EASTON GAZETTE.

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THE CASE OF THE CREOLE.

From the National Intelligencer.

MR. WEBSTER TO MR. EVERETT.

Department of State, Jan. 29, 1842.

Edward Everett, Esq. &c. &c.

Sir:—I regret to be obliged to acquaint you with a very serious occurrence, which recently took place in a port of one of the Bahama islands.

It appears that the brig "Creole," of Richmond Virginia, Insor, master bound to New Orleans, sailed from Hampton Roads on the 27th of October last, with a cargo of merchandise, principally tobacco, and slaves, (about 135 in number;) that on the evening of the 7th of November some of the slaves rose upon the crew of the vessel, murdered a passenger named Hewell, who owned some of the negroes, wounded the captain dangerously, and the first mate and two of the crew severely; that the slaves soon obtained complete possession of the brig, which under their direction was taken into the port of Nassau, in the island of New Providence, where she arrived on the morning of the 9th of the same month; that at the request of the American Consul in that place the Governor ordered a guard on board, to prevent the escape of the mutineers, and with a view to an investigation of the circumstances of the case; that such investigation was accordingly made by two British magistrates, and that an examination also took place by the Consul; that on the report of the magistrates, nineteen of the slaves were imprisoned by the local authorities as having been concerned in the mutiny and murder, and their surrender to the Consul, to be sent to the United States for trial for these crimes, was refused, on the ground that the Governor wished first to communicate with the Government in England on the subject; that through the interference of the Colonial authorities, and even before the military guard was removed, the greater number of the remaining slaves were liberated, and encouraged to go beyond the power of the master of the vessel, or the American Consul, by proceedings which neither of them could control This is the substance of the case, as stated in two protests, one made at Nassau and one at New Orleans, and the Consul's letters, together with sundry depositions taken by him, copies of all which papers are herewith transmitted.

The British Government cannot but see that this case, as presented in these papers, is one calling loudly for redress. The "Creole" was passing from one port of the United States to another, in a voyage perfectly lawful, with merchandise on board, and also with slaves, or persons bound to service, natives of America, and belonging to American citizens and which are recognised as property by the Constitution of the United States in those States in which slavery exists — In the course of the voyage some of the slaves rose upon the master and crew, subdued them, and murdered one man, and caused the vessel to be carried into Nassau. The vessel was thus taken to a British port, not voluntarily, by those who had the lawful authority over her, but forcibly and violently, against the master's will, and with the consent of nobody but the mutineers and murderers; for there is no evidence that these outrages were committed with the concurrence of any of the slaves, except those actually engaged in them. Under these circumstances, it would seem to have been the plain and obvious duty of the authorities at Nassau, the port of a friendly Power, to assist the American consul in putting an end to the captivity of the master and crew, restoring to them the control of the vessel, and enabling them to resume their voyage, and to take the mutineers and murderers to their own country to answer for their crimes before the proper tribunal. One cannot conceive how any other course could justly be adopted, or how the duties imposed by that part of the code regulating the intercourse of friendly States, which is generally called the comity of nations could otherwise be fulfilled. Here was no violation of British law attempted or intended on the part of the master of the "Creole," nor any infringement of the principles of the law of nations. The vessel was lawfully engaged in passing from port to port, in the United States. By violence and crime she was carried, against the master's will, out of her course, into the port of a friendly Power. All was the result of force. Certainly, ordinary comity and hospitality entitled him to such assistance from the authorities of the place as should enable him to resume and prosecute his voyage, and bring the offenders to justice. But, instead of this, if the facts be as represented in these papers, not only did the authorities give no aid for any such purpose, but they did actually interfere to set free the slaves, and to enable them to disperse themselves beyond the reach of the master of the vessel or their owners. A proceeding like this cannot but cause deep feeling in the United States. It has been my purpose to write you at length upon this subject, in order that you might lay before the Government of Her Majesty fully, and without reserve, the views entertained upon it by that of the United States, and the grounds on which those views are taken. But the early return of the packet precludes the opportunity of going thus into the case in this despatch; and as Lord Ashburton may shortly be expected here, it may be better to enter fully into it with him, if his powers shall be broad enough to embrace it. Some knowledge of the case will have reached England before his departure, and very probably his Government may have given him instructions But I request, nevertheless, that you lose no time in calling Lord Aberdeen's attention to it in a general manner, and giving him a narrative of the transaction, such as may be framed from the papers now communicated, with a distinct declaration that if the facts turn out as stated, this Government thinks it a clear case for indemnification.

