

Vol. 1 - Appleton Oaksmith Diary, June 16-October 18, 1855.

The diary begins with an introduction of 20 pages in the form of a narrative intended to bring the members of Oaksmith's family up to date on his business venture, described in some detail, and to exonerate himself in their opinions. From June 16 until August 22 there are regular daily entries. There is one brief entry for September with a page cut out, and three entries for October, terminating on October 18.

This introductory narrative concerns the seizure of Oaksmith's merchant vessel the "Magnolia" by a Revenue Cutter outside of Mobile Bay. The charge was violation of the neutrality act. The cargo, which consisted of guns, ammunition and stores, was seized by the U. S. Government. The ship was described as carrying these goods to Venezuela, but later its destination is mentioned as Cuba, and it is impossible to tell which was really meant.

Oaksmith also describes his efforts to save another of his vessels, the "Amelia," from capture. This ship carried a similar cargo to a similar destination.

Oaksmith traveled from Savannah, where he had been conducting business, to Mobile to confer with the district attorney and port officials. The Government decided to prosecute Oaksmith, who hired an attorney, a Mr. Bailey formerly of South Carolina, to defend his interests. The trial opened on July 16 in Mobile, and Oaksmith kept a daily record of proceedings. On July 19, the day before the verdict was to be handed down, Oaksmith, with his brother Sidney and other unnamed men, hired a vessel and went to sea to intercept the "Amelia" and give instructions to her captain. They remained at sea searching for her until August 8 on which date they encountered and boarded the "Amelia." After transacting his business with the captain, Oaksmith returned to the port of Mobile and learned there that the case of the "Magnolia" had been decided in his favor, but that the Government had appealed.

Later entries indicate that the government seized the cargo in spite of the verdict, with no explanation given, and further developments are not noted. Oaksmith returned again to Mobile after a trip to Washington, and on October 15 noted in his diary that his friends there were surprised to learn of his marriage..

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V. 1-

Mobile Sunday June 17<sup>th</sup> 1855

As the period of my life is fraught with events of some importance, which from their peculiar nature are particularly liable to be misconstrued and presented in false colors, I have determined to keep a simple record of their leading features of ~~these events~~, in order that my family and those who are dear to me, may know where to find the authorities for my indication, in case that my destiny leaves to them that duty.

My many occupations will compel brevity, while my purpose as I first remarked is simply to establish dates and the brief outline of facts, which will undoubtedly live in my memory, and which should I deem it advisable I may hereafter enlarge upon: or leave as a guide-board to point the way where more important facts may be elicited, should another mind than mine write the Peculiar History, with which mine is in a measure

1855

identified - To commence then - I left New York for Savannah in the Steamer Knoxville Saturday May 26/55 with the intention of proceeding to Apalachicola to attend to the "Anselmi" and "Magnolia" then lying in St. Joseph Bay. I had instructed my brother Sidney who had been there, after his visit to N. Orleans &c, to remain at Apalachicola till further instructions from me - My letter with the advice he did not receive as I found upon arriving at the "Polaski" house Savannah on the evening of the 28<sup>th</sup> that he had left for New York on the 26<sup>th</sup> in the "Augusta".

May 28<sup>th</sup> I immediately telegraphed him as follows viz "Savannah Bay 28<sup>th</sup> Sidney Oakum with 46 Stuyvesant St New York - Telegraph me at once to "Polaski" house what has happened - say nothing to Governor or any one else - something wrong - Do nothing till my return - Where are the Vessels? A.D."

June 2<sup>nd</sup> I remained quietly at the Hotel, amusing myself by endeavouring to see as much of the city as possible till the 2<sup>nd</sup> when I received telegraph from my brother dated N. York May 31 as follows viz "all right, stay where you are until you receive my letter of this date." The next day his letter came to hand and I saw that I should gain time by waiting in Savannah -

June 4 until I could complete my arrangements, as it would be impossible for me to arrive at Apalachicola in time to catch the Vessels. On the 4<sup>th</sup> further advice was received and I telegraphed my brother as follows viz "Sidney Oakum with 46 Stuyvesant St. N. York - Shall remain here till further advice concerning Venezuela" A.D. - dated Savannah June 6<sup>th</sup> /55.

June 7 Received a telegraph from my brother announcing that my clerk Mr Ramsey had been dispatched with the documents to me. Commenced getting ready to go on, with my plans.

