

SEIZURE OF THE BLACK WARRIOR.

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES,

TRANSMITTING

*A report in reference to the seizure of the "Black Warrior."*

MARCH 15, 1854.—Referred to the Committee on Foreign Affairs, and ordered to be printed.

*To the House of Representatives:*

In compliance with the resolution of the House of Representatives of the 10th instant, I herewith transmit a report of the Secretary of State, containing all the information received at the department in relation to the seizure of the Black Warrior, at Havana, on the 28th ultimo.

There have been, in the course of a few years past, many other instances of aggression upon our commerce, violations of the rights of American citizens, and insults to the national flag, by the Spanish authorities in Cuba, and all attempts to obtain redress have led to protracted, and, as yet, fruitless negotiations.

The documents in these cases are voluminous, and, when prepared, will be sent to Congress.

Those now transmitted relate exclusively to the seizure of the "Black Warrior," and present so clear a case of wrong, that it would be reasonable to expect full indemnity therefor, as soon as this unjustifiable and offensive conduct shall be made known to her Catholic Majesty's government; but similar expectations, in other cases, have not been realized.

The offending party is at our doors, with large powers for aggression, but none, it is alleged, for reparation. The source of redress is in another hemisphere; and the answers to our just complaints, made to the home government, are but the repetition of excuses rendered by inferior officials to their superiors, in reply to representations of misconduct. The peculiar situation of the parties has undoubtedly much aggravated the annoyances and injuries which our citizens have suffered from the Cuban authorities, and Spain does not seem to appreciate, to its full extent, her responsibility for the conduct of these authorities. In giving very extraordinary powers to them, she owes it to justice, and to her friendly relations with this government, to guard with great vigilance against the exorbitant exercise of these powers, and, in case of injuries, to provide for prompt redress.

I have already taken measures to present to the government of Spain the wanton injury of the Cuban authorities, in the detention and seizure of the "Black Warrior," and to demand immediate indemnity for the injury which has thereby resulted to our citizens.

In view of the position of the island of Cuba, its proximity to our coast, the relations which it must ever bear to our commercial and other interests, it is vain to expect that a series of unfriendly acts infringing our commercial rights, and the adoption of a policy threatening the honor and security of these States, can long consist with peaceful relations.

In case the measures taken for amicable adjustment of our difficulties with Spain should unfortunately fail, I shall not hesitate to use the authority and means which Congress may grant, to insure the observance of our just rights, to obtain redress for injuries received, and to vindicate the honor of our flag.

In anticipation of that contingency, which I earnestly hope may not arise, I suggest to Congress the propriety of adopting such provisional measures as the exigency may seem to demand.

FRANKLIN PIERCE.

WASHINGTON, *March 15, 1854.*

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DEPARTMENT OF STATE, WASHINGTON,  
*March 15, 1854.*

The Secretary of State, to whom was referred the resolution of the House of Representatives of the 10th instant, requesting "the President, if not inconsistent with the public interest, to communicate to this House any information he may have received relative to the detention of the steamer Black Warrior, the seizure of her cargo, or the imprisonment of her officers; also any information in reference to any other violation of our rights by the Spanish authorities," has the honor to lay before the President the papers specified in the subjoined list, which comprise all those on file in this department relative to the case of the Black Warrior. Further time will be necessary to select and transcribe the documents which it may be deemed advisable to communicate in respect to other complaints against the Spanish authorities.

Respectfully submitted.

W. L. MARCY.

To the PRESIDENT of the *United States.*

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*List of papers accompanying the report of the Secretary of State to the President of the 15th of March, 1854.*

Mr. Robertson (acting consul of the United States at Havana) to Mr. Marcy, with accompaniments, March 1, 1854.

The same to the same, (with accompaniments,) March 3, 1854.

The same to the same, (extract, with translation,) March 7, 1854.

Protest of the consignee and master of the Black Warrior, March 7, 1854.

Messrs. Livingston, Crocheron & Co. to Mr. Marcy, (with accompaniments,) March 11, 1854.

Mr. Sutherland to Mr. Marcy, (with an accompaniment,) March 13, 1854.

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*Mr. Robertson to Mr. Marcy.*

[No. 34.]

CONSULATE OF THE UNITED STATES, HAVANA,  
March 1, 1854.

SIR: The steamer Black Warrior, of New York, Captain Bullock, arrived yesterday morning from Mobile on her way to New York. As she was expected here on the 26th, her consignees, Messrs. Charles Tyng & Co., entered and cleared her on the 25th in ballast, which is the same way in which she has been usually cleared; although generally having cargo for Mobile or New York, she is not permitted to bring cargo to be landed in Havana. She now had upwards of nine hundred bales of cotton on board, destined for New York. The consignees sent yesterday to the custom-house for the despatch to take the same to the captain of the ports, for the purpose of procuring the usual pass to leave the port, when they were informed that she was stopped for having cargo on board, although the custom-house authorities well knew that she, as well as the steamers of the Law line and of the British mail line, had been usually cleared in ballast, though having cargo for their final ports of destination. Upon this, Mr. Tyng, with the captain, came to see me, and whilst the former was having a protest entered, I took the captain with me to the Captain General to explain the circumstances, and to show, above all, that there was no intention of infringing any law of Spain, or regulation of the port. The Captain General listened to me, and then replied that the facts had not been reported to him, and recommended that I should address him a communication on the subject. I immediately returned to my office, and wrote the letter to his excellency. In the mean time Mr. Tyng, knowing that by law he had twelve hours to alter any entry, went to the custom-house to make a post entry, thinking that this would settle the difficulty, but the privilege was denied him there, on the plea that the Black Warrior had been already cleared. The collector knew very well that it had been, and is, customary for all the steamers before referred to, to clear the day *before* they come in, as it is sometimes the case that they remain here only three or four hours, and on some occasions not within custom-house hours.

It is very true that the law provides that the steamers shall enter their cargo, if any is on board, in transit, but the custom-house authorities themselves have suffered the law to become obsolete; neither can they allege ignorance of the fact, because it must be understood that a custom-house officer and policemen are on board of every steamer

immediately on her arrival, to watch every passenger and package there may be on board.

Last evening I received the Captain General's reply to my letter. I enclose you a copy of the same in Spanish, and accompany a translation thereof.

In accordance with their determination, the cotton on board has been confiscated, and a heavy fine, which I am told is of double the value of the cotton, laid on the captain. Men have been sent on board this morning to discharge the cotton. In consequence, Captain Bullock has hauled down the flag and abandoned the vessel to the Spanish authorities.

I am requested by Captain Watson, of the United States steamer "Fulton," to state to you that, on being informed of the outrage committed upon the Black Warrior, he intended to haul his vessel alongside, drive out the Spanish officials, take possession of her himself, and then take her out of the harbor; but understanding that such a course was contrary to my advice, and Captain Bullock's, who went on board for the purpose, he was deterred from taking these steps.

I have notified his excellency the Captain General that I am sending the United States steamer "Corwin" to Charleston with despatches for my government, and that if he has any communications to make, I shall be happy to forward them; and also that it is the intention of Captain Bullock to proceed in the "Corwin" on his way to Washington, and that I give him this notice in case of any demands against him.

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

WM. H. ROBERTSON.

Hon. WM. L. MARCY,

*Secretary of State of the United States.*

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[Translation.]

*Seal.*

[Ever faithful Island of Cuba, Office of the Governor and Captain General.]

HAVANA, *February 28, 1854.*

DEAR SIR: His excellency the governor and captain general instructs me to say to your lordship, as I now do, that when he received your communication of this date, relative to the detention by the custom-house of this port of the American steamer Black Warrior, he called for information on the subject from the administrator general of the customs, who has reported that, at the solicitation of said steamer's consignee, Mr. Charles Tyng, he ordered that the commandant of the revenue officers should make the clearance visit to the steamer aforesaid, and from it resulted that she was not in ballast, as the consignee said, but that she had four hundred bales of cotton; that the proper proceedings having been commenced, he reported to the intendant of this department, upon the penalty of confiscation of the goods and the



captain's fine, according to the customs regulations, and said officer, finding all to be correct, ordered the same to be carried into effect; whereupon he gave orders to the commandant of the revenue officers to have the confiscated effects landed and put in deposit—having proceeded to all this with the necessary promptness, so that the steamer should suffer no delay. Lastly, that before giving that order to the commandant, he had an interview with Mr. Tyng, to see if he consented to be surety for the captain that the vessel might sail to-morrow early, but he declined.

This is all that I have to say upon the subject, and by order of his excellency I communicate it to your lordship, and remain your attentive and obedient servant, &c., &c., &c.,

JOSE ESTEVAN.

To the CONSUL OF THE UNITED STATES, *in this city.*

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*Mr. Robertson to Mr. Marcy.*

CONSULATE OF THE UNITED STATES,

[No. 35.]

*Havana, March 3, 1854.*

SIR: By the United States steamer Corwin, which I despatched to Charleston on the 1st instant, conceiving that the importance of the intelligence I had to communicate justified that course, I advised you of the seizure, by the custom-house authorities here, apparently, or rather evidently, with the consent and approbation of the supreme authority of the Island, of the cargo on board the steamer Black Warrior, of New York, and of the attempt to lay a very heavy fine upon the captain of the vessel, which fine is said to be double in amount to the value of the cargo—all this under the pretense of his having made a false entry, to wit, that he stated his ship to be in ballast, when she had cotton on board *in transitu*. I feel it to be my duty to repeat the circumstances of the case to correct any errors that I may have communicated in my despatch before mentioned, numbered 34.

