES COMMERCIAL AGENCY, *Port-au-Prince.*

I, Thomas Philbrook, United States vice commercial agent at Port-au-Prince, do hereby certify that the annexed documents, lettered from A to M inclusive, are true and exact copies of the originals, filed and recorded in this office on consulate.

In testimony whereof, I have hereunto set my hand and affixed my official seal, at the city of Port-au-Prince, this nineteenth day of [L. s.] August, in the year of our Lord one thousand eight hundred and thirty-seven, and of the Independence of the United States the sixty-second.

THOMAS PHILBROOK.

A.

PORT-AU-PRINCE, *April 11, 1837.*

Personally appeared before me, James Butler, mate of the hermaphrodite brig *Venus*, of New York, from Tobago—complains of ill treatment of Captain Thomas, who has turned him on shore, because he left the vessel without leave to make his complaint at this agency. Ordered the mate to his duty on board.

Also appeared, as complainants, the whole crew of said brig *Venus*, stating that, from threats of the captain, the short allowance on which they are put, and the bad condition of the vessel, their dread of again committing themselves to the sea under the same circumstances.

THOMAS GEORGE SWAIN,
Vice Commercial Agent.

B.

PORT-AU-PRINCE, *April 13, 1837.*

GENTLEMEN: The mate and crew of the American brig *Venus*, now lying in this port, have declared before me their belief in the unfit state of said brig, and also their unwillingness to put to sea before she is seaworthy.

Therefore, you will please repair on board and alongside; and, after carefully examining said vessel's hull, rigging, sails, &c., you will please re-

port to me her condition, together with such repairs as are necessary to put the vessel in order to prosecute her voyage.

I am, respectfully,

THOMAS GEORGE SWAIN,
Vice Commercial Agent.

Messrs. TIMOTHY PHELPS, Merchant,
TOWNSEND, *Captain.*
SILLIMAN, *Captain.*
AMBROISE PETIT.

C.

Whereas we, the undersigned, have repaired on board and alongside of the brig Venus, of New York, Samuel R. Thomas, master, we do hereby report, that, after a close examination, we found the hull of said brig in good order, with the exception of the apron of the stern, and which we found defective; also the ends of three timbers on the larboard side. We also found a carpenter on board caulking, &c.; also found the fore yard decayed, and, in case a new one could not be procured in this port, it might be rendered secure for the passage to New York by fishing. We examined the rigging, and found two of the fore shrouds stopped, and the remainder much chafed. We found the sails all in bad order, and the vessel in her present state unfit to prosecute her voyage to ———.

We further report, that it is possible to make the repairs necessary as will render said vessel seaworthy.

Given under our hands, at Port-au-Prince, this 14th day of April, 1837.
TIMOTHY PHELPS,
J. R. SILLIMAN,
J. R. TOWNSEND,
AMBROISE PETIT.

D.

BRIG VENUS, PORT-AU-PRINCE, *May 11, 1837.*

SIR: The repairs put on the brig not being sufficient to satisfy us, we require another survey. The repairs that were put on the hull were only two sheathing boards and caulked in a few places, principally on deck, the most material part being entirely neglected; therefore, we refuse to go to sea until another survey is held over her.

Yours, with due respect,

JAMES BUTLER, *Mate,*
For self and crew.

E.

PORT-AU-PRINCE, *May 12, 1837.*

Personally appeared before me, S. R. Thomas, master of the brig Venus, of New York, now lying in this harbor, and delivered up his charter-party, ship's papers, flags, &c., before the report of survey of this day had been received by me, which I consider as an abandonment of said vessel.

THOMAS GEORGE SWAIN,
Vice Commercial Agent.

F.

[Extract from the protest of the mate and crew of the American brig Venus.]

The state of the vessel is very bad; for there is nothing that is seaworthy, and she leaks that bad that the pumps cannot be left more than ten minutes at a time, on the passage from Norfolk, in the best of weather. She has but one suit of sails; and the least wind possible there is one or the other to be unbent and repaired, which, if she was on a lee shore and one of her sails to split, she would go on shore—for there is none to replace them, and we could not mend it in time to save the vessel. Also the fore yard is rotten and not fit for a man to go on, in any wind; also the state of the standing rigging is as bad, and if a man says a word about any thing, the most *awful* threats come from him, saying we shall have more fault to find before we reach New York.

JAMES BUTLER, *Mate*.

WILLIAM WHEELWRIGHT, }
JOHN SOMERVILLE, }
ROBERT GOWAN, }
JOHN ANDERSON, }
JAMES JACKSON, }

Seamen.

G.

PORT-AU-PRINCE, May 27, 1837.

Captain Samuel R. Thomas, brig Venus, to James Butler, Mate, DR.

To 3 months' board, 20 days' services, and 10 days' provision	\$117 00
Received in advance	30 00
<hr/>	
Spanish	87 00
At 60 p. c. premium	52 20
<hr/>	
Currency	139 20
<hr/>	

Received, as my proportion, \$80 Haytian currency.

JAMES BUTLER, *Mate*.

Captain Samuel R. Thomas, brig Venus, to John Henderson, Seaman, DR.

To 5 months' services, at \$15	\$75 00
Received in advance, \$14	14 00
Prison fees in Port-au-Prince \$3 50	3 50
<hr/>	
Spanish	57 50
At 60 p. c. premium	34 50
<hr/>	
Currency	92 00
<hr/>	

Received, as my proportion, \$57 Haytian currency.

JOHN HENDERSON.

H.

PORT-AU-PRINCE, May 27, 1837.

Captain Samuel R. Thomas, brig Venus, to Robert Gowan, Seaman, DR.

To 5 months' services on board	-	-	-	-	-	\$90 00
Received in advance	-	-	-	-	-	27 00
						<hr/>
Spanish	-	-	-	-	-	63 00
At 60 p. c. premium	-	-	-	-	-	37 80
						<hr/>
Currency	-	-	-	-	-	100 80
						<hr/> <hr/>

Received, as my proportion, \$64 Haytian currency.

JAMES GOWAN.

Captain Samuel R. Thomas, brig Venus, to William Wheelwright, Seaman, DR.

To five months' services	-	-	-	-	-	\$60 00
Received in advance	-	-	-	-	-	20 50
						<hr/>
Spanish	-	-	-	-	-	39 50
At 60 p. c. premium	-	-	-	-	-	23 70
						<hr/>
Currency	-	-	-	-	-	63 20
						<hr/> <hr/>

Received, as my proportion, \$23 00 Haytian currency.

WILIAM WHEELWRIGHT, his + mark.

I.

PORT-AU-PRINCE, May 27, 1837.

Captain Samuel R. Thomas, to John Somerville, Seaman, DR.

To two months' services	-	-	-	-	-	\$36 00
Advance received	-	-	-	-	-	37½
						<hr/>
Spanish	-	-	-	-	-	35 62½
At 60 p. c. premium	-	-	-	-	-	21 37
						<hr/>
Haytian	-	-	-	-	-	56 99
						<hr/> <hr/>

Received, as my proportion, \$31.

JOHN SOMERVILLE.

<i>Captain Samuel R. Thomas, brig Venus, to James Jackson, Seaman, DR.</i>						
To 5 months' services	-	-	-	-	-	\$90 00
Received in advance	-	-	-	-	-	18 00
<hr/>						
Spanish	-	-	-	-	-	72 00
At 60 p. c. premium	-	-	-	-	-	43 20
<hr/>						
Haytian	-	-	-	-	-	115 20
<hr/>						

Received, as my proportion, \$69 Haytian currency.

JAMES JACKSON, his + mark.

J.

PORT-AU-PRINCE, May 26, 1837.

Brig Venus, Captain Thomas, to Louis Benjamin, DR.

1837, April 17, to 32 pagnet rope yarn, at \$1 50	-	-	-	-	\$48 00
" 17, to 6 gallons tar, 62½c.	-	-	-	-	3 75
" 18, to 83 lbs. old rope, 16c.	-	-	-	-	13 28
" 22, to 3 gallons tar, at 62½c.	-	-	-	-	1 87
" 25, to 4 gallons coal tar, \$1	-	-	-	-	4 00
" 25, to 4 gallons linseed oil	-	-	-	-	10 00
<hr/>					
80 90					
<hr/>					

Accepted to pay.

S. R. THOMAS.

Received, of the vice commercial agent of the United States in Port-au-Prince, the sum of eighty dollars and ninety cents in full, for the above bill.

LOUIS BENJAMIN.

K.

PORT-AU-PRINCE, May 27, 1837.

Brig Venus, Captain Thomas, to Dejardin & Deserre, DR.

To tonnage duty, 143 tons, \$2	-	-	-	-	\$286
To fountain dues,	-	-	-	-	12
To interpreter fees	-	-	-	-	20
To stamps, papers, permits, &c.	-	-	-	-	10
To pilot, &c.	-	-	-	-	4
<hr/>					
332					
<hr/>					

Received of the vice commercial agent of the United States, three hundred and thirty-two dollars in full, for the above account.

DEJARDIN & DESERRE.

United States Commercial Agency to Samuel Peters, DR.

To 4 days' services on board brig Venus - - - \$8 00
 Received payment in full.

SAMUEL PETERS, his + mark.

L.

PUBLIC SALE.

Account sales and nett proceeds of the American brig Venus, Captain Thomas, condemned and sold by order of Thomas George Swain, vice commercial agent of the United States, for account of whom it concerns, May 24, 1837.