You will see that in his letter of the 7th January, 1837, to Mr. Stevenson, respecting the claim for compensation in the case of the "Comet," "Enconium," and "Enterprise," Lord Palmerston says that "H. M.'s Government is of opinion that the rule by which these claims should be decided, is that those claimants must be considered entitled to compensation who were lawfully in possession of their slaves within the British territory, and who were disturbed in their legal possession of those slaves by functionaries of the British Government." This admission is broad enough to cover the case of the Creole, if its circumstances are correctly stated. But it does not extend to what we consider the true doctrine, according to the laws and usages of nations; and, therefore, cannot be acquiesced in as the exactly correct general rule. It appears to this Government, that not only is no unfriendly interference by the local authorities to be allowed, but that aid and succor should be extended in these as in other cases which may arise, affecting the interests of citizens of friendly States.

We know no ground on which it is just to say that these coloured people had come within, and were within, British territory, in such sense as that the laws of England affecting and regulating the conditions of persons could properly act upon them. As has been already said, they were not there voluntarily; no human being belonging to the vessel was within British territory of his own accord, except the mutineers. There being no importation, nor intent of importation, what right had the British authorities to inquire into the cargo of the vessel, or the condition of persons on board? These persons might be slaves for life; they might be slaves for a term of years, under a system of apprenticeship; they might be bound to service by their own voluntary act; they might be in confinement for crimes committed; they might be prisoners of war; or they might be free. How could the British authorities look into and decide any of these questions? Or, indeed, what duty or power, according to the principles of national intercourse, had they to inquire at all? If, indeed, without unfriendly interference, and notwithstanding the fulfilment of all their duties of comity and assistance by these authorities, the master of the vessel could not retain the persons, nor prevent their escape, then it would be a different question altogether, whether resort could be had to British tribunals, or the power of the Government in any of its branches, to compel their apprehension and restoration. No one complains that English law shall decide the condition of all persons actually incorporated with British population, unless there be treaty stipulation making other provision for special cases. But in the case of the "Creole" the coloured persons were still on board an American vessel, that vessel having been forcibly put out of the course of her voyage by mutiny; the master desiring still to resume it, and calling upon the Consul of his Government resident at the place and upon the local authorities to enable him so to do, by freeing him from the imprisonment to which mutiny and murder had subjected him, and furnishing him with such necessary aid and assistance as are usual in ordinary cases of disaster at sea. These persons then, cannot be regarded as being mixed with the British people, or as having changed their character at all, either in regard to country or personal condition. It was no more than just to consider the vessel still on her voyage, and entitled to the succor due to other cases of distress, whether arising from accident or outrage. And that no other view of the subject can be true is evident from the very awkward position in which the local authorities have placed their Government in respect to the mutineers still held in imprisonment. What is to be done with them? How are they to be punished? The English Government will probably not undertake their trial or punishment; and, of what use would it be to send them to the United States, separated from their ship, and at a period so late as that, if they should be sent, before proceedings could be instituted against them the witnesses might be scattered over half the globe. One of the highest offences known to human law is thus likely to go altogether unpunished.

In the note of Lord Palmerston to Mr. Stevenson, above referred to, his Lordship said "that, slavery being now abolished throughout the British empire, there can be no well founded claim for compensation in respect of slaves, who under any circumstances, may come into the British colonies, any more than there would be with respect to slaves who might be brought into the kingdom" I have only to remark upon this, that the Government of the United States sees no ground for any distinction founded on an alteration of British law in the colonies. We do not consider that the question depends at all on the state of the British law. It is not that in such cases the active agency of British law is invoked and refused; it is, that unfriendly interference is deprecated, and those good offices and friendly assistances expected which a Government usually affords to citizens of a friendly Power when instances occur of disaster and distress. All that the United States require, in these cases, they would expect in the ports of England, as well as in those of her colonies. Surely, the influence of local law cannot affect the relations in any such matter as this. Suppose an American vessel, with slaves lawfully on board, were to be captured by a British cruiser, as belonging to some belligerent, while the United States were at peace; suppose such prize carried into England, and the neutrality of the vessel fully made out in the proceedings in Admiralty, and a restoration consequently decreed—in such case, must not the slaves be restored exactly in the condition in which they were when the capture was made? Would any one contend that the fact of their having been carried into England by force set them free?