The steamer was expected here from Mobile, on her way to New York, on the 26th ultimo; Messrs. Tyng & Co., her consignees, on the day before (Saturday, 25th) entered and cleared her *in ballast*. This has been customary for steamers of the Law and British mail lines. I am informed that the Black Warrior has been entered and cleared *in ballast* since she commenced to run, now about nineteen months past, making two trips per month, without any objection on the part of the custom-house authorities, who cannot plead ignorance of the fact; for immediately that a steamer drops her anchor, two custom-house guards and an unlimited number of policemen, public and secret, are placed on board to watch every passenger or package on the ship. No attempt has ever been made, that I am aware of, to conceal the cargo. Furthermore, the captain of the Black Warrior has been in the habit to deliver to the authorities on arrival several numbers of the public journals of New York or Mobile of the latest dates, which contained the advertisement of the Black Warrior's being about to sail on such a date, expressing the cargo she carried for her port of destination.

The ship arrived here in the morning of the 28th; the captain delivered his manifest *in ballast* as had been customary. He assures me that he had always been under the impression that a special concession existed, which exempted his vessel and other steamers from the formality of manifesting their cargo *in transitu*; he thinks that the owners of the ship entertain the same belief. On the same day, (28th,) at about 12 o'clock, Mr. Tyng sent his clerk to the custom-house for the despatch of the steamer, to take the same to the captain of the port, to procure the pass for her to leave the port; it was refused to him, and he was informed that the ship was stopped by order of superior authority of the Royal Exchequer. Upon this, Mr. Tyng, with the captain, came to my office and informed me of the state of the case. Whilst the former was entering a protest, I took the latter with me to the Captain General. The object of this interview was to lay before his excellency all the circumstances of the case, and particularly to show that there had not been, on the part of Captain Bullock, or any one concerned in the ship, the least intention of violating any law of Spain, or regulation of the port. His excellency courteously listened to me, and replied that no report had been made to him on the subject; he also recommended that I should give him my statement in a memorial or official communication. I immediately returned to my office, and prepared my letter to the Captain General. Of this letter, in my anxiety to bring the affair to a satisfactory settlement without delay, I kept no copy, which I regret. In the mean time Mr. Tyng went to the custom-house. Finding that the cause of the difficulty was the omission of the cargo *in transitu* in the manifest, and thinking that as the twelve hours allowed by law to amend manifests had not elapsed, and that by making the amendment the difficulty would be terminated, he applied to the collector, stating that in the course of fifteen minutes or half an hour, he would be prepared to present the correct manifest. The collector replied that it could not and should not be admitted, because he had already applied for the vessel's despatch, or something to this effect. It is true that Mr. Tyng had applied for the despatch, but it may be well to bear in mind that it was not given; and it is a question, in my opinion, whether the steamer could be considered as cleared in effect, so far as regards the clearance on the 25th, before she had arrived. I deem it *informal*. Mr. Tyng was at the same time informed that the cargo was confiscated, and the captain fined, according to the custom-house regulations. In the afternoon of the same day, (I have been informed,) a gang of men were sent alongside the ship to commence the discharge of the cargo, but finding that the captain and purser were on shore, the operation was deferred until the next morning, when they again appeared, and the officer at the head of the party demanded of the captain the delivery of the cargo, which Captain Bullock declined, remarking to the officer that if he took by force, as he must do, one single bale of the cargo, he, the captain, would instantly haul down his colors and abandon his ship to them. This seemed to make the officer hesitate. He suspended his operation, and came on shore, no doubt to lay the facts before his superiors and receive their directions. He soon returned on board, opened the hatches and commenced the dis-

charge ; whereupon Captain Bullock hauled down his flag, and, with his officers and crew, abandoned the vessel to the Spanish authorities.

On the evening of the 28th I received the Captain General's reply to my letter, which was far from satisfactory ; a copy and translation of the same were transmitted to you with my communication No. 34, sent per steamer "Corwin."

On the 1st, at about twelve o'clock, the collector wrote a communication to Mr. Tyng. I send you a copy of this communication, as well as that of a second letter from the same officer ; also that of Mr. Tyng's reply. Enclosed you will likewise find a copy of a letter I received last evening from the "Intendente" of the Treasury, and of my reply thereto. I also accompany a copy of the printed regulations which are handed to all captains of vessels on the first visit from the custom-house officers.

I have omitted to say that I am informed that the regulations concerning steamers require that they shall manifest the quantity of coal they have on board, but that in no instance has this law been complied with. This neglect or unobservance of the laws by the authorities themselves have rendered them obsolete, and therefore inapplicable. I am also assured that a law prescribes that when it is clearly shown that there has been no intention of infringing the law, or defrauding her Majesty's revenues, that parties shall not be deemed culpable. In my opinion, it is simply ridiculous to suppose for an instant that the captain of the Black Warrior had any intention to do otherwise than conform to all established regulations.

Although I had written to the "Intendente" last evening, declining the request that I should appoint a person to take an account of the cargo proposed to be landed to-day, being led to that course by the idea that the Intendente's object was to present at least the semblance of a sanction on the part of this consulate to their proceedings, I, nevertheless, called upon him this morning, remarking, by way of introduction, that I presented myself not only in the character of consul or commercial agent, but as a friend ; that I was expecting the steamer Philadelphia to-day, and I was anxious to communicate to my government the true relation of the facts on both sides, that my government might be prepared to meet the many demands upon it for indemnity by innocent parties interested in the cargo ; that I did not come to solicit that his government should alter its position, however desirous I might be to aid in preserving good relations between the two governments, but to obtain facts. This led to a discussion. I remarked that I could not see how two wrongs made a right ; that it might have been wrong to have entered and cleared the ship in ballast ; but that the captain, through his consignee, had attempted to correct the error within the legal time, and he had not been permitted ; that this, added to the long-continued, and by the authorities well known, practice of entering in ballast when she had cargo *in transitu*, I did not see how they could put themselves in the right ; still, that I was not disposed to contest the law points bearing on the case, but that it had given me much pain that the matter had not been settled satisfactorily and amicably as it should have been ; and, finally, that I was apprehensive that this affair might create great agitation and difficulty, from the circumstance of

there being so many parties interested who had nothing whatever to do with the vessel. To all this the Intendente said that he regretted that he had not seen me before; that, as the matter stood, he did not know what to do, but he would examine carefully into it and try to bring it to a satisfactory termination, or something to this effect.

But in the mean time the ship has been, by order of the authorities, hauled to one of the wharves, and some of the cargo taken out; there is every appearance that it is intended to proceed with the discharge.

In my despatch No. 34, I stated that the British mail line have also been in the habit of entering and clearing in *ballast* when they had cargo on board. Mr. Crawford, the British consul, has assured me to-day that such is not the case.

Some of the officers and all the crew of the "Black Warrior" are on board the United States steamer Fulton; the transient passengers, fourteen in number, are on shore.

I beg of you to consider my anxiety to lay before you all the circumstances that I can bring to mind in regard to this unfortunate affair, as a sufficient apology for the length of this despatch.

There are three or four other American vessels in difficulty here at present, but I do not consider their cases of such importance as to require that I shall trouble you with them until I can ascertain the result, and whether this has not been in conformity to law.

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

WM. H. ROBERTSON,  
*Acting Consul.*

HON. WILLIAM L. MARCY,  
*Secretary of State of the United States,*  
*Washington.*

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*Translation.*

HAVANA, March 1, 1854.

With the end of avoiding delays to the passengers that ought to have left to-day by the North American steamer Black Warrior, and that have not done so for the resistance of the captain—in my judgment without a motive—in allowing the revenue officers to discharge the goods that have become liable to confiscation; in order not to cause any prejudices to commerce, to which protection and aid are due, as a just deference to you as the consignee of said vessel, and to the captain himself, and in order that the individuals who compose the crew of said vessel shall not interrupt their labors and profession, I propose to you that you send a delegate to intervene in the discharge of said vessel, and in the delivery of the baggage to the passengers, as without this formality neither will the discharge be continued nor any operation whatever done; and that the captain give security, which shall be strictly personal, to be present when called for. And under these circumstances the sailing of the vessel will be

facilitated in ballast, as is expressed in the manifest, with all which you will save your responsibility and detriments to all obviated.

I hope that you will co-operate on your part to the only possible arrangement under the present circumstances, and that you will appreciate the good desire that animates the maritime administration to make difficulties disappear.

God preserve you many years !

JOAQ'N ROCA.

To CHARLES TYNG, Esq.,

*Consignee of the North American steamer Black Warrior.*

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[Translation.]

HAVANA, March 2, 1854, at 9 a. m.

Yesterday, at 11 a. m., I had the honor to address a communication to you on various subjects that required an urgent resolution—and I did so in order that commerce should suffer no prejudices ; and the same in regard to private parties and yourself, as the consignee of the North American steamer *Black Warrior*. I believe that your many occupations have not allowed you time to answer said communication, and I beg of you to have the goodness to answer it, in order not to have pending affairs of importance.

God preserve you many years !

JOAQUIN ROCA.

CHARLES TYNG, Esq.,

*Consignee of the N. A. steamer Black Warrior.*

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[Translation.]

*Sent at a quarter before 10 a. m., March 2, 1854.*

HAVANA, March 2, 1854.

MOST EXCELLENT SIR: We have received your excellency's favor of yesterday's date, as well as that of to-day, and we feel obliged for the politeness and courtesy shown to us in them.

As agents of the owners of the steamer *Black Warrior*, we have protested against the acts of the government toward the said vessel, and, after mature deliberations and considerations, we have abandoned the vessel, as well as her cargo, to the superior authorities of the island, who are in possession of her. Under these circumstances we desist from taking further steps in the matter.