June 9 Mr Ramsey arrived with all the papers letters &c which were highly satisfactory. We both went to work writing - I forwarded to my brother Sidney full Power of Attorney, bills of sale &c - Letters which I had received announced the unfortunate condition of the "Book" "White Squall" - I forwarded him instructions in regard to her and also for the general conduct of my business -

I wrote nearly all night as there was much to do, and I determined to leave on the following day. I find among my papers the following letters which I wrote

June 9. about this time - There are two pieces - one was written with in a day or two of the other and under very different auspices. I think there is good in both and therefore transcribe them for preservation.

To - Her I Love -

Paranah June 9th

(40)  
The idle gift of Earth - the hollow fringe,  
The love that lives not but in empty word,  
That smileth only in the sun-shine days,  
And fadeth when the sorrow-note is heard;  
Not for the smile of my heart for thee  
Not this the aspiration of my life  
Fate keeps for us a higher destiny?  
For life with higher things than Love is life!

The great Appointer of our humble spheres  
Gives each of us a mission to fulfill;  
Some do their tasks with rain-rejoicing tears,  
And some do well, while some alas! do ill  
Thy star of destiny to mine allied  
Will never with diminished lustre shine;  
While mine with higher aim, and higher pride,  
May gain a more enduring light from thee.

Like to the Bark upon a storm tossed Sea,  
With none to guide her when the Tempest came,  
As desolate his Earth-career will be  
(Who lives without a purpose or an aim),  
And like that Bark, unconscious of its Fate,  
(With no controlling hand upon the deck,  
The knowledge of his peril comes too late)  
And leaves him, on the shore of life, a wreck.

I should not love thee, if thy woman-heart  
Craved nothing more from me than simple love;  
And if incapable to more import  
It could not thus my highest nature move.  
We both may throw a most endearing glance  
Toward this higher, purer life of ours,  
And duty then will wear a sweeter face,  
If we do daily wreath her brow with flowers.

I owe a double homage unto thee,  
The worship of the heart and of the mind,  
The one makes up the life of "thou and me,"  
The other has no "self" but "all mankind":  
I glory in thy loveliness and grace,  
But in thy intellect and soul the more,  
(one)



For Time will steal the beauties from thy face,  
While thou hast won Eternal fame of ~~you~~.

He, who to learn the purposes of Life.

Pores o'er the tomes of Wisdoms mighty stores,  
Hast better turn unto its daily strife,

The lesson is not found in ancient lore.

I sought myself the problem once to solve,

In vain I searched among the Sage's shelves:-

The stars, which each within their spheres revolve,

Perpetual shine on all except themselves.

Let us not washlip of our heart's reclining

Our thoughts from every selfish thing which ours

The perfectness of life for which we aim,

And humbly strive to emulate the stars:

And with this inspiration from the skies,

And study deep of Nature's ~~high~~ laws,

We may, perchance, deserve a higher prize

Than simple Fame, or all the World's applause.

The other piece bears date the 7<sup>th</sup> June, and I  
have some hope that it may have proved of value  
to the "one most unfortunate" to whom it is addressed.

Lines to Kate

She said to me that <sup>her life was unmarked</sup> she had "no hope" -

(27)

"No hope" - alas, fair Kate that one so young

Should feel the bitterness of such despair,

That all the dreams to which thy young heart clung

Should thus have wrecked thy life beyond repair,

That all the dormant intellect I trace,

In careless word, or idle reporter,

Or finer still, upon thy speaking face,

In such a sad career should waste with thee.

2

They pass thee by with bitterness and scorn,

The high bred dames, with Virtue on their brow,

They never think upon thy lot forlorn

They never think grief comes to such as thou.

But I, from sad experience have learned

To lift the Veil from Virtues false disguise

And she, poor girl by whom thou here art

spurned,

Will scarcely rank with thee in Paradise

3

But do not say to me, in vain despair,  
That "Life has not a single hope" for thee,

There is no ~~heart~~<sup>man</sup> but comfort finds in prayer  
No human ~~good~~<sup>kind</sup> beyond its ministry.  
The Sainted Magdalene, by Christ reclaimed,  
Gives promise of forgiveness and of love  
To those like thee, by this cold world defamed,  
Who seek for inspiration from above.