No alteration of her own local laws can either increase or diminish or any way affect, the duty of the English Government and its colonial authorities in such cases, as such duty exists according to the law, the comity, and the usages of nations. The persons on board the "Creole" could only have been regarded as Americans passing from one part of the United States to another, within the reach of British authority only for the moment, and this only by force and violence. To seek to give either to persons or property thus brought with reach an English character, or to impart to either English privileges, or to subject either to English burdens or liabilities, cannot, in the opinion of the United States, be justified. Suppose that by the law of England all blacks were slaves, and incapable of any other condition; if persons of that color, free in the United States, should, in attempting to pass from one port to another in their own country, be thrown by stress of weather within British jurisdiction and there detained for an hour or a day, would it be reasonable that British authority should be made to act upon their condition, and to make them slaves? Or suppose that an article of merchandise, opium for instance, should be declared by the laws of the United States to be a nuisance, a poison, a thing in which no property could lawfully exist or be asserted; and suppose that an English ship with such a cargo on board bound from one English port to another, should be driven by stress of weather, or by mutiny of the crew, into the ports of the United States, would it be held just and reasonable that such cargo should receive its character from American law, and be thrown overboard and destroyed by the American authorities? It is in vain that any attempt is made to answer these suggestions by appealing to general principles of humanity. This is a point in regard to which nations must be permitted to act upon different views, if they entertain different views, under their actually existing condition and yet hold commercial intercoruse with one another, or not hold any such intercourse at all. It may be added, that all attempts by the Government of one nation to force the influence of its laws on that of another, for any object whatever, generally defeat their own purposes, by producing dissatisfaction, resentment, and exasperation. Better is it, far better in all respects, that each nation should be left without interference or annoyance, direct or indirect, to its undoubted right of exercising its own judgment in regard to all things belonging to its domestic interests and domestic duties.

There are two general considerations, of the highest practical importance, to which you will, in the proper manner invite the attention of her Majesty's Government.

The first is that, as civilization has made progress in the world, the intercourse of nations has become more and more independent of different forms of government and different systems of law and religion. It is not now, as it was in ancient times, that every foreigner is considered as therefore an enemy; and that, as soon as he comes into the country, he may be lawfully treated as a slave; nor is the modern intercourse of States carried on mainly, or ... posing, by ... forms of civil ... property, or new ... lation. The great ... are regarded as ... entitled to maintain ... and Governments ... tual intercourse ... submit to the estab... rules and principles governing ... intercourse. And the perfecting of ... system of communication among ... requires the strict est application ... doctrine of non-intervention of ... with the domestic concerns of others.

The other is, ... and England, ... est commercial ... touch each other ... almost innumerable ... systems of general ... alike, yet differing ... Government and ... personal servitude ... does this last ... tend its influence, ... cise to the fullest ... from any thing ... mestic regulations ... countries, and ... world, always ...

The Bahamas (British possessions) push themselves ... to the shores of the United States, ... thus lie almost directly in the track ... that great part of their coastwise ... which doubling the Cape of Flo... connects the cities of the Atlantic ... ports and harbors on the Gulf ... Mexico, and the great commercial ... orium on the Mississippi. The seas in which these British possessions are situated are seas of shallow water full ... reefs and bars, subject to violent ... of the winds, and to the agitations ... by the Gulf Stream. They must always, therefore, be of dangerous ... tion, and accidents must be ex... frequently to occur, such as will cause American vessels to be wrecked on ... Islands, or compel them to seek shelter in British ports. It is quite essential that the manner in which such vessels, their crews, ... such cargoes consist, are to be treated. In these cases of misfortune and distress should be clearly and fully known.

You are acquainted with the correspondence which took place a few years ago, between the American and English Governments, respecting the cases of the Enterprise, the Comet and the Encomium. I call your attention to the Journal of the Senate of the United States, containing resolutions unanimously adopted by that body, respecting those cases These resolutions, I believe, have already been brought to the notice of Her Majesty's Government, but it may be well that both the resolutions themselves and the debates upon them, should be again adverted to. You will find the resolutions, of course, among the documents regularly transmitted to the Legation and the debates in the newspapers with which it has been supplied from this Department.

You will avail yourself of an early opportunity of communicating to Lord Aberdeen in the manner which you may deem most expedient, the substance of this despatch, and you will receive further instructions respecting the case of the Creole, unless it shall become the subject of discussion at Washington.

In all your communications with Her Majesty's Government, you will seek to impress it with a full conviction of the dangerous importance to the peace of the two countries of occurrences of this kind, and the delicate nature of the questions to which they give rise.