God preserve your excellency many years !

CHARLES TYNG & CO.

The Most Excellent INTENDANT,

*Administrator General of the Maritime Royal Revenues of Havana.*



[Translation.]

OFFICE INTENDANT OF THE ARMY AND ROYAL EXCHEQUER,  
Havana, March 2, 1854.

In consequence of the proceedings formed for the omission, by the captain of the American steamer "Black Warrior," to include in the manifest delivered to the revenue guards of this place several bales of cotton found on board of her, as the discharge of said vessel is to be proceeded with to-morrow at 7 o'clock, and the said vessel being abandoned by her captain and crew, I advise you of the fact that you be pleased to appoint a person deserving your confidence, that may be present at said discharge, hoping that you will be pleased to do so.

God preserve your lordship many years.

PERFECTO VALDES ARGUELLES.

The CONSUL OF THE UNITED STATES OF AMERICA.

*Reply sent about 7 o'clock, p. m., 2d March.*

CONSULATE OF THE UNITED STATES, HAVANA,  
March 2, 1854.

MOST ILLUSTRIOUS SIR : I have had the honor to receive your lordship's polite communication of this date, to which I hasten to reply, in deference to your lordship, though I am not certain that I, as the agent of a foreign government in this place, am authorized to correspond on official matters but with the superior authority of the district.

Your lordship desires me to appoint a person to be present, as my representative, at the discharge of the cargo on board of the American steamer Black Warrior, which has been abandoned by her captain and crew into the hands of the authorities of the port, in consequence of the unjust and violent measures taken against her.

The captain of that vessel is, so far as I know, the sole agent, out of the United States, of the owners of the vessel and cargo, and of all concerned in and about the same. All responsibility, under the present circumstances, must rest between him who has thought fit to make the abandonment and those who have so hastily and unnecessarily driven him to this course. I must therefore respectfully decline assuming any responsibility, directly or indirectly, in the matter.

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

WM. H. ROBERTSON,

*The Commercial Agent in charge of the Consulate.*

The most illustrious Sr. D. PERFECTO VALDES ARGUELLES,

*Intendant of the Royal Exchequer of the Department of Havana, &c.*

*Rules for the government of captains and supercargoes of Spanish and foreign vessels that may engage in the commerce of importation into the open ports of the island of Cuba :*

1. All captains or supercargoes, the moment their vessels have come to their anchor in any port of this island, must deliver, immediately

upon being visited by the custom-house boat, a manifest, declaring his name, that of the vessel, from whence she comes, number of tons, number of bales, packages, and every other article he has on board, or of which his cargo is composed, with their respective marks, numbers, and consignees.

If the whole, or part, of the cargo were composed of jerked beef, salt, cocoa, or any other article shipped loose or in bulk, the cargo must be manifested in Spanish weight or measure. All stores, ammunition, arms, tools, instruments, and all other ship's utensils, must be manifested, and likewise the coals, if the vessel be a steamboat.

2. All captains or supercargoes of vessels, who enter, in distress, into any port of this island, must deliver a manifest of their cargoes in the same manner as if the vessels were engaged in this trade.

3. To this same rule are liable all captains or supercargoes of vessels entering in ballast.

4. If the captain of a vessel has been obliged, by stress of weather, or any other unforeseen cause, to throw cargo overboard, he must state in his manifest the quantity of the cargo that has been lost, specifying, no matter how large or small the quantity may be, the quantity, number of bales, packages, boxes, etc., etc., as well as class or kind of the goods. After having delivered the manifest, he must appear personally in the custom-house, with his log-book, to prove that his declaration is true and correct.

5. All captains of vessels, coming from Spanish ports, with the register of the respective custom-house, must deliver an additional manifest of all the goods which they have taken on board after the receipt of said register and not included in the same; and also of all the stores and ship's utensils, already mentioned in the rule No. 1.

6. In case the captain or supercargo does not present the manifest within the time above mentioned, he will incur a fine of \$500.

7. In case the captain or supercargo is unable to make out a manifest, this will be the duty of the consignee, or any one of his clerks.

8. During the twelve hours, after having delivered the manifest, which are to commence from six o'clock in the morning until seven at night, the captain, supercargo, or consignee, can make any alteration he thinks proper or necessary, and for this purpose he will call on the collector, or, in his absence, on the commander of the custom-house officers in service.

9. The twelve hours prescribed in the rule No. 9 [8] having elapsed, all the packages or other goods which have been omitted in the manifest will be confiscated, and the captain or supercargo fined in double the value of the same, in case the amount of the duties to be paid on the contents of the package or packages confiscated does not exceed \$400. In case the value of the duties to be paid should exceed the above sum, and belong to the owner or consignee, captain or supercargo of the vessel, he or they will be condemned, instead of the above fine, to lose the vessel, freight, and all other profits.

10. Nothing whatever can be discharged without the permission of the collector and knowledge of the commander of the custom-house officers in service. Should, however, anything be discharged, although of little value, or free of duty, the captain or supercargo will incur the fine

of \$1 000, with entire confiscation of the goods thus discharged, and likewise of the boats or launches which have been employed in the transportation of the same, in case the value of the duties to be paid on such goods does not exceed the sum of \$200; but if they should exceed said sum, instead of the fine, the vessel will be confiscated.

11. No goods whatever, be the quantity large or small, can be transported from one vessel to another without the permission mentioned in the rule No. 11, [10,] and if this law is violated, the captain or supercargo of each vessel will suffer the same penalty of fine, embargo, or confiscation.

12. Should a vessel discharge merchandise, be the quantity large or small, in a non-licensed port, said merchandise, as well as the vessel and all her appurtenances, shall incur the penalty of confiscation.

13. If, on conclusion of the discharge, there should be found one or more packages short of the quantity manifested, it will in that case be understood that the captain or supercargo of the vessel has committed fraud against the custom-house, and he shall be fined \$200 for each package missing.

14. If in the outward despatch, in consequence of the visit of the vessel by the custom-house officer, before the captain or supercargo has received his register, an excess of cargo should be detected, such goods will be confiscated, and the captain fined in the value of the merchandise confiscated.

15. All goods, product, or any other article detected in the act of being fraudulently shipped, shall likewise incur the same penalty of fine and embargo.

16. Should the captains or supercargoes not have wherewith to satisfy such fines and costs imposed on and caused by them, the vessels they command shall be seized for the purpose, unless the consignee come forward as security.

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*To the Hon. William L. Marcy, Secretary of State:*

The undersigned, visitors of the island of Cuba, or residents of Havana, and citizens of the United States, most respectfully but earnestly ask the attention of the Executive of our country to the unexpected interruption of our intercourse with home by the late treatment of the Spanish authorities towards the American steamer "Black Warrior," on her touching at the port of Havana during her passage from Mobile to New York.

This steamer has been regularly passing alternately between the port of New York and the port of Mobile, touching at Havana to land and receive passengers for either of the above ports, for the last eighteen months; and during that time has made thirty-six trips, and on each trip she has been visited by the officers of the Spanish government as she entered the harbor, and, without breaking bulk, or landing or intending to land any cargo or other thing besides passengers, she has been allowed to depart from the harbor upon the payment of the dues required to be paid as a steamer "*in transitu*" and in ballast, amounting, on each arrival, to about ninety dollars. That the steam-

er's manifest has invariably been made as in ballast, as nothing was intended to be landed in Havana, and the steamer has thus been entered and discharged, enjoying from the government and its officials such favors and facilities which the comity of friendly nations allows to passenger steamers.

That such facilities have been granted without objection, and received with becoming acknowledgment, and with a belief that they would be continued and no commercial regulation disturbed, while the citizens of both countries would be benefitted.

That this transit intercourse was unknown at the time the friendly treaty was made by the two governments, and forms a subject not contemplated by that treaty, and which rests upon the law which a kind regard for the spirit of that treaty indicates, and the usage which has become fixed by practice and assent for a period sufficient to establish a custom, which could not have been an article in the treaty, because the whole subject has been created since the treaty was ratified.

That the intercourse between the two countries has become so established, and the steamers which regularly perform their trips so available to the undersigned and others of their countrymen for the purposes of business, health, or pleasure, that they did not contemplate a change of policy on the part of the Spanish authorities at Cuba, except such as should be made in the spirit of the treaty which made the two governments friendly nations, and certainly that they would suffer no interruption in their pursuits, and no embarrassment in their commercial regulations, until a notice of a change of policy should be given.

But the undersigned are informed by J. D. Bullock, the commander of the steamer, that, while the course of the commander has been uniformly the same in entering and departing from the port of Havana, on her last arrival from Mobile the conduct of the Spanish authorities has been changed towards him and the steamer, without notice and without provocation, and that the steamer has been detained in the port, taken possession of by the government officials, and most of her cargo discharged.

That some of the undersigned were passengers on our way from Mobile to New York, some are bound as passengers from this port, and some sending home letters and information; but that our purposes have been all frustrated, and we obliged to abandon the objects we were pursuing; that in our judgment this sudden interruption to our intercourse, which has become important and of long standing, demands the prompt interference of our government and an explanation and redress from her Catholic Majesty the Queen of Spain; and therefore, while we are dwellers in her dominions, we earnestly yet most respectfully ask the government under whose protection we left our country to demand such explanation and redress as shall be satisfactory to a great and honorable nation.