4

You know that pleasure wears a winning smile  
While all unseen, beneath deep sorrow lurks:-  
A heart like thine was never made for guile,  
Thy mind was formed for more exalting works.  
You know that Time, with never tiring wing,  
Beats us swift onward to Earth's last repose,  
Then if our lives have shown a mispent Spring  
We still may make them perfect at the close.

5

There is no wrong of Earth "beyond repair";  
No error, that we may not here atone,  
If we but humanize our hearts and dare  
To brave the World for Virtues sake alone;  
The World may not forgive; few take thy part,  
Though Heav'n is the Christians highest creed,  
But the Good God will comfort bring the heart  
Which seeks him in its hour of utmost need.

June 10<sup>th</sup> Did not get through with my despatches and  
various instructions till late in the forenoon of the  
10<sup>th</sup> - Started at 3 P.M. this day in the train for  
Macon accompanied by Mr Ramsey who I intended  
to send as an emissary of one of the Vessels - Arrived in  
Macon at 3 A.M. of the 11<sup>th</sup> and put up at  
the "Lapere house" - Here I found letters from  
N. York which had been forwarded to Apalachicola  
and returned. I also found letters from my Agent  
in Apalachicola with one enclosed from Capt  
B.P. Boarden of the Ark "Magnolia" dated at Gt.  
Josephs Bay June 1<sup>st</sup> informing him that his  
Vessel had been seized by a Revenue Cutter and  
that a crew had been placed on board to take  
her to Mobile. I also found other advices re-

I immediately determined to proceed to  
Mobile and to send Ramsey to Apalachicola  
with despatches to my Agent and Capt Swen  
and to keep him there till I might want him.  
Slept a few hours - Telegraphed my brother in follow-  
ing. "S. O. Smith 47 Pearl St. N. York. The Magnolia is  
seized - I leave immediately for Mobile - You and I  
answer my letters of 10<sup>th</sup> directed Battle House Mobile -  
Ramsey leaves for Apalachicola with despatches 10<sup>th</sup>"

June 11 Wrote all the necessary instructions to N York  
and advised my brother to proceed at once to Wash-  
ington and present the following letter to Mr  
Money Secy of State -  
— Copy — Beacon Gr June 11 1833—

To/  
The Hon<sup>ble</sup> W. L. G. Barry  
Secy of State  
Washington - Sir

I was on my way South to  
attend to some personal interests of mine; when  
I learned at this place that one of my vessels  
the "Magnolia" had been seized by a Revenue  
Cutter and with her cargo carried to Mobile.

I came in to Night's train for that place  
to protect my interests. I therefore address  
you as the representative of our Government  
who holds jurisdiction of such matters, and  
desire your immediate aid and protection.

The property in question is my own; and  
disappointed in the Market where I had hoped  
to dispose of it: it is now my intention to  
forward it to New York for the purpose of  
disposing of it ~~for the purpose~~ to meet  
my liabilities.

June 11 Believing that the administration entertains  
a wrong impression in regard to the ultimate  
destination of certain of my property, which  
has lately I am lead to believe in a measure  
attracted their attention, I here solemnly de-  
clare that it is my only intention to dispose  
of the same in an honorable and legal man-  
ner—at the earliest possible moment; so  
that I may save myself from any further  
loss: and that I have no knowledge,  
acquaintance, or connection with General  
Purtman or Colonel Kinney or any of such  
affairs as they are said to be connected with.

I have been for some time in treaty  
with the Venezuelan Government, and have  
now about concluded a sale of part of  
the property to them—in confirmation of  
which I have requested Gen. Ayacucho the  
Chief of that Government with whom I have  
treated to write you.

I cannot be held responsible for  
any false reports which may be cir-  
culated prejudicial to myself—I am a  
simple Merchant and a citizen and as such  
entitled to the protection of my Government.

June 11 My property which I speak of consists of arms and ammunition. It is the product of American soil and American industry, and has never been out of the jurisdiction of the United States. I have never violated any law and never intend to; I honour my Country and myself too much.

I now request the aid of the Government to protect my property, and desire that immediate instructions may be sent to Mobile, by Telegraph if conformable with your views, to deliver to me my (Vessel and) cargo. The latter which merely consists of a few Rifles, I desire to ship by regular packet to New York. The Vessel I wish to dispose of if possible in Mobile or charter her upon some legitimate voyage.

It is never the disposition of any Government, and more particularly ours, to oppress an individual, and therefore I trust to an immediate arrangement of this matter as delay will cause me a serious pecuniary injury.

