

1854b. Trial and Conviction of the Master of an African Slaver

Editorial p 4. The Slave-Trade-An Important Trial. November 10, 1854, 3.

In the United States Circuit Court sitting in this City, one Captain James Smith has been convicted of having been engaged in the *Slave-Trade* between the Coast of Africa and the Island of Cuba. The sentence of the law, which is *death*, was suspended in order that his counsel might take the necessary steps to move for a new trial. The facts which were proved in this case were substantially these: In January last Capt. Smith went to Boston, where he purchased the brig *Julia Moulton*, cleared her in ballast for Newport, and on the 2nd of February brought her to this port. Here he engaged one James Wills as mate, telling him that he was going on a Slave-trading voyage, agreeing to pay him \$40 a month on the outward voyage, and from \$1,200 to \$2,000 for the passage back. A crew was shipped of about fifteen persons, mostly young men, and a large quantity of provisions, water, &c., with lumber, was taken on board. On the 11th of February the brig cleared from this port. And on leaving the dock, Capt. Smith pointed out to the mate a Portuguese named Lemos as the real owner of the vessel, and told him that the Secretary of the Portuguese Consul at this port had accompanied him to Boston and aided him in the purchase of the vessel. The ship was cleared by Capt. Smith and had regular papers for the cape of Good Hope. After she had been out about forty days, the timber on board was used to make a temporary deck or floor in the hold of the vessel, and all the other preparations necessary to receive a cargo of slaves were made. At the end of sixty days, they made land on the coast of Africa at a place called Cobra, where they were boarded by a boat which brought instructions, in accordance with which they cruised at sea for ten days longer, and then put in a port further South called *Ambrozzetta*, well known as a *dépôt* for the Slave-trade. Here in the course of two or three hours, *six hundred and sixty-four negroes, including forty women, were brought on board and stowed away as cargo in the hold of the brig*. They were placed on their sides, one lying in the lap of another – were taken out occasionally to be fed and aired, and after a voyage of sixty-five days were land on the South coast of Cuba. They were sent on shore in lighters, under the orders of a person who said he was a consignee, and the *American Consul* at that port. The furniture of the ship was then taken on shore and the ship herself was burned. Wills the mate came to this city in the brig *Mercellus*, where he again met Captain Smith, who refused to pay Wills the balance due him on the contract, amounting to about \$440, whereupon Wills imparted the nature of the voyage to a Mr. Donahue, by whom it was laid before the authorities. The result was the arrest, trial and conviction of Captain Smith.

We believe this is the *first* time in which a conviction of being engaged in the African Slave Trade has ever been had in this City – and this is due entirely to a disagreement between the captain and his mate about the payment of a trifling sum of money. Yet, as we have repeated stated in the Times, *scarcely a month passes in which there are not one or more vessels cleared at this port, which embark at once in the Slave-trade and land their cargoes on the coast of Cuba*. The facts given in evidence on this trial show how easily this is done, and with what impunity, so long as all the parties engaged in it are satisfactorily paid for keeping silent. In order to a conviction, the vessel concerned must be, at the time, owned either in whole or in part by an American citizen, or else the party accused must himself be a citizen. The first provision is usually evaded by a *sham sale*: - the last by procuring a foreigner, usually a Portuguese, as a commander. The only defence attempted in this case turned upon this point. It was claimed that Mr. Smith was an unnaturalized German, and it was also asserted and partly proved that the ship was *paid for by the Secretary of the Portuguese Consul at this port*.

Editorial 11/24/54 p. 4. “We have not the slightest doubt that *there are hundreds of Portuguese – merchants and others in this City, who are constantly and largely engaged in this traffic; - who carry it on as their regular business, - who grow rich by it, and live in splendid style and claim and hold high rank in the rich circles of our metropolis by virtue of the wealth thus acquired*. We believe this fact is very generally known, – and that not a month passes in which vessels are not cleared at the Customs House, of

whose destination and employment in the Slave-trade, the houses who ship crew for them, and even the officials who prepare and sign their papers are morally certain. This City and Baltimore are now, and have been for years, the great head-quarters of the African Slave-trade. In the face of all our laws, - in defiance of our treaty stipulations and in contempt of armed cruisers and men-of-war, that piratical traffic is largely carried on by ships fitted out in American ports, and under the protection of the American flag.

If the authorities plead that they cannot stop this, they simply confess their own imbecility. If they will not do it, the moral guilt they incur is scarcely less than that of the Slave-traders themselves.