D. E. Wheeler,	New York.
Nath. B. Palmer,	New York.
James Platt,	New York.
E. P. Rozers,	New York.

Thos. Pickering,	New York.
John C. Wright,	New York.
William T. Fealigh,	New York.
John F. Rodgers,	New York.
Samuel B. Miller,	Connecticut.
Willard G. Russell,	New York.
John Mahedy,	New York.
Joseph George,	New York.
C. D. Trafton,	Fairhaven, Mass.
Samuel Dunn,	New York.
Casper Woolford,	Catskill.
Maurice A. Daly,	New York.
Geo. H. Purser,	New York city.
Ch. T. Cromwell,	New York.
James R. Cuisack,	New York.
George Fox,	New York.
Jacob Abrahams,	694 Houston st., N. York.
E. E. Norton,	New York.
J. C. Dawson,	Augusta, Ga.
Saml. A. Willoughby,	New York.
William Gardiner,	New York.
David Crawford, jr.,	Boston.
And'w A. Bremner,	New York.
Charles Hobday,	Mobile.
Richard H. Thompson,	New York.
William H. Marthirg,	New York.

HAVANA DE CUBA, March 4, 1854.

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*Extract of a despatch from Wm. H. Robertson, esq., United States acting consul at Havana, to the Department of State, dated March 7, 1854.*

"I beg leave to call your attention, in the official journal of this date, to the decree, which I have marked, for the first time published, although it purports to be dated or the order made on the 8th of last month, and to take effect on the 23d of the same month. I would not say this decree has been made for the occasion; but I do say that it seems strange that it should not have been made public *until to-day*, although to take effect from the 23d of last month. This looks at least like an *ex post facto* law, and seems intended for a particular object."

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[Translation.]

By decree of the Superior Tribunal having the control of the finances, of the 8th of last month, ordered to be carried out by the M. E. General Superintendent Delegate on the 23d of the same month, it was ordered that the prohibition observed in former years to admit the alterations, amendments, or additions which consignees may pretend



to make, in any sense whatever, in the invoices or obligation papers of the effects which they import, once these have been presented to the respective custom-houses, shall continue to be in force and in all its scope.

And by the order of the M. I. Intendant General of the Army and of Finances of this Department, I communicate the same to the mercantile world, for the general understanding, and in order that no one may allege ignorance. Havana, March 6, 1854.

The Administrator General:

JOAQUIN ROCA DE TOGORES.

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CONSULATE OF THE UNITED STATES OF AMERICA, HAVANA.

By this public instrument of protest be it known and made manifest to all to whom it doth or may or shall concern, that on the day of the date hereof, before me, William H. Robertson, acting consul of the United States of America for the city of Havana, (island of Cuba,) and the dependencies thereof, personally came and appeared Charles Tyng, senior partner of the mercantile firm of Charles Tyng and Company, consignees and agents in said city, and James D. Bullock, a lieutenant of the navy of the United States, and commander of the steamship "*Black Warrior*," belonging to the port of New York, in the State of New York, of the burden of fifteen hundred and fifty-six and nine ninety-fifth tons, now lying in the port of Havana. Said appearers being by me severally sworn on the holy Evangelists of Almighty God, the said Charles Tyng did declare and depose, that the "*steamship Black Warrior* aforesaid arrived at about seven o'clock in the morning of the twenty-eighth day of February ultimo; she was expected here from Mobile on the twenty-sixth, (Sunday,) and was cleared by his said house on the twenty-fifth *in ballast*, as had been the custom on previous voyages, when she was expected to arrive on a day when the custom-house was closed; at 12 o'clock on the 28th their clerk was sent by them to the custom-house for the despatch to the captain of the port, so as to procure the pass for the Moro Castle, as had been usual; this was refused. He immediately appeared at the office of the United States consul and noted protest; as soon as the cause why the custom-house refused to comply with their request, which was, that the manifest delivered by the captain of the ship to the boarding officer did not specify the cargo she had on board in transitu, was ascertained, he immediately made the necessary application to the collector or administrator general of the customs for permission to make the proper alteration in the manifest; the permission was refused, notwithstanding that the said appearer's application was made long before the expiration of the number of hours allowed by the custom-house regulations. He waited till 3 o'clock, p. m., to learn the result of the reference made by the administrator to the *intendente* of the royal exchequer; at 3 o'clock, the custom-house being closed, he, said Tyng, called on the administrator of the customs, and urged the right of his house, as the consignees of the ship, to make the addition to the manifest as allowed

by the law, as follows: *During the twelve hours following the delivery of the manifest, reckoned from six o'clock in the morning to seven o'clock of the evening, he that presented it may make in it the alterations he may deem proper, applying personally to the administrator, if within office hours, or after the expiration of these, to the chief of the revenue guards that may be on service at the custom-house; that the administrator, in the presence of witnesses, most positively denied their right, and would not permit them to make the addition, though there were still four hours left, according to the law before mentioned, and told him that the cargo on the ship was confiscated and must be discharged, and that the only way the vessel could be permitted to leave the port was by his house giving good and satisfactory bonds in blank, to be filled up as he, the administrator, chose, to answer for all fines and claims which would be preferred. This proposition was rejected. That he, said Tyng, offered, however, to give bonds for all just fines, provided that the ship was despatched with the cargo she had on board for New York without detention; that the administrator then ordered the commander of the revenue guards to proceed with a gang of men on board the ship and discharge her; that subsequently said administrator sent to his house, that of Charles Tyng & Co., a message to the effect that, as the captain was not on board, they, the consignees, were to send some person, or go themselves, to deliver the cargo. This was at half-past four o'clock of the afternoon of the 28th ultimo. That his said house did not go or send any person for that purpose; that on the next morning they were informed that the authorities had taken possession of and were discharging the ship, and that Captain Bullock and his crew had retired from the vessel and gone on board the United States steamer Fulton; that he, said Tyng, then called on the collector of the customs to see if no arrangement could be made; the administrator then proposed to him that, after the cargo was discharged, he would only require the captain's personal bond that he would appear when called for, and that his said firm should delegate some person to attend to the delivery of baggage to passengers, and of the cargo; that to this proposition both he and Captain Bullock agreed, providing that the ship was despatched within twenty-four hours, or as soon as possible. The collector subsequently, on the same day, (1st of March,) wrote to him a note to the same effect, and, as soon as received, he, said Tyng, went to the custom-house and agreed to the arrangement last mentioned, and delegated the custom-house clerk of his house for that purpose, as the collector wished; that his (Tyng's) object was to get the ship off as soon as possible, thereby protecting the interests of all concerned; that the collector, before furnishing their said clerk with the necessary order, desired him to bring a letter from his principals authorizing him as their delegate for the purposes above named; that his said house then gave a letter to their clerk, stating that he was the person delegated by them to attend to the discharge of the ship; that this letter the collector refused to receive, saying that they, said consignees, must write a letter to him authorizing said clerk to attend to the delivery of the cargo, to receive it, and point out the stores where they wished to have it stored; that as this pretension of the collector was throwing in fact the whole responsibility of discharging the ship upon the consignees, and was so*

different from what the collector had proposed to them in the morning, they declined to comply with it; that they then drew a petition and sent it to the Captain General, who is also chief of the royal treasury in the island, assuring his excellency that there could not have been the slightest intention of defrauding the revenue of the government in the irregularity of the captain's manifest, and that they, said consignees, had applied to make the correction within the twelve hours allowed by law, and their application had been unattended to, and asking his excellency to stop the discharge of the vessel, to order the goods taken out to be returned on board, and the vessel despatched; that, so far as this deponent knows, no notice was taken of said petition or memorial; that three different attempts were made to have a personal interview with the Captain General—all equally unsuccessful—the same not having been permitted; that on the following day, (second of March,) they made another memorial, of a similar nature with the former, which has not, to this deponent's knowledge, been noticed; that both memorials were handed to his excellency by his personal friends; that the authorities of this port have proceeded in the discharge of the cargo, without paying the least regard to their rights as consignees and agents and merchants, in not having permitted them to make the necessary alterations in the captain's manifest within the twelve hours after the vessel's arrival; that our appeals have been entirely disregarded, and all the exertions made by them as consignees have been unavailing and useless; that the trifling irregularity in the captain's manifest, which had been countenanced by the custom-house for over twelve months previous, was not a sufficient cause for the seizure by force of the cargo shipped in Mobile for New York, and merely passing through this port whilst the steamer should take the coal that she needed to pursue the voyage to her destination; that there was not the least intention of landing the smallest article that could be considered as cargo; and, finally, that the said cargo was under the protection of the American flag."

The said James D. Bullock did declare and depose, that "the steamship Black Warrior, of New York, under the command of this deponent, arrived from Mobile, on her way to New York, in the port of Havana, on the morning of the twenty-eighth day of February last, and anchored near the coal-wharf of Salvador Samá; that she had on board a valuable cargo, consisting of upwards of nine hundred bales of cotton and other merchandise for New York, and several passengers; that the boarding-boat came alongside at about seven o'clock, and he handed to the officers in charge the usual papers—the cargo *in transitu*, no part of which was to be landed here, being manifested as *ballast*; that this had been the invariable custom for eighteen months in the case of said ship, and for a much longer time with the steamers of the New York and New Orleans mail line; that his manifest was received without comment, nor was there a single hint thrown out that a different form would be required; that the ship has never passed through this port, since he has commanded her, without cargo *in transitu*, and no effort was ever made to conceal the fact; that so soon as the boarding-boat left the ship she was hauled alongside the wharf to take in her coal; that about twelve o'clock he heard that the American consul in Havana and Mr.

