

**A REPORT OF THE CASE OF THE JEUNE
EUGENIE: DETERMINED IN THE CIRCUIT
COURT OF THE UNITED STATES, FOR
THE FIRST CIRCUIT, AT BOSTON,
DECEMBER, 1921. WITH AN APPENDIX**

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A Report of the Case of the Jeune Eugenie: Determined in the Circuit Court of the United States, for the First Circuit, at Boston, December, 1921. With an Appendix by William P. Mason

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WILLIAM P. MASON

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REPORT

OF THE CASE OF THE

JEUNE EUGENIE,

DETERMINED IN THE

Circuit Court of the United States,

FOR THE FIRST CIRCUIT, AT BOSTON,

DECEMBER, 1821.

WITH AN APPENDIX.

By **WILLIAM P. MASON**, REPORTER.

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1822.

Advertisement.

IT has been thought, that the interesting nature of the case of the *Jeune Eugenie* required that it should not be withheld from the Public until the volume of Reports, in which it would regularly appear, should be put to press. It is therefore offered to the Profession and the Public in this form. As the Court has rejected the claim put in by the owners of the *Eugenie*, and has very fully discussed in the decision, the grounds assumed by the Libellants, the argument made on behalf of the Claimants is inserted at length. The very learned and eloquent arguments of the counsel for the libellants will appear with the case, in the Reports, which are to published early in the spring.



LA JEUNE EUGENIE.

By an act passed by the Congress of the *United States* on the 2d of March, 1807, the importation of *slaves* into any port of the *United States* was prohibited after the 1st of June, 1808; the time limited by the constitution of the *United States*, beyond which slaves could not be imported. By this act the President was also authorized to employ armed vessels to cruise on any part of the coast, where he might judge attempts would be made to violate the act, and to instruct the commanders of armed vessels to seize, and to bring in, vessels found on the high seas contravening the provisions of the law. Previous acts had been passed to prevent the citizens of the *United States*, or any resident within the *United States*, from being engaged in the transportation of *slaves* from *Africa*, or elsewhere, to any foreign port.

By an act passed on the 20th of April, 1818, in addition to the above, it is provided among other things, that in all prosecutions under this act, the

defendant shall be holden to prove that the negro, &c. which he shall be charged with having brought into the *United States*, or with purchasing, holding, selling, &c. was brought into the *United States* at least five years previous to the prosecution, or was not brought in, holden, purchased, or otherwise disposed of, contrary to the provisions of this act.

By an act passed on the 3d of March, 1819, the power of employing the armed ships of the *United States*, to seize and bring into port any vessel engaged in the slave trade by citizens or residents of the *United States*, was continued in the President. And by this act such vessels, together with the goods and effects on board, are to be forfeited and sold, and the proceeds to be distributed in like manner as is provided by law for the distribution of prizes taken from an enemy, and the officers and crew to undergo the punishment inflicted by previous acts.

On the 15th of May, 1820, it was further enacted, that if any citizen of the *United States*, being of the crew or ship's company of any foreign ship or vessel, engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in the whole, or in part, or navigated for, or in behalf of, any citizen or citizens of the *United States*, shall land from any such ship or vessel, and on any foreign shore, seize any negro or mulatto, not held to service or labour, by the laws of either of the *States or Territories* of the *United*

States, with intent to make such negro or mulatto a slave, or shall decoy or forcibly bring, or carry, or shall receive, such negro or mulatto, on board any such ship or vessel with intent as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction shall suffer death.

Under the authority of these acts, and for the purpose of more effectually enforcing the provisions of them, the public armed schooner *Alligator*, commanded by *Robert F. Stockton, Esq.* was sent among other vessels to cruise on the coast of *Africa* early in the year 1821. On the 17th of May last, captain Stockton fell in with the schooner *La Jeune Eugenie* at *Galenas* near *Cape Mount*, on the western coast of *Africa*, and captured her on the suspicion of her being engaged in the *slave trade*; she at that time bearing the *French flag*, and having *French papers*. She was brought, under the charge of a prize master, into the port of *Boston*, and libelled at the September Term of the District Court next following, as an *American vessel* engaged in the *slave trade*.

All the regular ship's papers, and other documents relating to the cargo were found on board of her. And it appeared from her register that she was owned by Messrs. *Raibaud* and *Labatut*, residents at *Basseterre* in *Guadaloupe*, but was built in the *United States*. It also appeared in evidence that she was fitted out at *Basseterre* in the month of February next preceding her capture; sailed from there,

sometime in the same month, to *St. Thomas*, and from thence to the coast of *Africa*, with the ostensible purpose of procuring *palm oil* and other products of *Africa*.

Wm. W. McKean, a midshipman on board of the *Alligator*, and the prize master who brought the *Eugenie* into the port of *Boston*, deposed that the *Eugenie* had a moveable deck, that her main hatchway was very large, and grated with three iron bars, that the water on board was sufficient to supply two hundred men for a month. And her provisions, including rice, enough for her crew for a twelve-month.

Joseph Dickson, a seaman belonging to the *Alligator*, deposed, that the *Eugenie* had a crew of nineteen persons including boys; some of them *Spaniards* and some *Italians*, that she had a large supply of provisions, sufficient for her crew for five months, and a number of handcuffs and fetters.

It was also in evidence that there was a surgeon attached to the vessel, and a supply of medicines on board.

Henry Henderson, a seaman belonging to another vessel on the coast, which was also captured by the *Alligator*, deposed that he was on shore at a place called the *Factory*, four and a half days, in company with the captain of the *Eugenie*. And that he understood that the *Eugenie* was then after a cargo of slaves. That the captain had then procured twenty or more, and said that he should have all the