The hull, rigging, spars, sails, &c., of the American brig Venus, sold to Messrs. William Cole & S. M. Rigaud, - - -	\$910 00
Commission 5 per cent. - - - - -	\$45 50
Advertising and ringing bell - - - - -	7 00
	52 50
	857 50

PORT-AU-PRINCE, May 26, 1837.

I, the undersigned, certify the above sum of eight hundred and fifty-seven dollars and fifty cents, to be the actual nett proceeds of said vessel.

C. L. GRANT, Auctioneer.

M.

We, whose names are hereunto subscribed, do hereby certify and attest, that, on the 12th day of May, 1837, at the instance and request of Thomas George Swain, Esq., United States vice commercial agent, resident in this city, we went on board and alongside of the American brigantine called the Venus, to examine said brigantine, in order to ascertain the possibility of said vessel being able to prosecute her voyage hence to New York, as well as the state of said vessel; and we do report:

That it is entirely impossible for said brigantine, called the Venus, to proceed to sea in the state that she now is in, as she makes water very freely while lying at anchor in harbor; and, furthermore, we give it as our opinion, that the repairs necessary to make said vessel seaworthy will amount to more than said vessel is worth. We further give it as our



opinion that the necessary repairs cannot be made at this place. We therefore recommend that said vessel be sold for benefit of whom it may concern.

TIMOTHY PHELPS.
C. McDONALD.
J. H. McDONALD.
AMBROISE PETIT.

UNITED STATES COMMERCIAL AGENCY, PORT-AU-PRINCE.

I, T. G. Swain, United States vice commercial agent at Port-au-Prince, do hereby certify that the annexed document is a just and true copy of a report of a survey recorded and signed in the books of this office.

In testimony whereof, I have hereunto set my hand, and affixed my official seal, at the city of Port-au-Prince, this thirty-first day of
[L. s.] May, in the year of our Lord one thousand eight hundred and thirty-seven, and of the Independence of the United States the sixty-first.

THOMAS GEORGE SWAIN.

We, whose names are hereunto subscribed, do hereby certify and attest, that, on the twelfth day of May, at the instance and request of Thomas George Swain, Esq., United States vice commercial agent resident in this city, we went on board and alongside of the American brigantine called the Venus, to examine the said brigantine, in order to ascertain the possibility of said vessel being able to prosecute her voyage hence to New York, as well as the state of said vessel; and we do report:

That it is entirely impossible for said brigantine, called the Venus, to proceed to sea in the state that she now is in, as she makes water very freely whilst lying at anchor in the harbor; and, furthermore, we give it as our opinion, that the repairs necessary to make said vessel seaworthy will amount to more than said vessel is worth. We further give it as our opinion that the necessary repairs cannot be made in this place. We therefore recommend that the said vessel be sold for the benefit of whom it may concern.

Given under our hands, at Port-au-Prince, this twelfth day of May, 1837.

TIMOTHY PHELPS, *Merchant*.
C. McDONALD, *Captain*.
J. H. McDONALD, *Captain*.
AMBROISE, *Carpenter*.

UNITED STATES COMMERCIAL AGENCY, PORT-AU-PRINCE.

I, T. G. Swain, United States vice commercial agent at Port-au-Prince, do hereby certify, that, by a public sale on the twenty-fourth day of May last past, the American brigantine Venus, Captain Thomas, of New

York, was sold to Messrs. William Cole and S. M. Rigaud, for the sum of nine hundred and ten Haytian dollars; the said brigantine having been condemned by regular surveys held in this port.

In testimony whereof, I have hereunto set my hand, and affixed my official seal, at the city of Port-au-Prince, this second day of June, [L. s.] in the year of our Lord one thousand eight hundred and thirty-seven, and of the Independence of the United States the sixty-first.

THOMAS GEORGE SWAIN.

NEW YORK, May 7, 1838.

SIR: In compliance with your request, I have the honor to state that I have accurately investigated the manner in which the affair of the Venus has been arranged between the contending parties, and have learned, from both Messrs. Cutting & Tillou and Messrs. Rossire & Co., that the suit has been dropped and not brought to judgment, at the urgent request of the Haytian purchasers, after they were assured of a judgment against Mr. Dimond and myself in Port-au-Prince. Plympton received the freight amounting to \$949 34, instead of \$1,400, as they pretend.

The amount of all other expenses in New York as per account of Mr. Rossire, is but \$513 73. What a difference have we here between the true amount and the pretended, as stated and *received as proved* before the Haytian tribunals.

Mr. Ralph Plympton being a man of no standing or credit, I am advised, by Mr. Price and others, not to commence a suit against him, as being useless.

Having nothing to require my longer stay in the States, and fearing, by some accidental detention from Port-au-Prince beyond the 14th July next, that my securities might become liable, I have taken the occasion of the sailing of the French ship "Bonne Amie," to sail to-morrow for Port-au-Prince.

I trust, sir, that I may be relieved from this embarrassing situation, and not suffered to remain incarcerated, during the coming hot and pestilential summer, in a common jail among thieves and highwaymen; for I much fear that, on again entering the prison at the expiration of the stipulated period, I shall not be allowed to occupy the jailor's apartments as before, but be thrust into a small chamber, crowded with ten or fifteen vagabonds.

In conclusion, I earnestly but respectfully pray that you will be pleased to advise me, at your early convenience, of what the Government will do in this vexing affair.

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

THOMAS GEORGE SWAIN.

HON. JOHN FORSYTH,
Secretary of State of United States.

PORT-AU-PRINCE, July 10, 1838.

SIR: On the 21st April last, I had the honor of an interview with you, in relation to the affair of the American brigantine Venus, otherwise *Les*

Deux Amis condemned by regular surveys, and sold by my authorization, in like manner as done before me by Mr. Dimond, commercial agent, whom at the time I represented.

You were then pleased to express an interest in my unfortunate position, assuring me, if I mistake not, that, although the United States Government was not bound to relieve me from the present embarrassment, yet, in consideration of the severe treatment and my long imprisonment, &c., it would favor me so far as to debar me of the payment of so unjust a judgment and relieve me from the degradation of imprisonment.

By the accompanying instrument, you will perceive, sir, that, on the 14th instant, I shall again be thrust in durance vile. Messrs. Cole & Rigaud refuse to admit bail for a longer period; my security, Mr. Phelps, the only American merchant in this place, cannot, from his circumstances, pay the amount for me; therefore the prison is inevitable.

I dare not, sir, make one suggestion as to the *manner* of relieving me, but confidently trust that you will not allow me to be entirely forgotten, but afford me that relief and protection the oppressed American never asks in vain.

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

THOMAS GEORGE SWAIN.

Hon. JOHN FORSYTH,

Secretary of State of the U. S.

Pardevant Mr. Charles Devomieux et son confrère, notaires publics, résidans au Port-au-Prince, soussignés—

A comparu Monsieur Thomas George Swain, résidant au Port-au-Prince, lequel a, par ces présentes, reconnu devoir à Messieurs William Cole, commerçant, et Saint Mexan Rigaud, capitaine, aide-de-camp de Son Excellence le Président d'Haïti, Pun et l'autre propriétaires demeurans au Port-au-Prince à ce présent, et acceptant—c'est à savoir :

La somme de dix-neuf cent cinquante gourdes en monnaie étrangère ;

Celle de deux mil cinq cent une gourde, en monnaie d'Haïti ;

Plus celle de cinq cent gourdes, également en monnaie d'Haïti ;

Ces trois sommes résultant d'un jugement rendu par le tribunal civil séant au Port-au-Prince, dans ses attributions commerciales, en date du vingt-cinq Novembre, mil huit cent trente-sept, dûment enregistré ;

Et, enfin, tous les frais alloués et par ce jugement et par celui rendu le douze du présent mois par le tribunal de cassation.

Le Sieur Thomas George Swain promet et s'oblige de payer, à l'ordre de Messieurs William Cole et Saint Mexan Rigaud, les sommes et les frais dont il est ci-dessus parlé, comme suit : la moitié dans quatre mois, à compter de ce jour ; et l'autre moitié deux mois après ; le tout en mêmes espèces qu'il est établi dans le jugement ci-dessus daté et énoncé.

Moyennant lesquels paiemens, Messieurs William Cole and Saint Mexan Rigaud se désistent des effets du dit jugement, sous la réserve de les faire valoir à leur profit, dans tout leur contenu, dans le cas de non exécution des présentes.

Et au même instant est intervenu le Sieur Timothée Phelps, négociant consignataire domicilié au Port-au-Prince ; lequel, après avoir pris connaissance et lecture de l'obligation ci-dessus, s'est engagé dans le cas où

Monsieur Swain ne payerait point le montant de la dite obligation, aux termes qui y sont stipulés à payer personnellement le dit montant à Messieurs William Cole et Saint Mexan Rigaud, ou à faire rentrer Monsieur Swain en prison d'où il n'est sorti qu'en conséquence des présentes; ce qui étant exécuté (c'est-à-dire, la rentrée de Monsieur Swain en prison ayant lieu,) Monsieur Phelps se trouvera dégagé du dit paiement.

Dont acte, pour l'exécution duquel les parties elisent domicile en leurs demeures au Port-au-Prince.

Fait et passé au Port-au-Prince, en l'étude, le quatorze Mars, mil huit cent trente-huit, an 35 de l'indépendance d'Haïti. Et les comparans ont, après lecture, signé, avec les notaires, la minute des présentes demeurée à Mr. Devomieux, et sur laquelle est écrit.