I have commissioned my brother Mr Sidney Oakman to present this letter and

June 11 I hope that immediate action will be taken.

If the matter does not come entirely under your official jurisdiction, may I beg of you the favor that you will present my brother to the Honorable Secretary whose duty it would be to take cognizance of the premises.

I shall remain at the Battle House Mobile until such time as the matter receives attention.

I am Sir with profound respect  
and high consideration -

Your obedient servant  
S. Oakman.

P.S.  
If the Government desires to purchase the Rifles which are "Sharps Patent" they are at their disposal.

I also wrote the following to my Agent in  
Apalachicola - Copy -  
Senior Hurd Bacon June 11<sup>th</sup> 1835

B. C. Ellison Esq

Apalachicola Fla - Dr Sir - The letters which you kindly forwarded to this house have been



received), for which accept my thanks. I regret to learn of the seizure of the "Wagnolia". I love to sigh for Bobile. My brother Sidney is in New York. Who is Mr May, who has been enquiring for my brother here? he reported himself from Apalachicola.

Please write me immediately to "Battle House" in Bobile, giving me all the news which you have and also forwarding to me all letters &c, and also all letters which may arrive for me within the next ten days after receipt of this. all which arrive subsequently to that please retain subject only to my order or my brother's.

The enclosed letter to Capt Swenson of "Amelia" I would like to have sent to him at once. She, the "Amelia", I expect would return to St Josephs Bay on or about the 19<sup>th</sup> inst and if there are any "Cutters" about, it would be best to have her intercepted, and the letter delivered before she enters the Bay.

Write me if you think I could get a proper Manifest and clearance from your Custom House without her coming inside.

Any expenses you may incur on my account shall be promptly paid: and I will some time reciprocate your attention in a manner that will show my appreciation.

The bearer Mr M. H. Ramirez is one of my clerks who I intended to send as Super-cargo in one of the Vessels. He will now remain in Apalachicola till further instructions from me: It will be better not to tell any one who he is.

I shall soon have the pleasure of seeing you. Please write me at once and believe me  
my dear Sir Yours truly, yours  
A. C. Penitth.

My letter of instructions to Captain Swenson of the "Amelia" was as follows - viz -

- Copy -  
March 11<sup>th</sup> / 53.  
Captain Peter Swenson  
Bark "Amelia"

Dear Sir:  
I was on my way to you, when I learned at this place of the seizure of the "Wagnolia"; I am obliged therefore to proceed

to Mobile.

If you are at anchor when you receive this you will immediately proceed to sea and cruise for thirty (30) days in the neighborhood of the following position viz - Lat  $27^{\circ} 0'$  N. and Long  $85^{\circ} 0'$  W. always giving the land and everything else a wide berth. At the expiration of that time if you do not receive instructions before you will communicate with Mr B. Ellison at Apalachicola who will forward you or give you further advice. You will communicate with him by going to the city in a Pilot Boat, sending the vessel off for 3 or 4 days, as you think proper with instructions where to return which ought not to be to the same place.

While cruising you will be as near as possible to the above Latitude and Longitude every Wednesday and Sunday at 2 P.M. Civil Time.

Should anything happen to you, you will immediately forward information by letter, telegraph, or otherwise available

means to all of the three following places viz. B. Ellison Bay Apalachicola Fla - to A. Oaksmith Battle House Mobile Ala - and to A. Oaksmith 47 Pearl St New York.

Under no circumstances <sup>whatsoever</sup> will you ever acknowledge to any one where your cargo came from. Simply say that it belongs to one, that you are responsible to one and no one else - that you believe I have sold it to the Venezuelan Government - and that you are waiting for my further orders.

I shall not be able to sell the cargo to the parties I expected to - so that you can say with a clear conscience, that you are engaged in a perfectly legal business. Don't let any one frighten you. and stick to the property at all hazards and protest against any interference.

Answer no questions, simply tell whoever troubles you, that you would advise them to let you alone. That I am a man well known, the owner

June 11 of the Rebel and cargo, and they can see me if they want any information.

Your recent conduct has been perfectly satisfactory, as it always has been to me, and you have and always will have my perfect confidence, trust and esteem.

Take things coolly and do not let anything trouble you. I hope soon to see you. I enclose two letters - With my best regards to your wife who I trust is comfortably I am

Very truly your friend,  
S. Oakwith.

