

Attorney General's Office
Sept. 3. 1858

Sir,

I give below a few references to official documents and precedents which have some bearing on the construction of the Act of Mar 3, 1819 relating to the slave trade.

1. An able and interesting report of Amos Kendall, 4th Auditor, dated Aug. 1830, giving a history of the Agency, and of the practical operation of the Act of Mar 3. 1818, during ten years.

Executive Doc's 2nd Ser. 21. Cong.
vol. 1. Doc. 2. page 211.

I send you the volume marked. In the same volume Doc. No. 2. page 43 you will find in the report of the Secretary of the Navy and expression of his determination to adhere more rigidly to the letter of the act.

The rigid construction which forbids any expenditure for purposes not directly mentioned had been favored by Atty. Gen. Wirt. 1. Opin. 315-318. But the liberal policy had nevertheless prevailed.

The reports of the Secretary of the Navy showing the expenditure of the fund appropriated for the suppression of the slave trade during each year are interesting in this connection. In 1834 the balance of this fund in the Treasury was \$14213.91 and the Secretary says no further sum will be needed.

2. The case of the "Fenix," a Spanish vessel captured in the Gulf of Mexico by the U. S. Schooner "Shark."

The documents connected with this case were submitted by President Jackson to Congress, Jan. 15, 1832. They are very interesting, and can be found in Executive Document, Second Sers. 21 Congress vol 3. Doc. No. 54. I send the volume to you marked.

In consequence of this case two clauses were introduced into the Naval Appropriation Act. approved Mar. 2, 1831- which you will find on the next page of this brief. "For carrying into effect the acts of the suppression of the slave trade including the support in the United States and for a term not exceeding six months after their arrival in Africa, of all persons removed from the United States under the said Acts, ten thousand dollars."

Stat at Large, vol 4, p. 462.

For the support of certain Africans brought "into the port of New Orleans in the Spanish Schooner "Fenix" and now in charge of the Marshal of the Eastern district of Louisiana six thousand dollars to be applied to their support under the direction of the Secretary of the Navy at a rate not exceeding twenty cents per day." Stat at Large. vol 4. p 402.



3. The case of the baroque "Pons"

This vessel was captured in December 1845 by the U. S. Ship "Yorktown." The facts appear fully in the report of the House Committee of Congress Rep. No. 2.

I send you the volume marked. The report was made in 1850, Dec 12; and on the 3 Mar. 1851, an act was approved authorizing the Sec. of the Treas. to settle ^{on equitable terms} the claim of the American Colonization Society for support & maintenance, in Liberia, of the Africans recaptured on board the barque "Pons." In consequence of some volumes of the Executive documents being lost from our library, I have not been able to trace the cases referred to, so far as I could wish. If I can be of any service in making further investigation, I will cheerfully do anything in my power.

Yours very respectfully,
Aepea B. McCalmont.

The President.