Charles Tyng, the consignee, were very anxious to see him; that he, deponent, hurried to the consul's office, and learned there, with much surprise, that the Black Warrior would not be allowed to sail, because she had entered in ballast, while the authorities knew that she had cotton, &c., on board; that said Tyng had made explanations to the collector of the port on the subject; that when this deponent entered the consul's office he found said officer ready to go out, and he at once proposed that this deponent should go with him to the Captain General, as he thought that proper representations to the chief officer of the exchequer would put matters to rights; that the consul was immediately admitted to the presence of the Captain General, but he was told to wait in the ante-room; that in a few moments the consul rejoined him, and, as they walked back to the office together, informed him that the Captain General had requested him, the consul, to make a statement of the affair in writing, and that in the meantime he (the Captain General) would call upon the collector for his report; that in the meantime this deponent sent the purser of the ship on board to make out a full manifest of the cargo *in transitu*, which was delivered at the consignee's office before three o'clock of the said 28th of February; that about four o'clock, p. m., of the same day, said Charles Tyng informed this deponent that he had applied to the collector for permission to correct the manifest furnished by deponent, claiming this privilege under the law providing for such cases; that this privilege had been denied him, said Tyng, and that he, Tyng, had been told by the collector, that having already applied for the ship's clearance, he had forfeited or lost his claim to that privilege; that the consul's letter to the Captain General had by this time been sent, and his reply was anxiously looked for; that at about half past four or five o'clock this deponent went on board, fully persuaded, in his own mind, that if the authorities would examine into the case, the ship would be permitted to sail without delay; that his surprise was therefore very great, on reaching the ship, to find the commander of the revenue guards (*comandante de carabineros*) on board with a number of men, and to be informed by him that he (said commander) had been ordered to have the entire cargo of the ship discharged; that this deponent replied to the commander aforesaid, that the consul of the United States had been requested by the Captain General to memorialise him on the subject concerning the Black Warrior, and that the memorial was then before the Captain General, and that he, this deponent, considered the affair to be in the Captain General's hands, and protested against all proceedings until his excellency's decision was made known; that the commander of the revenue guards replied, that if he, this deponent, would give his word of honor that nothing should be landed from the ship during the night, and would allow him, the commander of the guards, to put seals on the hatches, he would suspend proceedings until he could communicate with the administrator of the customs; that he, this deponent, immediately gave the required assurance, seals were put on the fore-hatches, and the commander and his men retired about half an hour after; that the ship was hauled into the stream, the required quantity of coal being on board; that at about six o'clock the next morning, he, this deponent, was awoke by the commander of the revenue guards, who had



come on board and entered his room, stating that his orders had been repeated, and he had now come on board to have the cargo discharged; that he, this deponent, was yet in bed, and the *comandante* sat in the room while he dressed; that he then told the *comandante* that he protested against the entire proceeding; that the ship had been entered in good faith, as she always had been; that there had been no effort or intention to conceal the fact that there was a transit cargo on board; that the authorities were proceeding in a very precipitate manner, and had denied the consignee the privilege granted by the laws of correcting the manifest within twelve hours after the entry; that the commander of the revenue guards did not enter into any discussion with him, this deponent, but said that he would return on shore for further instructions; that said *comandante* immediately left the ship, and he, this deponent, immediately after followed him, to learn from the American consul what the answer of the Captain General had been; that the consul showed him, this deponent, the written answer from the secretary of the political government of the island of Cuba, in which it appeared that the Captain General would not interfere directly in the matter, but left it to be settled by the custom-house authorities themselves; that he, this deponent, then told the consul that he could not submit to this seizure and confiscation without the strongest protest; that the ship had been entered according to invariable practice, and every privilege allowed by the laws had been denied her; that under the circumstances, as he, as captain of the ship, had never been examined or called on for any explanation, he should refuse to countenance the discharge of the cargo by superintending it, and that if the authorities should proceed forcibly to take the cargo out of the ship, he would throw the ship upon their hands; that the consul replied that he would not have volunteered his advice on the subject, but as he, this deponent, had expressed a determination to act in a certain way, he, the consul, did not hesitate to approve of his, deponent's, views and intentions on the matter; that he, this deponent, then went on board, where he found the *comandante* of the *carabineros* had returned with a large number of men and two lighters, had opened the hatches and was already discharging the cargo; that he, this deponent, approached the *comandante*, and again decidedly protested against what the *comandante* was doing; that he told the *comandante*—*By forcibly opening the ship's hatches and discharging her cargo in opposition to my protest, you have virtually annulled my authority as commander. I shall, therefore, leave her in your hands, with the firm protest that I have been driven to this step by the precipitate action of an authority I have not the power to resist*; that he then retired from the ship with her crew and colors and went on board the United States steamer *Fulton*, leaving all property belonging to the ship, the shippers, officers, crew, and passengers in the hands of the authorities; that since then the authorities have caused the ship to be removed from her anchorage, and have been discharging her cargo; that on the same day, within twenty-four hours after this deponent discovered that his ship was detained, he appeared at the office of the American consulate and noted protest to be extended, as is now done."

And the said appearers did further severally declare that "there has been no intention on their part, or of either of them, to defraud the



Spanish government of what they, the government, might consider their just dues; that they, these deponents, in their conduct have been governed by the strongest wish and desire to arrange the difficulties aforesaid in a manner just and satisfactory to all parties concerned; that therefore they cannot but consider the proceedings of the Spanish authorities in the port of Havana towards the steamship Black Warrior and her cargo aforesaid, as violent and unjustifiable; that said proceedings on the part of the said authorities have caused, and will hereafter cause, very serious damages and losses to the owners of the ship and her cargo, and to all concerned in and about the ship."

And, therefore, the said Charles Tyng, as senior partner of the firm of Charles Tyng and Company, and the said James D. Bullock, jointly and severally acting for the owners of the steamship Black Warrior and her cargo aforesaid, and for all concerned in and about the same, did declare to protest, as by these presents they jointly and severally protest, against the government of Spain, and do declare that all damages, losses, and detriments that have already accrued, or may or shall hereafter accrue, to the owners of the ship or her cargo, and to each and every person concerned in and about the said ship, are, and ought to be, borne by said government of Spain, or whomsoever else it may or shall concern; the said damages, losses, and detriments, having been caused by the acts of the agents or officers of said government in the city and port of Havana, and not otherwise.

All which matters and things were declared, alleged, and affirmed before me, the said acting consul; and, therefore, I hereunto set my hand, and affix the seal of my office at Havana, having been requested to certify and testify the premises.

CHAS. TYNG.

JAMES D. BULLOCK.

Thus done and protested at the city of Havana, this 6th day of March, A. D. eighteen hundred and fifty-four, and of the independence of the United States the seventy-eighth.

[L. S.]

WM. H. ROBERTSON.

I, William H. Robertson, acting consul of the United States of America for the city of Havana (island of Cuba) and the dependencies thereof, do hereby certify that the copy of a public instrument of protest, written on this page and on the three sheets hereto annexed, by means of my official seal, is a true and correct copy of an original public instrument of protest of record in the archives of this consulate.

[SEAL.] In testimony whereof, I hereunto set my hand and affix the seal of my office at Havana, this 7th day of March, A. D. 1854.

WM. H. ROBERTSON.

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WASHINGTON, March 11, 1854.

SIR: The undersigned, agents of the "New York and Alabama Steamship Company," have the honor to enclose herewith, and to call the attention of your department and of the government to the following papers and documents relative to the late seizure of the steamship

Black Warrior, and confiscation of her cargo, by the authorities of the island of Cuba.

No. 1. A general statement by the undersigned, as such agents, of the facts of such seizure and confiscation, so far as they have come to their knowledge.

No. 2. Copy of letter received a few days since by the undersigned, from Charles Tyng & Co., agents of said company at Havana, dated March 1, 1854, giving a particular statement of the facts relative to such seizure and confiscation.

No. 3. Copy of a royal ordinance of April 27, 1847, granting certain privileges to the steamers of the Royal Mail Company, as well *as to all packet steamers*.

No. 4. Statement of R. W. Shufeldt, United States navy, former captain or commander of the Black Warrior, relative to the manner the steamer was entered and cleared at Havana, whilst he was such commander; form of manifest, &c.

No. 5. Form of a manifest prescribed by the officials of the custom-house at Havana, on the first visit of the Black Warrior at Havana, in the month of September, 1852, and which had always been used up to the time of her late seizure, &c.

No. 6. Extracts from the custom-house rules and regulations for the government of all vessels arriving at Havana.

No. 7. Statement of cost of the Black Warrior, and of the value of her cargo, &c.

N. B.—Paper No. 4, above referred to, was received by the undersigned in September, 1853, from Mr. Cruzat, of Havana, father of the present Spanish Consul at Mobile, and was represented by him to be a true copy of the royal ordinance or order in question.

Your obedient servants,

LIVINGSTON, CROCHERON & CO.

Hon. Wm. L. MARCY,

*Secretary of State.*

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### No. 1.

*To the Hon. Wm. L. Marcy, Secretary of State of the United States :*

The undersigned, agents of the New York and Alabama Steamship Company, respectfully request permission to present the following complaint for outrages committed by the authorities of the Island of Cuba upon their property, and beg leave, in presenting the same to the government of the United States, to ask that such steps may be taken as to insure them a speedy redress of their wrongs.

The steamer *Black Warrior* commenced her voyages to Mobile on the 25th of August, 1852, and has now partially completed the eighteenth voyage, having touched at Havana each way on each voyage, making in all thirty-six stoppages at Havana.

That in September, 1852, the authorities of Cuba verbally placed the Black Warrior upon the same footing, as to privileges, as the *Royal West India mail steamers*, allowing her to carry away *three tons of freight*

without paying *port dues or tonnage*; also to carry freight of every description in transit free of all *port charges*, as though in ballast.