From the Washington Globe.

PUBLIC DINNER.—About three hundred of the friends of President Tyler dined together at Philadelphia on the 22d inst. the birth day of Washington. At the table the President, Heads of Departments, and other public functionaries, were toasted and cheered in high terms of approbation. The following letter was received from President Tyler:

Washington, Feb. 19, 1842.

Gentlemen:—It would afford me the most unqualified pleasure, could I avail myself of your polite invitation to be present with you on the Anniversary of the birth of the most illustrious man and devoted patriot who has ever lived "in all the tide of time;" but this is denied me by the constant pressure of public duty. The example of George Washington, rendered glorious by the devotion of all his faculties—mental and physical—to the good of his country, stands in bold contrast with those whose names have found a place in history, as connected with great talents, directed to no other end than the advancement of their own petty and selfish schemes of ambition. I should like, in the company of "my friends," to recall the recollections of his praiseworthy deeds—to dwell upon the incidents of his useful life. To repeat the lessons of wisdom and truth embodied in his farewell address—and to take, with each of you, the pledge to maintain the Union of these States, sacred and inviolable, as the most acceptable mode of doing honor to the memory of the Father of his country, and discharging the high debt which each and all of us owe to ourselves and to our posterity.

For the kind regard which you express for me, accept the tribute of my sincere thanks. Your approval of my past political course—directed as it has been to the faithful discharge of my duty, will not fail to animate me in all that remains of the future. That I entered upon the Presidential office under circumstances of great embarrassment, must have been obvious to all. For the first time in our history, upon the happening of a contingency provided for in the Constitution, the Vice President succeeded to the Presidency—and, by a dispensation of Divine Providence, a new experiment upon our institutions is in the progress of trial.

A President, elected by the people, comes into office at the head of a triumphant party. His will is, for the most part, the law which governs his party. Responsible, under the Constitution, for the administration of public affairs, he recommends his measures and adopts his line of policy with every assurance of support. Not so, however, with a Vice President, who succeeds to the Presidency by the demise of the President.—His name has mixed but little with the canvass, and has been selected more with reference to supposed sectional or local, than to general influence. He has no party at his heels to sustain his measures, or to aid him in his exertions for the public good. Instead of being a leader he must be a follower of party, and he is required to be either a piece of wax, to be moulded into any shape that others may please, or denunciations the loudest and boldest are in store for him. Has he long cherished opinions which stand in the way of party measures, whether those measures be good, wise or the opposite, they must be surrendered. Honor, conscience, every thing esteemed sacred among men, must be yielded, or the thunders break over his head, and threaten annihilation. IT IS A FIT OCCASION FOR THE PREVALENCE OF FACTION, and the reliance of one thus situated can alone be on the patriotism and discernment of the people. Such, I frankly avow, is my steadfast reliance and every effort of mind and body com... be exerted to maintain our institutions, under this new and hazardous experiment

There are other causes of great trial and difficulty by which the Administration is surrounded—private and public credit is prostrated—industry, in all its departments, paralyzed—a Treasury deficient in its supplies—a currency broken up & disordered—and our foreign relations perplexed and embarrassed.—Credit should be restored—industry reanimated—a sound currency provided through the direct exercise of constitutional power, and the public peace preserved, if the same can be accomplished without a surrender of national honor.—These objects will claim my undivided attention, and I will not permit myself to despair of their accomplishment.

I tender to each of you, gentlemen, assurances of my high respect.

JOHN TYLER.

To Samuel Rush, James McHenry, Thos. S. Smith, and others of the committee.

The Philadelphia correspondent of the National Intelligencer, in his last published letter, says—

The General Orders of General Stewart for the encampment of the volunteer companies which is to take place near Baltimore in May next, published in the Intelligencer of yesterday, embraces suggestions which certainly merit extensive promulgation. The alleged weakness of the United States compared with England or France, and the incapacity of the country to protect itself against sudden invasion, have been exhibited by very high authorities in very strong lights. It is argued that the insufficiency of the American Navy for its legitimate purposes, calls for its immediate increase and that the augmentation of ships and men in the service should continue, until it shall equal half the force of Great Britain. I remember to have seen, a few months ago, a statement of the expenditures for the support of the British Navy from the year 1792 to 1842—a period of fifty years. The average annual sum required for the support of that branch of defence (?) has been between sixty and seventy millions of dollars—sixty-four, if my memory serves me. The project is entertained on this side of the Atlantic of enlarging the American maratime force, until, taking the above outlay as our guide, it shall need for its support a yearly appropriation of thirty millions of dollars—amounting, with interest, in six years, to about two hundred millions—equal to the aggregate sum of all the debts of all the States of the Union. The question may, perhaps, fairly arise, whether all the protection which the country demands may not be secured by means far more economical. By *means* I refer to *arms*—leaving out of view the easily maintainable ground that a nation, like an individual, is best protected from the aggressions of rivals or neighbors when its peace and prosperity are most useful to them.