Enrégistré au Port-au-Prince, le vingt Mars, 1838, fo. 72 recto, case 1826 du registre K.—Reçu quarante-neuf gourdes cinquante un centimes, pour le directeur principal :

R. LAROCHE.

Vu par autorisation du contrôleur :

B. LAROCHE.

Collationné (première expédition)

CHAS. DEVOMIEUX, *Notaire.*

MR. WESTON'S CLAIM.

NEW YORK, *January 13, 1832.*

MY DEAR SIR: I have been desired by my brother-in-law, Mr. Emmet, to ask you whether you cannot assist him *officially* under the following circumstances.

In 1824, the Haytian Government sent citizen Granville, as their agent to this country, to make arrangements for the transmission of emigrants from the United States to St. Domingo; and, as such agent, he entered into a contract with a Mr. Weston, a merchant of this city, for that purpose, which was to continue in force for *one year* from 8th November, 1824, and which was ratified by the Haytian Government.

Two vessels were despatched under that contract to Hayti, with a large party of emigrants, and extensive measures were taken to continue the business for the remainder of the term, when, either owing to the conduct of the first emigrants or to some other cause unknown, the contract was revoked by the Haytian Government.

Mr. Weston, had been obliged to raise money to fulfil his part of the contract, and received from Mr. Emmet and his partner, Mr. Selden, about \$7,000, which he secured by giving them an interest in the contract, but of which only about \$2,500 has been repaid—being nearly all that has been received from Hayti.

After the revoking of the contract, Mr. Weston prepared his accounts, and exhibited a loss in actual expenditure exceeding \$3,000, which he forwarded to and addressed the Government, urging the payment of the balance, and also that some indemnity should be made him for the loss of time and services rendered, which he estimated at \$10,000.

Shortly after this and before any thing was done in the settlement of the matter, Mr. Weston died, and his administrator has assigned to Messrs. Emmet & Selden his rights under the contract.

They have made attempts to settle with the Government through private individuals, who have declined acting in the matter; and, believing that if brought officially by you before the Government, through our consul at Port-au-Prince, an *immediate* settlement would be made, they have asked me to write you, to ascertain whether a demand cannot be made through your office in the business.

I have seen all the papers myself, and the claim is so clear and just that I have not a doubt it would be settled at once; and I would feel much obliged if you would direct the consul to call on the Government, on behalf of Mr. Weston's representatives, and ascertain what settlement they would make.

All the necessary vouchers for adjustment are now in Hayti; but, if any evidence should be wanted to show the rights of Emmet & Selden, they can furnish ample documents. Please write me in reply at your earliest convenience.

Very truly yours,

BACHE McEVERS.

Hon. EDWARD LIVINGSTON,
Washington City.

If you *can* write to *Inginac* on the subject, and enclose to the consul, and send the whole to me, we will write the consul, and give him all the necessary information, and refer him to parties in Port-au-Prince who can aid him in the matter.

M. & W. WURTZ'S CLAIM.

PHILADELPHIA, *April 16, 1818.*

DEAR SIR: The enclosed papers have been delayed, in their transmission to Washington, by a suit pending with the underwriters and only recently decided. Believing this claim to be of the class for which the President is about to require indemnity from the Government of Hayti, we beg the favor of you to submit them to the consideration of the Secretary of State, and to favor us with any information he may be pleased to give on the subject.

We are, dear sir, very truly yours,

MAURICE & WM. WURTZ.

Hon. MAHLON DICKERSON.

Schooner Hound, Captain Quail.

By this public instrument of protest, be it made known and manifest, that on this sixteenth day of December, in the year of our Lord one thousand eight hundred and eleven, before me, Clement Biddle, notary public for the Commonwealth of Pennsylvania, duly commissioned, dwelling in the city of Philadelphia, personally came and appeared Thomas Quail, late master, and Robert Harper, late mate of the schooner Hound, of Philadelphia, and, being severally duly sworn on their solemn oaths, respectively depose and say, that said vessel, being stiff, stout, stanch, and strong, and properly manned, fitted and victualled for the voyage, they sailed in her, in the above capacities, from Aux Cayes in the island of Hayti,

on the fifth day of February last, loaded with coffee, dyewood, and specie; bore for this port of Philadelphia; and at eight o'clock, P. M., passed the Isle-a-Vache. At midnight, light winds and clear weather, they saw three sail of vessels astern; made all sail from them; the wind died away calm; manned their sweeps, but they were of no service. About ten o'clock, they saw them man two boats, and about half-past eleven came up with them, and they proved to be Christophe's vessels of war, which made prize of them; and the appearers, with some others of the Hound's crew, were taken on board the admiral's ship, and, with the schooner, taken to Gonaives, and their vessel sent from thence to Cape Henry, in said island of Hayti, where she arrived and was taken into Christophe's service for a vessel of war; and the appearers were marched across from Gonaives to Cape Henry, and there confined in prison for about nine months, when they were released and came to Baltimore in the schooner Eagle, Captain Daniel, and arrived here on Saturday, the fourteenth day of December instant, and now desire to make their protest for the loss of the said schooner Hound and cargo, and required an act thereof of me the said notary which I have granted.

THOMAS QUAIL.
ROBERT HARPER.

This done and protested before me, the said notary.

CLEMENT BIDDLE, *Notary Public.*

William Smith, seaman, declared the fact herein stated to be true, but declined signing the same unless his wages were first paid.

C. BIDDLE, *Notary Public.*

CAYES, January 30, 1811.

Invoice of specie shipped by Edward S. Mendenhall, on board the schooner Hound, Thomas Quail, master, bound to Philadelphia, for account and risk of Messrs. M. & William Wurtz, merchants, there and to them consigned.

One thousand Spanish dollars	-	-	-	-	\$1,000 00
Charges:					
Expense of shipping	-	-	-	-	25
Patent merchant commission, $\frac{1}{4}$ per cent.	-	-	-	-	12 50
Commission, $2\frac{1}{2}$ per cent.	-	-	-	-	25 00
					37 75
					1,037 75
Errors excepted.					
Premium to crown	-	-	-	-	97 49
					1,135 24
Return short property on \$64 76	-	-	-	-	3 56
					1,138 80
Abate 2 per cent	-	-	-	-	22 70
					1,116 10
Leaving	-	-	-	-	1,116 10

Shipped, in good order and well-conditioned, by Edward S. Mendenhall, in an upon the good schooner called the Hound, whereof is master, for this present voyage, Thomas Quail, and now riding at anchor in the port of Aux Cayes, and bound for Philadelphia, to say: one thousand Spanish dollars, being marked and numbered as in the margin, and are to be delivered, in the like good order and well-conditioned, at the aforesaid port of Philadelphia, (the act of God, the King's enemies, fire, and fall and every other dangers and accidents of the seas, rivers, and navigation, of whatever nation and kind soever, excepted,) unto Messrs. M. and W. Wurtz, or to their assigns, he or they paying freight for the said goods as customary, with average accustomed. In witness whereof, the master or purser of the said ship hath affirmed to three bills of lading, all of this tenor and date; the one of which three bills being accomplished, the other two to stand void. Dated in Aux Cayes, January 30, 1811.

THOMAS QUAIL.

Be it known, that, on this twenty-seventh day of August, in the year of our Lord one thousand eight hundred and eleven, before me, Clement Biddle, Esq., notary public for the Commonwealth of Pennsylvania, duly commissioned, and authorized by law to administer oaths and affirmations, dwelling in the city of Philadelphia, personally came William Wurtz of the house of Maurice & William Wurtz, of said city, merchants, who, being duly sworn according to law, on his solemn oath deposes and says, that the annexed invoice and bill of lading contains a just and true account of one thousand specie dollars, shipped at Aux Cayes in the schooner Hound, Thomas Quail, master, for this port, which are the sole property of the said house of Maurice & William Wurtz, who are citizens of these United States, in which they insured the sum of twelve hundred dollars on the nineteenth day of March last, in the office of R. E. Hobart, and had no other insurance thereon to his knowledge or belief.

WILLIAM WURTZ.

Sworn before me.

CLEMENT BIDDLE,
Notary Public.

Be it known, that, on this twentieth day of August, in the year of our Lord one thousand eight hundred and eleven, before me, Clement Biddle, Esq., notary public for the Commonwealth of Pennsylvania, duly commissioned, and authorized by law to administer oaths and affirmations, dwelling in the city of Philadelphia, personally came M. Pinto, of the island of St. Thomas, merchant, who, being duly sworn according to law, on his solemn oath deposes and says, that he arrived at Cape Henry, from Jamaica, about the twelfth day of February last, and, when he arrived there, found the schooner Hound, of which Mr. Sewan was supercargo, which had shortly before been captured by Christophe's squadron and brought in as a prize, because she had come from Aux Cayes, a port belonging to Rigaud, and, about a week after he arrived there, the said schooner Hound and cargo were condemned, and the cargo landed and sold, of which he bought a part—the vessel was retained by Christophe, and fitted out as a cruiser; that he left the said supercargo under confinement in the Gov-

ernment house at Cape Henry; and that he saw the copy of the vessel's condemnation by the court at Cape Henry, signed by the judge and President Christophe.

M. PINTO.

Sworn before me.

CLEMENT BIDDLE, *Notary Public*. [L. s.]