This privilege had been enjoyed during three consecutive voyages, when, without any notice given, the permission was revoked, and in defiance of all law and usage, the tonnage dues were exacted to the amount of *three thousand dollars*. This sum was paid under protest, and a formal representation and memorial forwarded to the Spanish government at Madrid through our then minister, the honorable Daniel M. Barringer.

To this memorial no answer has been returned, and the matter stands as here represented.

After the month of November, 1852, no freight was brought to New York or to Mobile from Havana, (none having been taken thither;) notwithstanding which, in the fall of 1853, the Cuban officials again made a demand upon the company of some *two thousand five hundred dollars* for two other trips, which was formally protested against, and the act of the official appealed from to the intendente of Havana, and thus this matter now stands.

In the year 1847, an order was published by the directors of the royal treasury, directed to all the collectors of the different custom-houses, allowing the *Royal Mail Steam Packet Company*, and all other packet steamers, the privilege of carrying three tons of freight duty free, together with other special privileges very material to this cause, which order has never been rescinded.

The steamship *Black Warrior* is, in every sense of the word, a packet steamer, sailing upon regular advertised days for the transportation of freight and passengers, and, according to the order above mentioned, is entitled to the privilege accorded to all other steamships.

The company also complain, that, in the month of February, 1853, soon after leaving Havana, a Spanish brig-of-war ran down upon the *Black Warrior*, fired a gun, and instantly, without allowing time to hoist the United States ensign, fired a shot directly at the steamer, which passed within a few inches of the fore-stay, and then, without apology or explanation, bore away and left the steamer.

It is also respectfully represented, that their steamer has entered and cleared from Havana under a form of manifest prescribed by the custom-house at Havana, which ordered her to be entered as in ballast with a list of ship's stores; that on subsequent trips, when asked by the captain of the port what she brought, the captain of the steamer replied that she came to Havana in ballast, but was full of cotton for New York; to which the officer answered, that all cargo not intended to be landed at Havana was regarded by them as ballast. Yet, notwithstanding this order of their own making, the *Black Warrior* was, without form or notice, upon arriving at Havana, on the 1st of March, 1854, seized, and the cargo declared confiscated, and taken out of the ship, and the vessel forcibly detained from the captain and crew, who have been forced to abandon the vessel and go on board the United States steamer *Fulton* for protection.

The only reason assigned is, that the cargo in transit was not manifested, although the same form of entry was used as prescribed by them during thirty-six visits to their port.

The government is also respectfully informed that the undersigned are the sole owners as well as agents of the *Black Warrior*, and are liable to be totally ruined unless speedy redress is granted.

The company respectfully beg leave to represent, that they have suffered great loss from the seizure, to the amount of at least *three hundred thousand dollars*—the cargo in the ship being estimated at *one hundred thousand dollars*, the ship at *two hundred thousand dollars*, besides which they have lost their entire business, which will be worth to them at least *fifty thousand dollars*, during the time that they are deprived of the use of their ship; that they will be debarred from trading with the island of Cuba, which is open to the vessels of all other nations, and that such trade is worth to them a large amount of money; that they now place themselves under the protection of the United States, and, by the right of every American, demand that their government insist upon a redress of these injuries, and insure them a full restoration of their property, with sufficient damages for the several outrages committed upon them; that they claim the sum of *three hundred thousand dollars* as their lawful right, for loss of business, property, and for detention in the harbor of Havana.

In conclusion, we beg leave to request attention to the report of the proceedings in regard to this matter, as well as the statement of their agents (Messrs. Chas. Tyng & Co.) in Havana, a copy of which is hereto annexed.

All of which is most respectfully submitted.

LIVINGSTON, CROCHERON & CO.

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No. 2.

HAVANA, March 1, 1854.

“And now, agreeably to the promise made in that letter, I proceed to give you some items of information respecting the seizure of that steamer (the *Black Warrior*) by the authorities, of which you will probably have heard, ere this reaches you, by telegraph from Charleston. The *Black Warrior* entered this port yesterday morning (28th February) at about 7 o'clock. Captain Bullock reported to the boarding officer when he entered, giving his manifest, as usual, in which it was stated, as it always has been, that she enters in ballast. As we were expecting the steamer on Sunday, the 26th ultimo, we, as we have always done, and as is done with the other steamers which come here, entered and cleared her before she arrived, making the entrance and clearance on Saturday, the 25th ultimo. When our clerk went to the custom-house yesterday morning to get the necessary paper to the captain of the port, in order to allow the ship to pass the Moro, it was refused, and he was informed that there was an informality in the entry, and the ship could not leave. Mr. Tyng was in the office at the time our clerk came back to inform us of the state of affairs, and the writer immediately went to the custom-house to see the chief officer. He informed us that the boarding officer had attached a note to the manifest of the captain, saying, ‘This ship has entered in ballast, and brings four hundred bales cotton for New York.’ The collector or administrator said to us—The captain should have entered his

cargo in transit, and not have entered in ballast. We replied that, as far as regards Havana, she is in ballast; she neither brings cargo to Havana nor takes it away. It matters not whether her ballast be bales of cotton or stone. We claim that the entry is correct as made; but whether correct or not, if you say it is not correct, we claim to take advantage of the twelve hours allowed to all vessels to make corrections and additions to the manifest. He told us he had already written a note to the intendante about the affair, and expected an answer at once, but advised us to see the intendante. We went to the intendancy, but found that the intendante was at home sick. We went to his house, and found there a young man who told us that he had brought a note from the intendancy to the intendante, and was waiting an answer. A servant soon came in, bringing a note for the young man. We asked the servant if we could see the intendante. He said we could not—that he was sick in bed. We accompanied the young man to the intendancy, and saw the note handed to the head officer. We left our clerk at the intendancy, to wait until the note should be sent to the custom-house. He soon came to the office, saying that the note of the intendante had been sent to the custom-house. The writer and our clerk went at once to the custom-house. We found the collector reading the note. He handed it to the deputy collector, 'Arrastue,' and the deputy read it to us. The tenor of the note was, that the entry made was not a true one; that the ship was responsible, according to the law; the goods on board should be confiscated, and a fine equal to double the value of the goods imposed. The writer returned at once to the office, and found that Mr. Tyng had left, to go to the consulate, to make protest against the proceedings. Mr. Rogers, the purser, and the writer, went at once to find Captain Bullock; not finding him, we returned to the office. We then started for the consulate, met Captain Bullock on the way, as well as Mr. E. P. Rogers. We all went to the consulate; found the clerk drawing up a protest. The consul and Captain Bullock went to see the Captain General; he saw the consul, but refused to see Captain Bullock. A memorial was left with him about the matter. About 3 o'clock, it being past custom-house office hours, a servant brought us a card of the 'administrator,' and said he would like to see us at once. Mr. Tyng and myself went at once up to his rooms. He showed us chairs, and commenced conversation, saying that he regretted much this state of things, but he had done everything in his power to avert it, &c., and concluded by saying that if we, as consignees of the ship, after taking out the cargo, would give a bond holding ourselves responsible for any fine, or other damage which might be imposed on the ship, he would then (after taking out the cargo) allow the ship to proceed. We told him we would pay any small fine of \$9 or \$10, the same as was paid for the mistake made about the three boxes of apples for Parejo, on a previous trip; but as for giving a bond of \$80,000 or \$90,000, which would, according to his statement, be the probable amount, we should do no such thing; that in case there was a mistake in the entry, or any difference whatever, we claimed the usual twelve hours to correct the manifest. The collector replied that no addition or correction could be made to the manifest; that, having asked for the clearance visit, we could not take advantage



of that rule to correct the manifest. But we said, we asked for the clearance visit last Saturday, before the ship was here, and we could not know what entry the captain would make. He said 'no matter ; in making that petition you lose your right to make the correction.' Mr. Tyng took out his watch and said, 'I request you, gentlemen, (for the Commandant de Resguardos was also present, having come in soon after the conversation commenced,) to take notice that on this day, at 3½ o'clock, it being within the twelve hours allowed by law, I requested permission to correct the manifest of the ship Black Warrior.' The collector replied, 'Very good ; and I request you, also, to take notice that I, on this day, and the same hour, refuse your request, because, having asked for the clearance visit, (*viseta de solida*,) you have lost the right to make any corrections.' We asked what he should do ; he said that he should discharge the ship. We replied that we protested against the whole proceedings, and that the first bale of cotton or other goods that came out of her should be taken by him under his responsibility ; that we should abandon vessel and cargo, and hold him and his government responsible for the consequences. At about 4 o'clock an officer of the customs came to notify us that the chief of the carabineros (inspectors) was on board the steamer, and they should begin to discharge her at once, and requested us to send some one on board to attend to the discharging of the cargo.

"We replied that a memorial had been handed to the Captain General on the subject ; that we should not discharge the ship ; that for anything the chief of the carabineros might do, we should hold him and his government responsible. He left, and went at once on board the steamer to report to his chief. About 5 o'clock came another officer, saying that the collector had sent him to say that they were about to commence the discharge of the ship. We replied, as to the other officer, that we should not send any one to attend to the discharging ; that we protested against the whole proceedings ; that when the first bale of cotton came out, we should abandon, and hold him and the government responsible. We heard no more from them last night. This morning the collector sent a mutual friend of his and ours to us to say, that if, after discharging the cotton, the captain would agree to present himself whenever the government should call for him, they would then let the ship go in ballast. Meanwhile the chief of the carabineros had opened the hatches and begun to take out cargo. Not a man of the ship was allowed to lend the least aid or assistance, as Captain Bullock, by advice of the consul, as well as of ourselves, had given such orders. When they commenced to break out cargo, Capt. Bullock hauled down his flag, abandoned the ship to them, and went with his crew and officers on board the United States steamer Fulton. The consul has written a statement of the whole affair to the government at Washington, and despatches the Corwin, a coast survey steamer, with the despatches and letters intended for the Black Warrior, this afternoon, for Charleston. We are supported in the course we have taken, as also is the captain, by the opinion and advice of the American consul, by that of Judge Wright, former comptroller of New York, by several eminent lawyers now here from the States, and by the merchants generally. We regret much these circumstan-

stances, but have done the best in our power, and have taken the best advice with regard to every step we have taken in the matter. When we recollect the thirty-six different times this vessel has entered the harbor, and always in the same way, and that the steamers of the George Law and other lines have probably entered at least three hundred times in the same way—more than this, that steamers in the Law line actually transferred full cargoes from one steamer to another, under the eye of the officers of the government, and both vessels entered and cleared in ballast—we are sure that our government will protect your interest as they ought, and the Spanish government be made to pay dearly for the work of yesterday and to-day. We shall continue to use our efforts and that of our friends to bring this matter to a satisfactory settlement.