These arms are the arms of the Volunteer Companies, which are generally well drilled, and which, with the facilities of transportation now created or in progress, can be called at a few hours' notice from points hundreds of miles distant. The proposed encampment near Baltimore, it is hoped, will partially show how many men can expeditiously be assembled at one point and to what degree of discipline those free citizen soldiers have attained. In this State, according to the report of the Adjutant General, there are 564 Volunteer Companies, consisting of 4,772 cavalry, 3,829 artillery, 11,964 infantry, 12 863 riflemen—33,458 men. If other States of the Union have volunteer companies of soldiers in the same proportion to their population that Pennsylvania has, it might certainly be argued that there is no want of military spirit or of the exercise of it. In the language of General Steuart, might not Congress well do "something to place the militia of the United States on that respectable footing to which the Father of his Country thought it was entitled, instead of the project which is entertained of maintaining an idle force at twice the expense which is now requisite to defray every charge upon the Government?"

The following memorial was laid before the House of Delegates, from citizens of Cecil county, through one of their representatives, Mr. Forwood:

TO THE LEGISLATURE OF MARYLAND:

The signers of the accompanying remonstrance respectfully offer the following reasons for their dissent to the bill reported by Mr. Hammond, as therein mentioned, entitled, "An act for the better security of negro slaves," &c.

1st. Because it violates the rights of conscience in many persons who are desirous of liberating their slaves.

2d. Because it tends to aggrandise the slaveholders of Maryland, to the great detriment and disadvantage of all persons obliged to employ laborers. That by such tendency it is unequal, and therefore unjust and impolitic; and the same advantages may, with the same right, be claimed by the holders of any other species of property.

3d. Because we can never admit the precedent of depriving a free man of his ...

4th. Because, by preventing the father from purchasing his children from slavery, it takes away the highest motive of industry, destroys the finest feeling of the heart and is unjust, oppressive and tyrannical.

5th. Because, like the code of Draco it proceeds upon the supposition that the lightest offences are worthy of the most condign punishment: and it knows nothing more severe for the greatest crimes.

6th. Because security not to commit offence where violence is not threatened is illegal, contrary to the mild tenor of our enactments heretofore, & such, that its rigid enforcement must drive a great body of the free people of this state into endless slavery and exhibits a scene of misery, sorrow and wretchedness unparallelled in the history of man.

7th. Because it tends to establish in our midst a race of spies and informers, a population a thousand times more worthless than that of which it is proposed to rid us, who are totally unworthy of belief, and yet whose purchased testimony is to be received as sufficient to condemn a free colored man to slavery.

8th. Because it establishes as prima facia evidence testimony which, in other cases, would be unworthy of serious refutation.

We will not weary your honorable body by a further statement of reasons, many of which could be given for each and every section of the bill, but earnestly remonstrate against its enactment. And your petitioners will ever pray, &c.

IRISH CUNNING

We learn from the Detroit Post, that a volunteer in Victoria's service, finding a canoe upon the beach, near Malden, got into it, and started on a voyage of discovery. When he had got some distance from shore, he was discovered by the officer of the day, who ordered six men in a boat and gave chase. He pursued the voyage to the American shore, and in his ardor he forgot that he was out of the British territory, and seized the deserter. A citizen told the man he was free, and need not go back unless he wished; one of the officer's men, an Irishman hearing this, exclaimed—"if this spalpeen be free, so is every mother's son of us! So you may jist go home, my jewel, (addressing his officer,) and tell the Kurnel that you left us to take care of the prisoner!"—The officer had to hire men to row him back, and report seven men deserted."

A NEW DISCOVERY.—A letter in the London Athenæum describes "a new and extraordinary discovery just made in Prussia, by which printed works of any kind can be copied with perfect accuracy and copies multiplied with no further expense than the cost of paper and press-work. The plan is kept a profound secret by the inventor; but he has demonstrated its efficacy by copying two pages of the London Athenæum, which so closely resemble the original as to be scarcely disunguishable from them. By

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