Captain Jacob Wing, commander of the brig Squirrel, being sworn on his oath, deposes and says, that he was at Cape Henry, (formerly Cape François,) from about the 10th of June to the 27th of July last; that while he was there, he saw the schooner Hound come into port as one of Christophe's armed vessels having then been out on a cruise; that he saw her former captain, Quail, most of all her former crew in confinement in prison, and was informed by them that she had been condemned and sold, and he saw one of the advertisements by which said vessel and cargo were advertised to be sold as a prize, condemned for coming from Aux Cayes; that he understood Captain Quail had been confined as soon as he was brought into Cape Henry, and he verily believes he had no opportunity to procure or forward a copy of his protest.

Captain Quail was first taken in Gonaives, and brought from there to Cape Henry under consignment, also the supercargo and crew.

JACOB WING.

Sworn before me.

CLEMENT BIDDLE, *Notary Public*. [L. s.]

I, Clement Biddle, Esq., notary public for the Commonwealth of Pennsylvania, duly commissioned, dwelling in the city of Philadelphia, certify that the foregoing is a just and true copy of two original affidavits of M. Pinto and Jacob Wing, respecting the capture and condemnation of schooner Hound, Captain Quail, compared and found to agree therewith.

In testimony whereof, I have hereunto set my hand and seal, this 27th [L. s.] day of August, 1811.

CLEMENT BIDDLE, *Notary Public*.

[EXTRACT.]

DEPARTMENT OF STATE,

Washington, May 1, 1818.

SIR: The enclosed papers are recommended to your particular attention, that you may take such measures in relation to them as you may think advisable, and likely to be useful to the parties respectively concerned in them:

1. The protest of Thomas Quail, master of the schooner Hound, and another;*
2. Invoice and bill of lading, with the deposition of William Wurtz.*
3. Depositions of M. Pinto and Jacob Wing.*

* * * * *

I am, with much respect, sir, your very humble and obedient servant,
JOHN QUINCY ADAMS.

WILLIAM TAYLOR, Esq.

* See copies, with letter of M. & W. Wurtz to the Hon. M. Dickerson, of the 16th of April, 1818.

CLAIMS GENERALLY.

To his Excellency James Madison, Esq., President of the United States of America.

DATED IN BOSTON, *January 31, 1811.*

The memorial of Ezra Davis, George Burroughs, jr., John W. Quincy, Samuel Cooper, and others, whose names are hereunto subscribed, merchants and native citizens of the United States, engaged in a lawful commerce with ports and places in the West Indies, respectfully represent:

That a large amount of property, owned by themselves and other native citizens, has been forcibly seized and is still detained by Henry Christophe, the present military and civil chieftain of Cape Henry, in the island of Saint Domingo.

The amount of property sequestered at Cape Henry and other ports under the control of Christophe, the names and residence of many of the owners, and the pretences under which it has been done, are fully set forth in the general order of Christophe of the third of January, eighteen hundred and eleven, which is annexed and transmitted with this memorial,* as containing in itself the most plenary evidence of injustice and outrage sustained by your memorialists.

It appears from this order itself that no justification is attempted for this plunder of private property; on the contrary, it is admitted to be a gross infringement of personal right—a wanton exercise of power, without the color of honor or justice. In considering, therefore, a case of this character, no question of doubtful rights present themselves for discussion or compromise, no points of policy or expediency are connected with the claims of your memorialists, as the order under which they so severely suffer admits the injustice it sanctions and commits.

In addition to the facts stated in the general order, your memorialists would respectfully represent, that, on the sixth day of October last, all the American vessels at Cape Henry, being eleven in number, with their respective officers and crews, were arrested by order of Christophe, and not permitted to depart till the seventh day of January following. A number of vessels, destined to other islands in the West Indies, had previously been brought into the cape by the armed vessels belonging to this chieftain, and their cargoes placed within his control. During this period of detention, many vessels were greatly injured, and their crews arbitrarily detained, in consequence of which great numbers sickened, and many of them died. This accumulation of suffering and injustice has been borne by native citizens of the United States at the hand of a lawless self-convicted plunderer; it has been borne with patience and resolution, because they confidently relied upon their own Government, when duly informed, to obtain indemnity as well as to offer protection.

To a Government enlightened in its policy and prompt to redress the wrongs of its subjects, it cannot be necessary to urge the importance of protecting the rights and interest of every class of men in the community against every infringement or outrage committed by any foreign Power, whether civilized or barbarous.

* See a copy, marked A, with the next memorial.

Although the law prohibiting all trade with the island of Saint Domingo has expired, and vessels are regularly cleared under the authority of the United States for the ports of that island; yet, as the present existing rival Powers are not recognized by our own Government, or by other nations, as legitimate, the ordinary course of demanding and obtaining redress for wrongs seems to be impeded.

If this consideration should become an obstacle to the usual mode of proceeding, your memorialists would respectfully suggest that the case here presented appears to afford just cause for granting letters of marque and reprisal; but, whatever measures the wisdom of the Government may dictate, your memorialists are fully persuaded, from their knowledge of the temper, strength, and resources of this chieftain, that the presence of a few frigates of the United States would be the means of obtaining indemnity for past injustice, and of securing the lawful commerce of the country from future violations.

Confiding, however, fully in the disposition of the constituted authorities of the country to protect the rights and interests of its own citizens, your memorialists respectfully leave the remedy for their wrongs, and the mode in which it is to be pursued, to their wisdom and energy.

Ezra Davis
 John W. Quincy
 Geo. Burroughs, Jr.
 Samuel Cooper
 Jno. Low, *by his attorney Ezra Davis*
 Wm. Matchette
 Jeremiah Stinson

Oliver Farwell
 Thomas Capin
 Benj. W. Lamb
 Henry Burroughs
 James Carter
 Stock & McKinstey
 Andrew C. Dorr.

To the President of the United States.

The undersigned memorialists, citizens of the United States, in behalf of themselves and others, respectfully represent:

That, in the prosecution of their lawful concerns, they have sustained a pecuniary loss to a considerable amount, by the arrest, seizure, and actual confiscation of their property, by Henry Christophe, lately styled President, but now King of Hayti, as fully and particularly appears, and is exemplified by the enclosed papers, marked A. B. and C.

The printed paper, marked A, shows that American property was arrested on the alleged ground that the Haytian chief's agents in Baltimore had defrauded him, and that ours was seized because the owners were Americans and their property was in his power.

The paper marked B shows the actual confiscation of our funds by the King of Hayti, by his requiring the resident merchants to pay therefrom \$124,955 19 into his treasury.

The enclosed affidavit of Mr. Abel Marple, marked C, proves that the papers A and B, above referred to, are authentic, and that, so far as the mercantile house of which he was a partner, were concerned in the transaction, the order B was actually complied with, and there proportion paid into the treasury as required.

We also know, and the fact is susceptible of proof, that all the par

called upon did, in like manner, pay their respective proportions of the sum required, and that the full sum of \$124,955 19 was paid into the treasury of Christophe, pursuant to and in conformity with the order B.

On the fact above detailed but few remarks can be necessary; it is a clear, indisputable, and (by the Haytian Government) an admitted fact, that *our property was confiscated because it was American.*

The confiscation has been made by sovereign authority, which we were not only unable, but unauthorized to resist. The only legitimate resource left to us through which redress can be expected, or, indeed, possibly obtained, is through the intervention of our own Government, to obtain which is the object of your memorialists in submitting their grievances to the President of the United States. We are aware that it is not for your memorialists to prescribe what measures ought to be pursued, yet we beg leave respectfully to state that, in our opinion, if a remonstrance shall be made, and redress demanded by authority of our Government, they will not be disregarded, which measures, we flatter ourselves, the President will deem it expedient to adopt, or in such other manner endeavor to obtain redress, as on consideration may be deemed most suitable to the occasion.

J. W. SIMONTON,

Surviving partner of Simonton & Crood, owners of the schooner Maria, Captain Hardie, and cargo, at Gonaives.

C. D. HOWELL,

S. P. MONTGOMERY,

Owners of the schooner Hope.

J. N. SIMONTON,

Owner of the schooner Maria, Captain Hardie, and cargo, at Cape Henry.

JNO. RANDALL,

Owner of part of the cargo of the ship John.

WM. GREETHAM,

Attorney, acting for the late firm of Greetham & Devereaux.

JABEZ BOOTROYD,

Part owner and sole agent for schooner Mariner and cargo.

GEO. BURROUGHS, Jr.,

For self and agent, for other owners, cargo, schooner Betsy, Hall, master.

WM. PATTERSON & SONS,

Owners of schooner Nymph, Captain Caleb Craaston, and her cargo.

EZRA DAVIS

JOHN BANISTRE,

JOHN W. QUINCY,

For self and other owners of brig Venus, Joshua Nash, master.

UNITED STATES OF AMERICA.

STATE OF MARYLAND, to wit:

I, John Gill, notary public by letters patent under the great seal of the State of Maryland, commissioned and duly qualified, residing in the city

of Baltimore, in the State aforesaid, do hereby certify, attest, and make known, that, on the day of the date hereof, before me personally appeared Abel Marple, at present of Baltimore, merchant, lately one of the partners in the late house of trade of D'Arcy, Dodge, & Co., merchants of Cape Henry, Hayti, and made oath on the Holy Evangels of Almighty God, that the annexed printed paper, marked A, is a true copy of an official order, communicated to him as one of the acting partners in the said house of trade of D'Arcy, Dodge, & Co., by the Government of Hayti, on the third of January, eighteen hundred and eleven, the day of its date; that the written paper hereunto annexed, marked B, is a true copy of an original order communicated to him as one of the partners in the house aforesaid, by the Government of Hayti, on the twenty-seventh of April, eighteen hundred and eleven, the day of its date; and that, in obedience to what is thereby required, the said house of D'Arcy, Dodge, & Co., paid into the public treasury, out of the funds therein mentioned, such proportion of the whole sum required to be paid into the said treasury, as the amount arrested in their hands was to the whole amount of American property arrested by the Haytian Government. The said deponent further avers and attests, that it was at the time a matter of public notoriety, at Cape Henry aforesaid, that all the parties alluded to in the said order B did in like manner comply therewith, and which he, the said deponent, believes was actually true, and that the full sum of one hundred and twenty four thousand nine hundred and fifty-five dollars and nineteen cents of Haytian property was accordingly paid into the public treasury of the Haytian Government.