“Respectfully, your obedient servants,

“CHARLES TYNG & CO.”

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No. 3.

*Privileges enjoyed by steamers, granted by the Directors of the Royal Treasury Department April 27, 1847, communicated to all the collectors of customs.*

1. The steamers of the Royal Mail Company, as well as all packet steamers, are exempted from the payment of all custom-house dues, coming and leaving in ballast, or bringing cargo, provided none is landed.

2. No dues shall either be exacted for the landing of passengers' baggage, samples, newspapers, or money.

3. Said steamers shall be free from all custom-house dues when they import or export not more than three tons of merchandise; the which articles will of course be subject to the payment of import and export duties.

4. When more than three tons of merchandise are imported or exported, then the steamers will pay the full mud-machine duty for the whole measurement of the vessel, exclusive of the part occupied by the engine and machinery, and one-half of the fees of visits, light-money, clearance, &c., and the full amount of tonnage dues on the space occupied by said merchandise.

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No. 4.

NEW YORK, March 7, 1853.

I commanded the steamer Black Warrior for eleven months; during which time I entered and cleared from the port of Havana twenty-two times, and always with full freight either for New York or Mobile. The only manifest required was a list of ship's stores: the cargo in transit was always regarded by the authorities at the custom-house as “ballast,” and marked on the manifests as such, in accordance with their instructions.

R. W. SHUFELDT.

## No. 5.

*Copy of a manifest of the steamer Black Warrior, prescribed by the officials of the custom-house at Havana, on the first visit of that ship at the port of Havana, in the month of September, 1852.*

Report and manifest of steamer Black Warrior, whereof Jas. D. Bullock is master, bound from Mobile for New York via Havana.

In ballast.

[List of ship's stores.]

[Captain's signature.]

The above form of manifest was presented by an official who visited the ship in the captain of the port's boat immediately on her arrival; which, with three lists of passengers and a bill of health, is handed to the captain of the port, or his deputy, and then the ship is allowed to change passengers, to coal, &c.

LIVINGSTON, CROCHERON & CO.

NEW YORK, March 9, 1854.

## No. 6.

*Extracts from the custom-house rules and regulations for the government of all vessels arriving at Havana; taken from the "Commercial Formalities" of Havana; sent to the owners of the Black Warrior by Mr. Charles Tyng, the agent of the ship at Havana.*

"All captains or supercargoes, the moment their vessels come to anchor, must deliver immediately, upon being visited by the custom-house boats, a manifest declaring his name, that of the vessel, her tonnage, whence she comes, the number of bales, packages, and every other article he has on board, or of which his cargo is composed, with their respective marks, numbers, and consignees. Twelve hours after delivery of the above manifest, no alteration or addition can be made in the same; the said twelve hours to run from six in the morning until seven in the evening, every day in the year, without exception of festivals."

LIVINGSTON, CROCHERON & CO.

NEW YORK, March 9, 1854.

## No. 7.

The undersigned was the agent employed by the New York and Alabama Steamship Company, and who contracted for and built the steamship Black Warrior; and the statement hereto annexed is the sum which she has actually cost her present owners:

The contracts for the hull and engine were.....	\$100,000
The bills for cabins, furniture, &c.....	\$50,000
Extra bills on hull and engine.....	15,000
Additions to same.....	20,000
Commissions for building.....	10,000
Salary to the superintendent.....	5,000
	<hr/> 100,000
Total cost of ship.....	<hr/> \$200,000

HERMAN T. LIVINGSTON.

The Black Warrior is the largest steamer in the coast trade of the United States, being capable of carrying forty thousand cubic feet of freight and two hundred cabin passengers. She had on board when seized 960 bales of cotton, a quantity of merchandise in boxes, and \$34,000 in specie; in all to the value of over \$100,000.

LIVINGSTON, CROCHERON & CO.

NEW YORK, *March 9, 1854.*

WASHINGTON, *March 13, 1854.*

SIR: I have the honor to call your attention to the enclosed letter, received this morning by Mr. Livingston, from J. D. Bullock, of the United States navy, captain of the Black Warrior, relative to her seizure, &c., dated March 5, 1854.

Your obedient servant,

JOS. SUTHERLAND.

Hon. WM. L. MARCY,

*Secretary of State, &c.*

HAVANA, *March 5, 1854.*

DEAR SIR: The Philadelphia was signalized off the harbor this afternoon and will probably be in early to-morrow morning. It behooves me, then, to prepare, for your information, a detailed statement of all the facts connected with the detention of the "Black Warrior," and the seizure of her cargo by the authorities of this island.

As pecuniary interests of a large amount are involved in this affair, and as we must reflect upon and discuss it in every point of view, calmly and thoughtfully, I shall endeavor to divest myself of all personal feeling, and simply lay before you a truthful statement of facts; after which I will endeavor to point out, in plain terms, our grounds of defence.

On the morning of the 27th February (Tuesday) the Black Warrior entered this port and anchored near the coal wharf of Salvador Samá; a few moments after the boarding boat came alongside, and I handed to the officer in charge the "crew list," bill of health, separate lists of

the passengers for Havana and those in transit, together with a manifest, upon which was specified all the ship's stores, the cargo *in transit* being entered as ballast.

These papers were severally examined and received, as usual, without comment; custom-house and police officers went on board, and the ship was at once hauled alongside the coal wharf. Being anxious to sail, if possible, before sunset, I remained on board until it became evident that we could not be ready in time, when I informed Mr. Tyng that the ship would leave at sunrise the next morning, and then went ashore. At twelve o'clock, while sitting at Mrs. Almy's, I received notice that Mr. Tyng and the American consul were both in search of me, and had sent messengers in various directions to look me up. I lost no time in reaching the consul's office, where I found both these gentlemen, who informed me that when Mr. Tyng, at about half-past eleven o'clock, had applied at the custom-house to obtain the usual order for the "Moro pass," he had been informed that the ship would not be allowed to sail, as she had been entered "in ballast," while the authorities had reason to know that she had cotton on board. Mr. Tyng made explanations, which will be explained in his own statement; and as I am now only speaking of my own action in this affair, I will refer you to his letter for all that concerns himself. The consul met me hat in hand, and as soon as our situation was made known to me, he proposed that I should go with him to see the Captain General, as he thought a frank explanation at head quarters would put matters in order again.

We were admitted to the audience chamber of the Captain General, but the consul alone was permitted to enter the private room of the Captain General, the aid-de-camp at the door informing me that I would be sent for if my presence was needed. In ten or fifteen minutes the consul joined me, and said that the Captain General had heard nothing from the custom-house authorities on the subject; that he desired him, the consul, to send him a written statement of the case, and that, in the meantime, he would direct the administrator of the customs to furnish his report. As soon as he had examined the case he would send the consul his answer. Before going to the Captain General's, I sent purser Rogers on board to make out a complete manifest of the cargo in transit; and when we returned to the office of the consul, I mentioned to Mr. Tyng that the full manifest would soon be on shore. Mr. Tyng, taking with him Mr. Thayer as a witness, went again to the custom-house, and in presence of the "*comandante* of the *custom-house* officers afloat" claimed of the collector the privilege, granted under the revenue laws, of correcting the original manifest—twelve hours not having elapsed since the arrival of the ship. This privilege the collector denied, under the plea that the ship being already cleared, she had lost her right to such a claim. Mr. Tyng remained some time in consultation with the collector, so that it was perhaps half-past four when he returned to the consul's office, and as nothing more could be done that evening, I went on board. As I approached the ship I observed a large launch alongside, and a government boat, and passing over the gangway, I was met by the "*comandante de los carabineros*," an officer whose duties seem to be to control everything con-



nected with the custom-house afloat. This officer informed me that he had been ordered to see the cargo discharged and landed. I asked who had given him this order; he replied, the collector of the port. I said, the Captain General has directed the American consul to send him a written statement of the case, and has promised an answer, and until that answer is made known, I did not think the collector had a right to proceed to extremities. The comandante replied, that his order did not allow him any discretion, but if I would give him my word of honor that I would allow nothing to be landed from the ship during the night, and would allow him to put a seal on the fore-hatch, he would retire, and report that it was too late to execute his orders. I readily gave the promise, and allowed the seals to be put on the hatch.