June 12 Having completed my instructions &c and arranged everything as far as possible for my future plans I left Bacon for Montgomery at 3 o'clock in the morning of the 12<sup>th</sup> June. via Columbus. Reached Montgomery <sup>late</sup> the afternoon of same day and finding no steamer for Mobile took passage in the stage for Stockton, and left at 7 P.M. I will not speak of the discomforts which I underwent - Suffice it that the stage was

June 12 full - eight inside - the weather excruciatingly hot, the roads very rough and dusty and the distance about 200 miles, and the stage only stopping long enough to change horses. So sleep was impossible.

June 14 However, we arrived at Stockton about 5 o'clock in the morning of the 14<sup>th</sup> and took the boat for Mobile which place I reached about 9 o'clock the same morning.

I took rooms at the "Battle House" and after a Bath which much refreshed me I dressed and prepared for work. Capt. Gordon, to whom I had telegraphed from Montgomery, came to see me and gave me full particulars in regard to the seizure present position of affairs &c. - Soon after I had interviews with other parties and formed a plan which only required money to carry it into immediate execution. I therefore telegraphed to my brother as follows viz. Mobile June 14<sup>th</sup> /35  
" S. Oakwith 47 Pearl St N.Y. Forward me  
" sight draft for three thousand dollars at  
" once - Get it from our friend - A.O. "  
I then called upon the U.S. Dist. Atty.

Mr A. F. Requier and) was most kindly received). I find him a very congenial character and) possessed of superior qualities of mind and) heart.

June 15

Called upon various parties connected with the seizure of the "Bagnolia" - was received with politeness and) attention by every one. Among others paid my respects to Mr Sanford the Collector of the Port. He met me cordially and) expressed his regret at the circumstances which had) called me to Mobile. He informed me that he acted under presumptory orders from Washington "to seize the "Bagnolia" -

He desired me to put my views in writing and) I addressed to him the following letter.

- Copy -

Mobile June 15<sup>th</sup> - 1855

Dear Sir

In regard to my vessel and) cargo now under seizure in this Port for an alleged violation of the neutrality laws. I would state that I, nor the said vessel, never have infringed the said laws, and) never had any intention of so doing.

June 15

On the contrary as a simple merchant, I have been pursuing my regular calling and) there is no circumstance connected with the property in question but what is capable of satisfactory explanation.

It is my desire to ship the said cargo by regular Packets to New York, under your supervision, provided I can not sell a part of it here to advantage, of which I have no expectation, for the purpose of disposing of it to meet my liabilities, and) then to either sell the Bk here or charter her upon some legal voyage.

The expense to me of defending a suit brought by the Government under such circumstances will be very heavy and) I trust that the Government being satisfied of my honorable intentions will not subject me to such an outlay, which I can ill afford, at the present moment, and) for which I have no aid.

Will you have the kindness to express these views to the department with such remarks as you may think expedient,



June 15 and I shall await their further views before I take any steps whatever.

With sentiments of respect  
I am Sir  
T. Sandford Esq. *Yorobodo road*  
Collector of the *A. C. Kemith.*  
Post of Mobile.

Mr Sandford assured me that it would afford him great pleasure to represent the case to the Department, and that he would write by this day's mail.

I called again upon Mr A. J. Requier the Dist Attorney and he also promised to write at once to Washington explaining my position and asking further advice before he proceeded with the case.

The strongest disapprobation is expressed on all sides at the action of the Administration. and it has not here, I am satisfied, a single willing supporter. The parties however who occupy official positions here are men of such strict integrity and honor that they will not let their personal predilections

June 15 at all influence them in the discharge of their Public duties.

I took tea and spent the evening at the house of Mr Requier: was honored by an introduction to his accomplished lady. and had a very agreeable time. Mr Requier is a man of great intellect and rare combinations. He possesses in a rare degree the methodical, practical and logical mind of a lawyer, with the brilliant imagination of a Poet. He has attained to considerable celebrity at the Bar, and I am satisfied from his conversation and some of his fugitive productions which have come under my observation that he might aspire to the highest walks of literature. His wife is in every way worthy of him; and the domestic picture which they present, struck me as something particularly pleasing. There was a fitness about it which is rarely encountered.