ABEL MARPLE.

Of which an act having been of me requested, I have granted these presents to serve and avail as need and occasion may require. In testimony whereof, the said deponent hath hereunto subscribed his name, and I the said notary public have hereunto set my hand, and affixed my notarial seal, the twelfth day of October, in the year of our Lord one thousand eight hundred and sixteen.

[L. s.]

JNO. GILL, *Notary Public.*

A.

LIBERTÉ ET INDÉPENDANCE—ÉTAT D'HAÏTI.

Ordre Général de l'Armée, du Jeudi 3 Janvier, 1811, l'an huitième. (Il n'y a pas eu d'ordre général depuis le 15 Octobre, 1810.)

Son Altesse S. Monseigneur le Président, ayant jugé nécessaire de faire passer aux Etats Unis d'Amérique, pour achat de divers objets pour le compte du Gouvernement, une somme de cent vingt-quatre mille neuf cent cinquante-cinq gourdes dix-neuf centimes, ainsi qu'il suit, savoir :

741,000l. de café, montant des cargaisons du navire Anglais

Earl Bathurst et du brick Américain Madeira, consignés à Messrs. Von Kapff & Brune, négocians à Baltimore, lesquels cafés, à raison de 20s. la livre, forment la somme

de - - - - - \$89,818 17

100,000l. de café par la goëlette Ocean, à l'adresse des dits Von Kapff & Brune, mais que M. McFaden, aussi négociant à Baltimore, a retenu, au même prix - - -	\$12,121 19
Deux lettres de change tirées par MM. d'Arcy, Dodge, et Compagnie, faveur de M. Bunel, lesquelles ont été remises aux dits Von Kapff & Brune - - -	16,000 00
Droits d'exportation à 2s. 6d. pour livre sur 841,000 livres de café ci - - -	12,742 47
	<hr/>
	130,681 83
A deduire pour autant touché par feu Grogan, des mains et deniers de Von Kapff & Brune, sur le motant de la cargaison du Earl Bathurst, et par le dit défunt versé au trésor général du Cap Henry - - -	14,444 44
	<hr/>
	116,237 39
Intérêts de cette somme à 7½ pour 100 - - -	8,717 80
	<hr/>
Total de la créance - - -	<u>124,955 19</u>

Vu que non seulement les objets qui avaient déterminé l'envoi de ces fonds ont été retenus aux Etats-Unis par les dits Van Kapff & Brune, et McFaden; mais que les dits fonds y ont été injustement détenus, malgré les diverses démarches infructueuses que S. A. S. a faites jusqu'aujourd'hui, et notamment par le voyage inutile de M. Marple, négociant de cette ville, citoyen des Etats Unis, chargé de ses pouvoirs à cet effet; pensant qu'il est juste d'user des moyens qui sont en son pouvoir, pour se ressaisir de sa chose, surtout lorsqu'elle est aussi frauduleusement retenue, au mépris de ce qu'il y a de plus sacré parmi les hommes, S. A. S. s'est décidée à la mesure suivante, qui repugne à la vérité, à son cœur et à sa politique, mais qui est la seule ressource qu'il lui reste pour le recouvrement des propriétés de l'état.

Pourquoi, S. A. S. a convoqué messieurs les négocians Américains établis en cet état, à l'effet de déclarer les propriétés Américains qui se trouveraient en leurs mains, et d'en faire une juste retenue, proportionnellement à la dite créance, pour le maintien et la conservation d'icelle.

Sur ce, messieurs les négocians Américains ci-après désignés ont fait le rapport dont le résultat suit, savoir :

Il existe entre les mains de M. John Myers, provenant des cargaisons des goëlettes Concord, Hope, Sally, et le bateau Alert - - -	\$32,203 89
De M. William French, provenant des goëlettes Mariner, Betsy, Leopard, et Centurion - - -	12,181 30
De M. Hamer Gaskell, pour partie de la cargaison du navire John, de Baltimore - - -	768 74
De M. Vilton, provenant de la cargaison de la goëlette Fanny - - -	1,886 07
De M. Mathieu O'Brien, des cargaisons de la goëlette Marie, de Philadelphie; du brick Vénus, de Boston, Capitaine Nash et ce qui est dû à M. Jn. McFaden, ensemble - - -	21,745 02
Autant compté par M. J. C. White, au trésor, étant la propriété de M. McFaden, que M. Joseph Bunel lui a payé - - -	6,639 19

De MM. Charles Saunders et Compagnie les cargaisons des goëlettes Fanny de Baltimore, Betsy, Sukey, Nancy, Nymph; du brick Joseph; et les pacotilles de MM. Stack et M ^o Kenstey, William Matchett, et Oliver Farwell, Georges Burroughs, et Wm. T. Bedford, ensemble	\$22,951 73
De M. Stephers, subrécargue de la goëlette Maria, de Philadelphie	5,625 19
De Messrs. D'Arcy, Dodge, et Compagnie, montant de la pacotille de MM. Greetham et Devereaux, de Baltimore	948 48
De M. Bazin, subrécargue de la goëlette Snowdrop	16,226 14
De M. Joseph Bunel, en marchandises, argent, et dettes	11,252 77
	132,428 52

Il appert de ce rapport, qu'ils ont en mains, tant en argent qu'en marchandises et créances particulières, la somme de cent trente-deux mille quatre cent vingt-huit gourdes cinquante-deux centimes, qui ont été formellement retenues entre les mains des dits négocians, lesquels en demeurent personnellement responsables, jusqu'à ce que le montant de la créance de S. A. S. lui soit restitué par les dits Van Kapff & Brune, et McFaden; dans lequel cas, elle promet solennellement de lever toute retenue sur les propriétés dont li s'agit.

En conséquence, vu que les propriétés Américaines existantes dans cet état se sont trouvées en suffisante quantité, Son Altesse Sérénissime déclare qu'elle se tient pour satisfaite, et qu'à dater du présent, elle n'empêche que les batimens Américains viennent librement dans les ports de l'état, et engage les négocians de cette nation amie à continuer leurs relations commerciales, sans craindre qu'à l'avenir, ils puissent être nullement inquiétés pour l'objet de la présente.

Fait au quartier général du Cap Henry, le 3 Janvier, 1811, l'an huit de l'indépendance.

P. ROMAIN,
Le Chef de l'Etat, major général.

Vu, et approuvé pour être imprimé :

HENRY CHRISTOPHE.

—
B.

Au Palais du Cap Henry, le 27 Avril, 1811, an 8e l'Indépendance, Henry, par la grace de Dieu, et la loi constitutionnelle de l'état, Roi d'Haïti :

Il est ordonné à messieurs les négocians Américains de verser au trésor de la capitale les sommes retenues entre leurs mains, pour les propriétés du Gouvernement frauduleusement retenues aux Etat Unis; et ce aux termes de l'ordre général de l'armée du 3 Janvier, 1811, année courante. Ce versement doit être fait dans les 24 heures au plus tard.

Par le Roi :

COMTE DE LIMONADE.

DEPARTMENT OF STATE, *December 20, 1816.*

SIR: It has been thought expedient that an agent of the United States should be appointed to reside at Cape François, in the island of St. Domingo; with a view to guard the personal as well as commercial rights of our citizens trading there. The President has designated you for that trust, of which a certificate under the seal of this office is enclosed.

The printed instructions enclosed with the laws on which they are founded comprehend, it is believed, every subject of a commercial nature, including that of seamen, to which it is necessary, at this time, to direct your attention. You will, however, inquire into and communicate the footing upon which our trade is placed in this part of the island, with a view to such enlargement of your instructions as the case may call for. Your inquiries will be particularly directed to the amount of duties payable by our vessels and those of other nations; to the illegal seizures of American vessels and merchandise; and to the treatment experienced by our citizens in the ports under the jurisdiction of General Christophe.

Should you find, on your arrival at the cape, any violation of the rights of our citizens calling for your interposition, you will afford it in a manner temperate and respectful, which will at once conciliate the authorities of the place and best promote a redress of the wrongs complained of.

You will abstain from trade of any kind, either directly or indirectly; and, in consideration thereof and of services to be rendered to our citizens, you will be allowed a salary of \$2,000, to commence on your embarking for your destination, and to be drawn for upon this Department, quarter-yearly.

I have the honor to be, with respect, sir, your most obedient servant,
 JAS. MONROE.

SEPTIMUS TYLER, Esq.

BALTIMORE, *December 30, 1816.*

SIR: Mr. George Burroughs, of this city, has informed me that you are, by authority of Government, going to Cape Henry, for the purpose of endeavoring to obtain a restitution of American property, which had been confiscated by the Haytian Government, in the year 1811.