Next morning I was awoke at 6 o'clock by the comandante himself, who told me his orders had been reiterated, and that he had now come on board to carry them out. I requested him to wait until I could dress, when I would communicate with him. Clothing myself as soon as possible, I joined him on the quarter deck, when I found he had brought alongside two large lighters, with 20 or 30 negroes, and a government boat containing officers and men of the custom-house. He said, I am ordered to direct you to discharge your cargo; which I refused to do. He then asked if I would order it done; I said no. Will you direct the tackles to be got up? I will not; nor will I take any steps to assist you in performing an illegal proceeding, (as I consider it.) He then said, I will be obliged to discharge the cargo myself. I replied, if you do, the responsibility will rest upon you, and upon those under whose authority you act. I protest against your proceeding in this matter; and if you open the hatches of this ship contrary to my wishes, I shall consider that you have deprived me of my authority as captain, and taken possession of her. The comandante replied, rather than force matters to such an issue, I will retire for further instructions; which he did, and I at the same time went on shore to see if the American consul had received any answer from the Captain General. At the consul's office I learned that the Captain General would not interfere directly in the matter, he having declared, by letter to the consul, "that the law, whatever it was, must take its course." I now felt that the moment for decisive action had arrived, and taking the consul aside, I told him that, as the authorities had permitted us to enter in the way that we had done on this occasion for the last 18 months, and had never notified us of their intention to change this mode of procedure, and inasmuch as, even had we proceeded contrary to law and custom in the manner of our manifest, they had denied us the privilege of correcting that manifest within twelve hours after entry, I should protest against the entire proceeding as illegal; and if the officer persisted in the seizure of the cargo, I should consider myself virtually dispossessed of the ship, and should leave her in the hands of the Spanish authorities, under protest. The consul agreed with me in this course as the only dignified and proper one. I immediately hurried again on board, when I found the comandante, with increased forces, already in operation. When I left the ship, to go to the consul's, I had ordered Mr. Pickering, should the comandante return before I did, with the same instructions as he had

brought previously, to reiterate my protest against his proceeding, but to use no force in resisting the contemplated seizure. This he had done in presence of witnesses. As soon as I got on board, the comandante approached me, with an interpreter, and another officer of the customs, to act, I suppose, as witnesses; he told me that his orders were to proceed at once with the discharge of the cargo. I said, you have the power to proceed in your design, and I shall not make any resistance; but I protest against the entire proceeding as illegal and unjust. The authorities are acting in this case with great precipitancy; they have given no time for explanation, nor have they instituted any legal investigation. You have, against my earnest protest, violently opened the hatches of this ship, and are now in the act of despoiling her. You have, therefore, annulled my authority as captain, and I shall resign the ship into your hands, reserving the right to complain of this seizure before those whom it may concern.

I was careful not to threaten any action on the part of our own government, as memory suggested many instances of aggression of the authorities here upon American citizens and their property, which had been allowed to pass unnoticed, or, at least, unredressed. My desire was to act in such a way as to compel the authorities always to be the aggressors; to submit to their demands always *under protest*, so that no new charge could be brought against us of resistance to the execution of the law; and so that our position might be, at every possible point, defended by the law. The comandante said that he was sorry, personally, to perform so ungracious a duty, but, acting under higher authority, he had no discretionary power. I then collected the crew, and taking the two American ensigns and pennants, which no power could seize from me, I retired, with my men, on board the United States steamer Fulton. While preparing to leave the ship, they were busy discharging, and had, by the time the last man left, hoisted out about fifty bales. As soon as I had placed the men on board the Fulton, I went to the American consul's office, and there noted my protest in due form of law. The higher authorities of the custom-house were evidently unprepared for the step I had taken, for no sooner had they received the comandante's report than the collector addressed Mr. Tyng a conciliatory note, offering to let me proceed to sea in the ship if he (Mr. Tyng) would send an authorized person to superintend the discharge of the cargo, and to select the storehouses in which it should be deposited. Mr. Tyng called upon the collector to deliver his answer in person, and by my advice, as well as in accordance with his own views, declined assuming any control or direction in the matter, for the cargo, having been seized and declared confiscated, was no longer the property of those he represented. Since that time they have hauled the ship alongside one of the government docks, and are endeavoring, I am told, to discharge her as rapidly as possible. Yesterday, being Sunday, they obtained a special dispensation from the bishop to work, but I cannot learn that more than 300 bales have been discharged as yet. I think now, that by comparing what I have said with Mr. Tyng's statement, you will be in possession of all that has transpired in relation to this unfortunate affair.

To me it appears so palpable a case of robbery, that I have with

difficulty preserved my temper; and, even now, can scarcely keep sufficiently calm for quiet discussion.

Our defence must first rest upon the custom that has prevailed since the ship has touched here, of entering her transit cargo *as ballast*. I have always believed, and have asserted it as *your belief*, that there was some special understanding to this effect with the custom-house authorities. It now appears that no such understanding ever existed—at least so the authorities declare; so that all this time we have been entering in violation of law, and subject every trip to confiscation.

The authorities have, however, constantly permitted this course, and they cannot claim ignorance of the fact that there has always been a transit cargo in the ship; for the fact was notorious among all passengers and visitors. The under officers of the customs, who are always placed on board every ship to prevent smuggling, must have known it; and the very newspapers brought by the captain, and delivered to the boarding-officer at the instant of arriving, contained an announcement of the cargo, and even lists of the consignees at Mobile and New York. Any charge of an effort at concealment must therefore fall to the ground; and, by every principle of equity, we had a right to expect to be notified of their intention to enforce the letter of the law in future; and to be allowed all the consideration due by treaty to the citizens of a friendly nation, who, having entered the port of Havana in the progress of a legal voyage, may have erred through ignorance or mistaken judgment.

Our good intentions have not, however, been able to save us in this instance, the late collector, I understand, declaring that he always supposed the ship to be actually in ballast, as her manifests expressed. This characteristic piece of duplicity, of course, weakens our defence in the eyes of the Spanish officials here; but every honest man elsewhere will cry, shame!

We have a defence, however, which not even the lying of these cunning Catalans can deprive us of, and that defence, I am happy to say, is furnished by the very law under which they have condemned us. The law in question declares that when a false or incorrect manifest is handed in by the consignee, captain, or purser, twelve hours from the time of entry shall be allowed to correct or add to that manifest. *After* the expiration of these twelve hours, no alterations can be made, and if the goods on board not manifested exceed in value the sum of one thousand dollars, the ship and all belonging to her are confiscated. Mr. Tyng, fortunately, is provided with ample proof on this point, and the collector, I believe, does not deny that he refused to permit any additions to be made to the manifest, or to receive any other paper in its place, on the ground that the ship having already cleared, this privilege did not apply to her. You are no doubt aware that it is the custom here to enter and clear all steamships the day before arrival, so as to occasion no delay in their sailing at their appointed time. This proceeding is of course contrary to law, but has been permitted as a special concession to this class of vessels. It is evident that the actual entry takes place on the arrival of the ship only, and that the twelve hours' grace must date from that time; for how can the ship be held responsible for an entry and clearance made when she was many miles

at sea, and when neither consignee nor collector could be aware of her cargo? It is clearly the duty of the collector to know that the entry is correctly made before he grants her clearance; and having on his own responsibility cleared her, he must either permit her to go to sea upon the strength of that clearance, or, as we contend, receive the entry made by the captain on the arrival of the ship as the legal one, and consequently grant him the latitude allowed him by the law for correcting or adding to his manifest. It is evident, to my own mind, that this was preconcerted. The officials of the custom-house themselves will be the principal receivers of the spoils; and in their anxiety to get possession as soon as possible, and to move in such a manner as even to forestall remonstrance on our part, that they have, I think, overreached themselves. Fortunately, there are here several American lawyers of note who sustain me in this view; and I have consulted an eminent Spanish lawyer, by whose advice I shall hereafter be guided. It is thought, when they have taken out all the cargo, they will offer me the ship, with permission to go to sea, in which case I will take possession of her again, and make the best of my way to New York. I will do this, however, under a reiterated protest against all that has been done; for as you will have now to look to our government for redress and indemnification, and as their action will be necessarily slow and ineffective, I conceive it my duty to save as much of the property as possible. I will collect every law bearing upon this case, as also the opinion of my Spanish counsel, and will send them on by Mr. E. Rogers, if he goes on in the Isabel, or by mail if otherwise.

We have the sympathy, advice, and countenance of every American here, and I am convinced that we would not want volunteers to retake the good old ship by force, if such a course were proper. The Americans are now preparing a memorial, drawn up by Mr. Wheeler, of New York, to be addressed to the President of the United States; and tomorrow morning's mail will carry many private letters to individual Senators and Members of Congress bearing upon this subject. In conclusion, I do not hesitate to say, that we have been subjected to the most villainous and outrageous treatment that has ever been inflicted upon a friendly power, and if we are not protected and redressed in this matter by our government, the American eagle had better fold its wings forever. I cannot yet determine when I may be able to leave. I shall keep the crew until the return of the Crescent City from New Orleans, when I hope the authorities will have fully developed their intentions. You may be sure that I am with you in sympathy and indignation in this affair, and that I shall henceforth devote all my energies to the realization of our just demands.

With great regard, I remain, yours, respectfully,

JAMES D. BULLOCK.

We have refused making any arrangements here with any of the through passengers, directing them to present any claims they may have at the office in New York, when of course you will pursue what course you deem best. With the passengers from Havana to New York, Mr. T. has returned all the passage money, taking a receipt on the back of the ticket that this money had been returned to them in consequence

of the seizure of the ship by the Spanish authorities. Would it not be well to do the same with the Mobile ones? I shall leave in the Isabel for Charleston on Wednesday (should nothing definite be determined on by that time) as the consul wishes me to take and deliver the despatches relating to our case in person. He will also give me letters of introduction that will be useful if required. I shall telegraph from Charleston, so that should you wish to meet me in Washington you can do so. The letters given to me may be useful to you in presenting any claim upon our government.

Yours, respectfully,

EDWARD P. ROGERS.