Mr Requier introduced me to Mr Bailey a young South Carolinian practicing at the Bar - I find him an accomplished man

June 15 well informed, and) amiable. The bonds at the "Battle House", &c. we shall be likely to meet quite frequently. I have been transferred to No. 97 a large and quite comfortable room.

June 16 Nothing new here. I received a Telegram from Sidney desiring to know if he should follow my instructions of 11<sup>th</sup> - I answered him as follows viz Mobile June 16<sup>th</sup> 1837

"S.O. Akemith 47 Pearl - Follow all instructions which do not conflict with subsequent ones. H.O."

Later in the day fearing that he might not act promptly enough, I telegraphed him as follows viz

"S. O. Akemith 47 Pearl - Go to Washington at once - I can do nothing here H.O."

June 17 Sunday - this brings me up to today - Thus I have put in regular order the transactions since I left New York on the 26<sup>th</sup> May and I can thus trace everything from the first. After this I shall write a line or so each day - I have nothing to do now, but to wait for advices from Washington. I have received a Telegram from my brother dated 15<sup>th</sup> stating that he cannot borrow the \$3000 for which I telegraphed.

June 18 - Monday - Nothing new - The weather very hot - Telegraphing my brother as follows viz "S. O. Akemith 47 Pearl New York - Send immediately by Express in Trunk, my summer clothing - Nothing new - Bad prospect - H.O."

As I write, Mons Godard, the famous Aeronaut is sailing away to the Northward in his grand Balloon, accompanied by two Mechanics of this place, an American and a Frenchman. They have just passed my window and the two passengers were waving the flags of their respective Nations most characteristically, the one with dignity and grace; the other with "vigor" and rapidity, like to the flapping wings of a cock -

June 19 Tuesday - To day I received letters from my brother Alvin and Sidney concerning my business - The news was far from satisfactory although I have the satisfaction of knowing that I have done my best. - Their letters were dated the 12<sup>th</sup> & 13<sup>th</sup> insts - and they had received my instructions regarding the "White Squall" My brother Sidney had also received my Telegram from 16<sup>th</sup> inst - the 11<sup>th</sup> inst announcing receipt of

June 19 - the "Magnolia" - I answered their letters - to Sidney two pages - to Elwin one - enclosing letter to Miss Sutherland Bros - and one long letter of 4 pages to the owners of "White Squall." I hope in many months to be through with all these difficulties.

June 20 - Last evening I accompanied Mr Bailey to the house of Mrs Sands and was favored with some most excellent music. While there it commenced raining and has rained ever since; much to the rejoicing of every one here. The country in this neighborhood has been suffering from excessive drought for many months past. This morning I received a letter from Mr Ranney dated Chattanooga 15<sup>th</sup> inst simply informing me of his journey - I had previously written him. At 3 P.M. received a Telegram from my brother Sidney dated Washington 14<sup>th</sup> June stating "Can do nothing here - write you particulars - come immediately for New York - S.D." -

June 21 Thursday - Had an interview with Mr Bailey in regard to employing him as Counsel in my case. Agreed upon terms provided I decide upon that course. Received letters from my brother Sidney dated June 15<sup>th</sup>.

June 21 also one from G. - - They make me sad, for I find that I am much blamed for things over which I have no control - So few can understand the motives of a man that very frequently we are the victims of great injustice. I will bide my time, and trust to God to bring me right in the end. If I have committed errors God alone knows how I have suffered from them; and if I ever attain to any degree of earthly happiness, I shall then better understand the value of the lessons which they have taught me.

I feel that a crisis is approaching in my life, and if I am to be sacrificed - well! - if I am to be reserved for a better fate, and for a higher work - well! - to both alternatives I shall bow, and no one will ever know the ordeal through which I have passed but "He who searcheth all hearts" -

I sometimes fear that my dreams of the "quiet home" with those I love about me, will never be realized - God grant it otherwise for my Mother's sake -

June 21. I have written a long letter to my brother Sidney giving him instructions how to proceed and enclosing letters to some of my creditors and friends - I have told my brother to make certain arrangements in regard to my business, and to come on here at once bringing with him my Book Keeper, Mr. Hesketh. I must make preparations now for the trial. Would that all of these things were at an end.

June 22 Friday - I passed last evening at Mr. Requier's. I always come away from there refreshed. There is an atmosphere of truth about his little family which challenges our finest developments. I feel a better man after having talked an hour with him and his wife. There is much to admire in both, and these on circumstances of quite a romantic nature connected with their life.