That our Government has thought proper to interfere on this occasion, is a source of much satisfaction to all who are interested. Believing that to obtain full justice is their special object, I will state to you what, in the opinion of the sufferers, they are entitled to recover, together with some particular information on this subject.

What we are entitled to recover may be classed under three distinct heads, viz:

1st. A restoration of our money actually paid into the Treasury of the Haytian Government.

2d. Interest on the amount paid, as above, from the period of confiscation, until the day when an adjustment and restoration shall take place.

3d. Compensation for the detention of our vessels by an embargo on them only.

On the first head you have, in the papers submitted to the President, precise and distinct information. The same remark applies to the second, as it necessarily grows out of the first. The only question which can arise

under this head will be as to the rate of interest, which perhaps ought not be less than six per cent. per annum.

On the third head, more explanation and detail appears to be necessary. On the 6th October, 1810, an embargo was laid on all American vessels, exclusively, then in the port of Cape Henry, which were nine in number, viz:

- Schooner Mariner, Ellis, master, from Philadelphia.
- Schooner Concord, Freeman, master, from Boston.
- Schooner Fame, Rose, master, from Bristol, Rhode Island.
- Schooner Betsy, Willis, master, from Boston.
- Schooner Centurion, Witherall, master, from Boston.
- Schooner Sukey, Stone, master, from Gloucester.
- Schooner Nancy, Basset, master, from Yarmouth.
- Schooner Hope, Montgomery, master, from Philadelphia.
- Sloop Alert, Motley, master, from Portland.

Three days after the embargo was laid, the schooner Maria, Hardie master, arrived at the cape from Philadelphia, and was forthwith detained; the embargo was continued until the 3d January, 1811, except as to the schooner Mariner, for the departure of which a special permission was obtained on the 27th November, 1810.

If the moderate sum of \$20 per day for each vessel be claimed as compensation for their detention as above stated, the claims under this head will stand as follows, viz:

For the detention of 8 vessels, from 6th October, 1810, to 3d January, 1811, inclusive, is 90 days, at \$20 per day, each -	\$14,400
For detention of schooner Mariner, from 6th October to 27th November, 1810, inclusive, is 53 days, at \$20 per day -	1,060
For detention of schooner Maria, from 9th October, 1810, to 3d January, 1811, inclusive, is 87 days, at \$20 per day -	1,740
	<hr/>
	17,200
	<hr/> <hr/>

You have thus before you the nature and extent of our claims; their support and vindication is confidently referred to the proper authority.

I have the honor to be, respectfully, your humble servant,

JABEZ BOOTHROYD.

S. TYLER, Esq., *New York.*

[EXTRACT.]

APRIL 25, 1817.

SIR: The commerce and citizens of the United States having lately been subjected in several instances to improper treatment in the ports of St. Domingo, it is thought that the appearance of a public vessel of the United States at that island may have a beneficial effect. You will therefore repair thither with the ship under your command, receiving on board Septimus Tyler, Esq., who goes out as commercial agent from this Government, to reside at Cape François. You will also be charged with a letter to William Taylor, Esq., commercial agent of the United States at Port-au-Prince. After going into Port-au-Prince, and causing the letter to be delivered to Mr. Taylor, you will proceed on, without more delay than is necessary, to the cape, for the purpose of landing Mr.

Tyler; treating the public authorities at both places with respect, and forbearing to call again at Port-au-Prince. It may be useful, should it be found convenient, to pay your respects to either or both of the rival chiefs of that island.

* * * * *

I have only to add that the President has great confidence in the discretion and effect, so far as the latter may be found practicable, with which you will fulfil the instructions given to you.

With great respect, &c.

R. R.

CHARLES MORRIS, Esq.,
*Commander of the United States ship of war
 the frigate Congress.*

DEPARTMENT OF STATE, *January 29, 1817.*

SIR: Enclosed are sundry original papers relating to the forcible seizure and confiscation of a considerable amount of American property at Cape François, in the year 1811, by General Christophe, on the arbitrary and unheard of plea, that his agent in Baltimore had defrauded him out of an equal amount.

On your arrival at St. Domingo, you will lose no time in remonstrating against this unjust measure, and claiming for the sufferers a fair indemnity. If General Christophe confided in persons in this country who betrayed the trust reposed in them, by embezzling or withholding his property, it surely afforded no ground for him to extort indemnity from unoffending citizens, who resorted to his ports with commercial views.

The courts of the United States, in such cases, were open to him for redress, and through them he should have sought it.

It is only necessary further to remark, that the principle adopted by General Christophe is repugnant to all the rules and laws observed by civilized societies in their intercourse with each other, and will, if not disavowed, completely destroy that confidence in the justice and security to be found in his ports, which is so necessary to an extensive and advantageous trade.

It is expected that, on a reconsideration of the case, he will not hesitate to restore to our citizens the sums taken from them respectively, with interest from the time it was paid into his treasury.

I have the honor, &c.

JAMES MONROE.

S. TYLER, Esq.

UNITED STATES FRIGATE CONGRESS,
Cape François, August 3, 1817.

SIR: I have the honor to enclose a copy of a letter received this morning; and, as there is no immediate opportunity to the United States, I shall remain in this ship until her return, when I shall have a more favor-

able opportunity of making any explanations, &c., that may be deemed requisite.

I have the honor to be, with great consideration, your most obedient servant,

S. TYLER.

Hon. SECRETARY OF STATE, *Washington.*

ROYAUME D'HAÏTI.

Le Secrétaire d'Etat, Ministre des Affaires Etrangères d'Haïti, à Monsieur Le Baron de Dupuy, Secrétaire Interprète du Roi.

AU PALAIS DE LA GRANDE RIVIERE,
Le 1 d'Août, 1817, l'an 14ème de l'Indépendance.

MONSIEUR LE BARON: J'ai reçu votre lettre du jour d'hier, qui m'annonce l'arrivée de la frégate Américaine le Congrès dans le port de la capitale, avec Mr. Tyler, qui s'est annoncé comme agent pour le commerce des Etats Unis d'Amérique.

En apprenant l'arrivée de Monsieur Tyler, je m'attendais à recevoir des dépêches de son Gouvernement, et des lettres qui l'accréditaient auprès de la cour d'Haïti; mais j'ai été étrangement surpris, d'après le rapport que vous m'avez fait, qu'il n'était porteur que d'un simple certificat couché dans des termes inusitées, inadmissibles, et de plus renfermant les mots de *Cap François* et *d'Isle de Saint Domingue*—expressions impropres et injurieuses au Gouvernement de sa Majesté.

Malgré le désir que sa Majesté aurait de voir s'établir des relations de commerce et d'amitié entre les deux Gouvernements, je suis dans la nécessité de vous charger de notifier à Monsieur Tyler qu'il ne peut être reçu et considéré comme agent de commerce, n'étant pas muni de pièces authentiques en bonne et due forme, que l'accréditent suffisamment auprès du Gouvernement d'Haïti.

Comme il ignore, sans doute, les usages établis dans ce royaume, pour les communications diplomatiques de Gouvernement à Gouvernement, vous les lui ferez connaître, et lui remettiez un exemplaire de la déclaration du Roi en date du 20 Novembre, 1816.

Je regrette que sa Majesté, étant en ce moment en journée, ne puisse donner une audience à Monsieur Tyler, et au capitaine de la frégate le Congrès, comme ils le desirënt.

J'ai l'honneur de vous saluer avec considération,

COMTE DE LIMONADE.

Pour copie conforme à l'original, qui m'a été adressé.

DE DUPUY.

[EXTRACT.]

FEBRUARY, 1818.

SIR: The enclosed copy of instructions from this Department to the late Septimus Tyler, Esq., will give you a full view of the object of his appointment. The President has thought proper to appoint you to the same office, and a certificate of your appointment is herewith furnished you.

Objections having been made to the admission of Mr. Tyler on account of the name of the island, and the alleged royal title of the chief, it will be proper, if possible, to avoid their recurrence. For this purpose, it is proposed that, upon your arrival, Captain Reed should land with you, and present you personally as the agent of the United States. You will be careful to observe all suitable respect to the existing authority.

Sundry copies of papers will be delivered to you with this letter, containing the evidences of claims, by many citizens of the United States against that Government. You will urge the justice and propriety of satisfaction being made for these demands, conformably to their merits, which appear to be unquestionable. * * * * * The instructions to Mr. Tyler, so far as the occasion may occur, you will consider as applicable to your own conduct. You will embark, at New York, in the sloop of war Hornet, Captain Read, who, after landing you, will proceed, with Jacob Lewis, Esq., to Port-au-Prince, and, with Baptist Irvine, to Venezuela—both holding similar situations to your own.

Should a formal acknowledgment of the Government by that of the United States, with the assumed royal title be insisted upon as the condition of your admission, you will declare your incompetency to agree to such a condition, and will proceed in the ship, and return in her to the United States.

I am, &c.

J. Q. A.

List of papers delivered to Wm. Taylor, Esq.

1. Certificate of appointment.
2. Copy of memorial from sundry citizens of the United States to the President, complaining of having had a sum of money arbitrarily levied upon them.
3. Copies of proceedings in the case; the deposition of Abel Marple; the printed general order of the army of 3d January, 1811; and the decree for the payment, within 24 hours, of the money into the Treasury.
4. Copy of deposition of Joseph Barker.
- 5, 6. Letters of J. Boothroyd to Mr. Monroe, of 13th November, 1816, and to S. Tyler, of 30th December, 1816.
7. Copy of the report from Commodore Morris.
8. Copy of instructions of ———, from Department of State to S. Tyler.

PHILADELPHIA, 30th May, 1818.

SIR: I have the honor to inform you of my arrival in this city on the 27th instant, from Cape François, St. Domingo, by way of Port-au-Prince; and the delay I have here met with in getting my baggage landed must be my apology for not having sooner made you acquainted with the nature and result of my communications with Christophe's Government.

The United States ship Hornet, on which I embarked at New York for

Cape Henry, arrived there the 22d ultimo, (April.) On Thursday the 23d, accompanied by Captain Read, I waited on the authorities of the place, and more particularly on Baron de Dupuy, the King's Secretary and Interpreter, and through whom all communications for his Majesty are made. Being introduced in my official character by Captain Read to Baron de Dupuy, I first made him acquainted with the nature of my appointment, and then requested an audience with the King. A messenger, announcing my arrival and this request, was that afternoon despatched to his Majesty, then at his palace of Sans Souçi, distant from the cape 18 miles.

On Friday, the 24th, at 12 at noon, I received a note from the Baron de Dupuy, requesting that I would again let him see my certificate of appointment, for the purpose of submitting a copy of it to his Majesty the King.

At 3 o'clock, P. M., of the same day, I called on the Baron and told him I had come in an unceremonious manner to see him, with which he expressed himself highly gratified. Our conversation, at first general and on different subjects, soon turned on that of my appointment. I told him how anxious the President of the United States was that there should be a good understanding between the two Governments, and a free, friendly, and unrestrained intercourse between the citizens of the United States and the subjects of Hayti; that, with a view to this desirable object, and notwithstanding the ill success of Mr. Tyler, I had been sent out by the President of the United States to reside at the cape in an official capacity, with such documents as would, I was persuaded, answer the full expectations of his Majesty the King. He acknowledged, he said, that it gave him great pleasure to perceive that my commission was entirely free from those exceptionable words which the commission of my predecessor contained, and which had given so much offence to his Majesty. I was now informed that his Majesty regretted very much not being able to see me, as he was then very much occupied in preparing for an immediate tour to his frontier posts.

The next day, Saturday the 25th, the Baron de Dupuy called at my lodgings and remained with me more than an hour. He informed me that he was going that evening to the palace of Sans Souçi, where he had been summoned to attend his Majesty the King on the subject of my appointment; that he expected to be back next day, when he would make me acquainted with the result. The Baron expressed a very great desire that I should be received in my official character—seemed to be aware of the very great importance that would arise from having an accredited agent amongst them, and said that, as such were his sentiments and opinions, he should act accordingly, and would use his exertions to have me recognised by his Government. The Baron then took leave of me, went that evening to the palace of Sans Souçi, from whence he did not return until Monday morning, the 27th, when I received a note from him inviting me to call at his office at 2 o'clock of the afternoon. Agreeably to this invitation, I called at his office at the hour appointed. His reception of me was easy and polite, and, with much apparent concern, he regretted (he said) the circumstances which made it his duty to communicate to me the decision of his Majesty the King, which was against my admission, on account of my informal appointment. On my observing that that objection was obviated by my having been introduced by Captain

Read, he smiled, and said that that introduction ought to have been supported, on my part, by the usual and customary documents, the absence of which rendered the introduction through Captain Read a species of deception, the object of which his Majesty the King could not readily comprehend, and had therefore passed it over in silence. He informed me that his Majesty the King's answer was then in the hands of a copyist, and that I should receive it in the course of the day, together with the certificate of my appointment which had not then been returned to me.

I was further informed by Baron de Dupuy that the English Government had made a similar attempt to establish an agent at the cape, but did not succeed, owing to the informality of the appointment. I then returned to my lodgings where, at 9 o'clock at night, I received from the Baron de Dupuy, a note dated at the cape, April 27th, marked A, enclosing one from the Count of Limonade, Minister of Foreign Affairs, dated at Sans Souci, April 26th, 1818, marked B, both of which, as forming part of this despatch, are herewith enclosed.

My communications with Christophe's Government being closed, I again embarked on board the *Hornet*, and proceeded to Port au-Prince, where I was landed, and from whence I arrived here as already stated.

It is my intention to proceed to Washington in a day or two, when I hope to find that my conduct has met the approbation of the President.

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

WILLIAM TAYLOR.

TO JOHN QUINCY ADAMS,
Secretary of State, Washington.

A.

Le Baron de Dupuy, Chevalier de l'ordre royal et militaire de Saint Henry, Secrétaire Interprète et Membre du Conseil Privé du Roi, à Mons. William Taylor.

AU CAP HENRY, le 27 Avril, 1818, l'an 15 de l'indépendance.

MONSIEUR : J'ai l'honneur de vous remettre, inclus, le certificat que vous m'avez présenté à votre arrivée, pour être soumis à sa Majesté; et, d'après vos désirs, je vous remets pareillement copie de la lettre que m'a fait l'honneur de m'écrire son Excellence Monseigneur le Comte de Limonade, Ministre des Affaires Etrangères, et Secrétaire d'Etat. Je vous fais aussi l'envoie du code Henry, et d'autres livres sortis de la presse Haïtienne, que vous mettrez en main de former une juste idée des lois qui nous regissent, et des productions de quelques-uns de nous, et vous prie de me croire, avec la plus haute considération, monsieur,

Votre très humble et très obeissant serviteur,

DE DUPUY.

B.

[Copie de la lettre de S. E. Monseigneur le Comte de Limonade, Ministre des Affaires Etrangères, et Secrétaire d'Etat, au Baron de Dupuy, Secrétaire et Interprète de sa Majesté Henry I, Roi d'Haïti.]

PALAIS DE SANS SOUCI, le 26 Avril, 1818, Van 15.

Vous êtes chargé, Monsieur le Baron, de faire connaître à Monsieur William Taylor, arrivé des Etats Unis d'Amérique sur la corvette Hornet, Capitaine Read, que le certificat dont il est porteur est une pièce qui ne le concerne que personnellement.

Son arrivée sur un bâtiment de guerre des Etats Unis ne peut pas lui donner le caractère d'officialité exigé. Il aurait du être accompagnée d'une lettre introductive, en bonne et due forme, du Gouvernement des Etats Unis, pour qu'il put être accrédité près du Gouvernement d'Haïti, de posséder ce titre.

Sa Majesté regrette que Monsieur Taylor ne soit pas muni d'une pièce aussi essentielle; et comme la détermination de sa Majesté est de ne point s'écarter des principes fondés sur l'usage, et établis par tous les Gouvernements pour les communications diplomatiques de Gouvernement au Gouvernement, elle ne peut donc considérer Monsieur Taylor que comme un particulier étranger qui viendrait s'établir à Haïti; et dans ce cas, vous êtes autorisé à lui faire les accueils, et lui offrir la protection que le Gouvernement accorde aux honnêtes et paisibles étrangers qui commercent avec Haïti.

J'ai l'honneur de vous saluer avec considération.

DE LIMONADE.

Pour copie conforme à l'original.

DE DUPUY.

DEPARTMENT OF STATE, 30 January, 1821.

SIR: Since the change which has recently taken place in the Government of the southern part of the island of St. Domingo, the President has determined to appoint an agent to renew the demand of indemnity to certain citizens of the United States, deprived of their property by an arbitrary process of the Government of the late General Christophe; and, having designated you for the performance of this service, he has directed me to furnish you with the usual certificate of appointments of that nature.

The merits of the complaint, and of the claims which have arisen under it, are disclosed in the papers—copies of which are herewith delivered to you. Two unsuccessful attempts have already been made to obtain satisfaction for these injuries; the first by the appointment of Septimus Tyler, and the second by that of William Taylor, for that purpose. The Government of Christophe refused to receive them, on the alleged reason that they had not credential letters recognising his royal title. This difficulty can no longer exist. The President of the other part of the island, Boyer, whose authority is said now to extend to all the territories which were under the dominion of Christophe, has readily received and treated with agents of the United States not otherwise accredited than with such a certificate, and Andrew Armstrong is now residing at Port-au-Prince with a commission of similar purport.

We are not informed of the particulars in the organization of the Government at the cape, as now established; but, as that was the scene where the wrong was committed for which you are to require indemnity, it is deemed advisable that you should first repair thither. It is to be presumed that the local Government will be most competent to make reparation for the local injury; and, although by late advices it appears that Boyer had returned to Port-au-Prince, it is probable either that he will be residing occasionally at the cape, or that authority will be found there to act upon the relations of the late Government of the place. Should you find it necessary, however, to repair to Port-au-Prince for the prosecution of the object of your mission, you are authorized so to do.

The alleged grounds upon which the property of citizens of the United States was seized and confiscated by Christophe are utterly unwarranted by the laws of civilized nations. If the facts were all as stated by himself, that he had been defrauded by agents of his own selection, and to whom he had intrusted property in the United States, he could not, upon any principle of justice or equity, indemnify himself by levying contributions to the extent of his loss upon innocent citizens of the United States, merely because their property happened to be in his power. This position is so plain that it can need no elucidation. Nor can it be more questionable that the Government which has succeeded to that of Christophe is bound to make restitution to foreigners for wrongs committed by him. If it should be necessary, you will set forth the justice of the claims by reference to the recognised principles of the laws of nations, applicable to the case. You will be careful to observe undeviating respect to the authorities with which the discussion is to be maintained, and, in every communication with them, a spirit of conciliation.

The copy of the letter from A. J. Schwartze, president of the Chesapeake Insurance Company of Baltimore, with the protest of Captain James Smith, and the affidavit of William Langworthy, jr., present two other cases in which you will take such measures as may be necessary to ascertain the correctness of the facts alleged, and to obtain justice as far as your interposition may be properly used to that end.

The object of your mission being special, you will endeavor to accomplish it as soon as may be practicable, and, whatever may be its issue, will return to the United States when your residence in the island may be rendered useless by or to the attainment of the end.

Your compensation for this service will be at the rate of two thousand five hundred dollars a year, to commence from the day of your leaving this city to proceed upon it, and to cease upon your return to the United States. The necessary expenses of your passage to and from the island will also be paid. The United States ship Ontario is at Annapolis, ready to receive you.

You will avail yourself of all suitable occasions to give to this Department any information relating to the present condition of the island that may be useful.

I am &c.

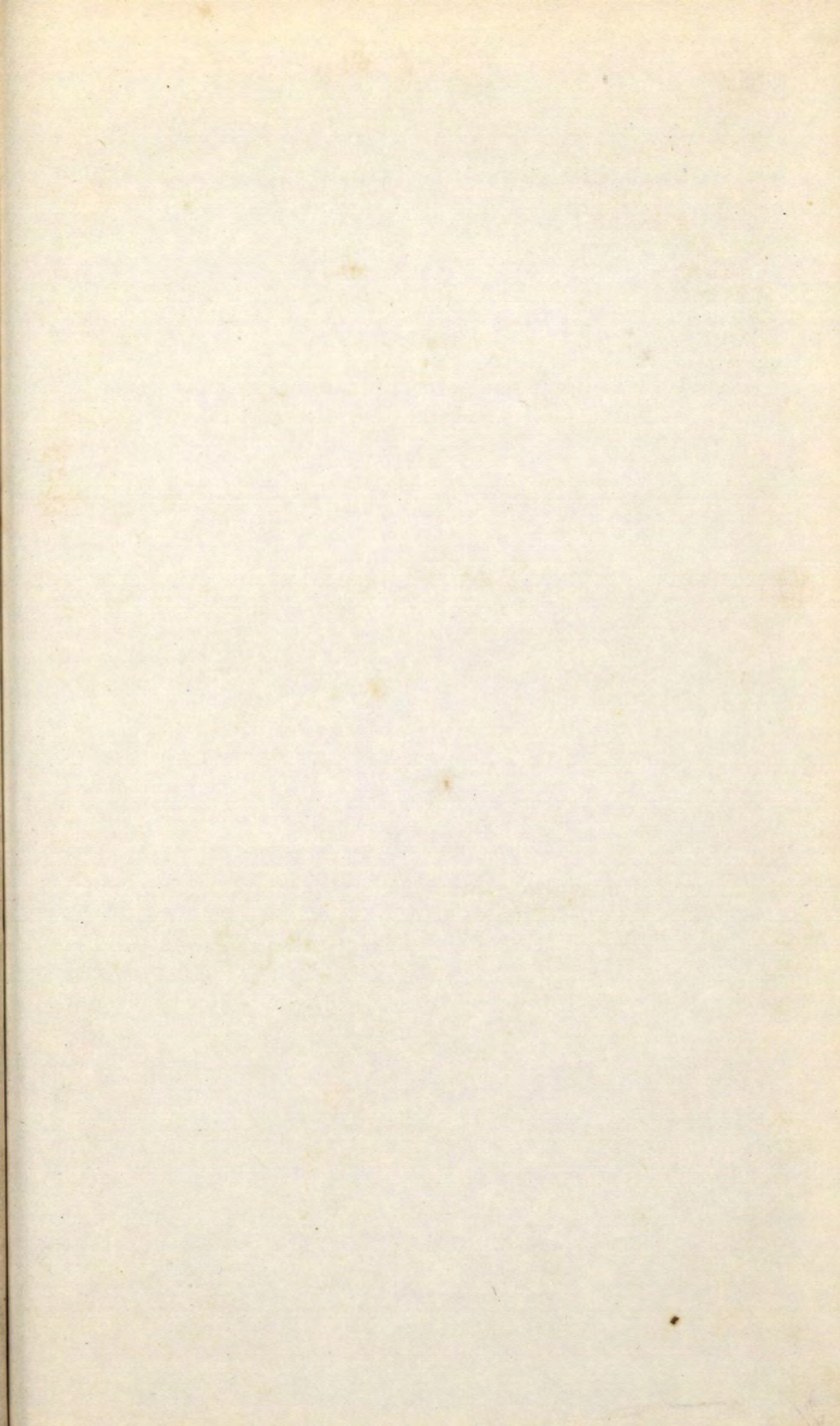
To EDWARD WYER.

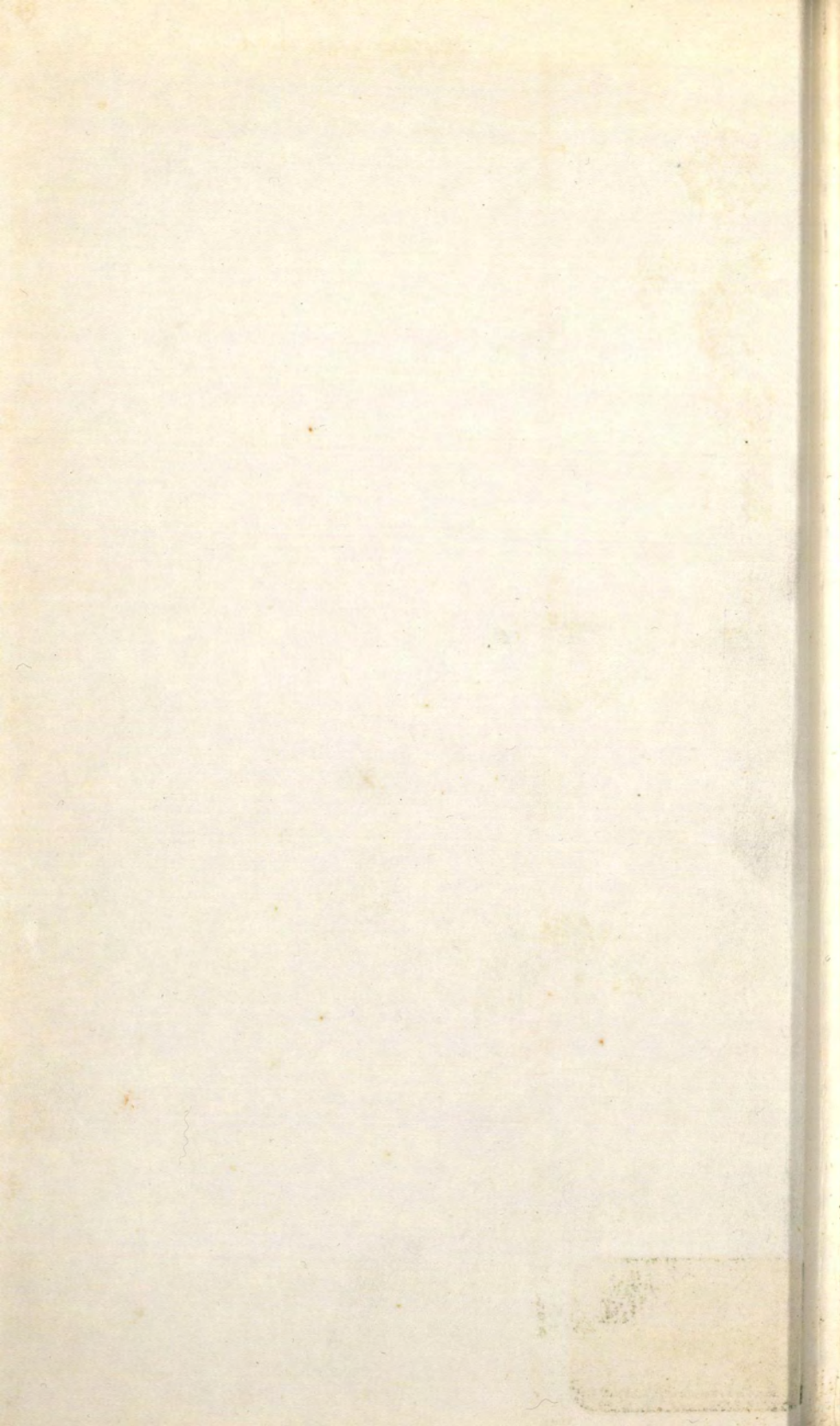
List of papers enclosed.

1. Certificate of appointment, 30th January, 1821, marked A.
2. Secretary of State to Mr. S. Tyler, 20th December, 1816, marked B.
3. Secretary of State to Mr. W. Taylor, February, 1818, marked C.
4. Memorial of E. Davis and others, Baltimore, marked D.
5. Decree of the Haytian Government of 3d January, 1811, marked (a.)
6. Decree of the Haytian Government of 27th April, 1811, marked (b.)
7. Deposition of Abel Marple, 12th October, 1816, marked (c.)
8. Jabez Boothroyd to the Secretary of State, 13th November, 1816.
9. Jabez Boothroyd to S. Tyler, 30th December, 1816.
10. A. J. Schwartz, president of the Chesapeake Insurance Company, to the Secretary of State, 16th July, 1820.
11. (a) Deposition of James Smith, and George C. Botfor, 12th July, 1819.
12. Deposition of Joseph Barker, 18th January, 1817.
13. Deposition of William Langworthy, 15th December, 1817.









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