~~Done on the 23rd~~

June 23 Saturday - Received letter from Sidney, touching upon his visit to Washington and other business matters. Also upon some private matters which grieved me much - Wrote to Mother and

June 23 and the family. I also wrote to Mr. Ramsey for documents. In the afternoon saw Mr. Requier who informed me that he had just received a Telegraphic despatch from the First Solicitor of the Treasury endorsed by the Secretary of the Treasury instructing him to prosecute the "Magnolia" to the extent of his ability. (King's Government! - King's administration!) - You will arouse a spirit of antagonism in me that will prompt me to do much that I otherwise would not have done. One spoke of leniency or kindness would have done more good than all of your harsh measures - I shall take a pride now in defeating you - not only in this matter but in others - In all of my plans I studiously had the honor of my country and flag at heart - When I told them the simple truth it was not believed - We shall see! -

Called upon Mr. Bailey and had a long conversation upon matters - Decided upon the line of defense and commenced the necessary preparations - From him I procured the following copy of the Libel -



June 23

Copy

The United States of America  
Southern District of Alabama

District Court of the United States for the  
said District, of the Term of the fourth  
Monday of April A.D. 1855. Continued to  
this 14<sup>th</sup> day of June A.D. 1855.

To the Hon John Gayle, Judge of the District  
Court of the United States for the District aforesaid.  
Be it remembered, that on this 14<sup>th</sup> day of June  
A.D. 1855, comes H. Requier Esq. Attorney of the  
United States for the District aforesaid, into  
court, and in the name and behalf as  
well of the United States as of Thaddeus  
Sanford Esq. Collector of the Port of Mobile,  
and of all other persons concerned, and  
profoundly and gives the said Court to  
understand and be informed, That at a  
time past to wit on the eighth day of June  
A.D. 1855, and on waters navigable from the  
Sea by vessels of ten or more tons burden,  
to wit in the District aforesaid, the said Thaddeus  
Sanford Esq. Collector aforesaid did duly  
cause to be seized and taken into his

June 23

Custody, or forfeited to the said United States,  
a certain vessel, to wit a Boat called the  
"Magnolia", together with her tackle, apparel and  
furniture, and certain materials, arms, ammunition,  
and stores, found in and on board and procured  
for the equipment thereof to wit, two hundred  
cases of Rifles, two cases of Pistols, two field  
pieces, five cases of boots and shoes, three hun-  
dred boxes of ammunition, eight bales of clothing  
and tents, one case of axe handles one case of  
percussion caps, one case of saddlery, six cases  
of shells, one case of drums and fifes, one thousand  
shovels, four cases of cooking utensils, one small  
wagon, three boxes of canteens and three <sup>cases</sup> ~~boxes~~ of  
canteen boxes; for  
1<sup>st</sup> Shot at a time past, to wit between the  
first day of January A.D. 1855 and the day of  
filing this libel, and within the limits of the said  
United States, a certain person, whose name is  
to the said attorney unknown, did then and  
there fit out and arm, or attempt to fit out  
and arm, or procure to be fitted out and armed,  
or was, then and there knowingly concerned in the  
furnishing, fitting out or arming of the said

June 23 rebel, with intent then and there that the same should be employed in the service of some foreign Prince or State, or of some colony, district, or people to the said Attorney unknown to commit or commit hostilities against the subjects, citizens, or property of some Foreign Prince or State, or of some Colony, district, or people to the said Attorney unknown, with whom the said United States were then and there at peace, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the said United States.

And also for that at a time past, between the day and year last aforesaid and the day of filing this libel, and within the limits aforesaid a certain person, whose name is to the said Attorney unknown, was then and there knowingly concerned in the furnishing of the said Defect, to wit the said Book, with the intent, then and there, that the same should be employed in the service of a certain people, to wit, a portion of the people of the Island of Cuba, disaffected towards the existing Government and rulers thereof, to wit, the government

June 23 and rulers then established by and representing the Kingdom of the Catholic Majesty the present Queen of Spain, to commit hostilities against the subjects, citizens or property of a certain foreign State, to wit, the loyal subjects, citizens or property of the said Kingdom of the Queen of Spain aforesaid with whom the United States were then and there at peace. Contrary to the form and statute in such case made and provided and against the peace and dignity of the said United States.

By reason whereof and by force of the said Statute, the said Defect or books, her tackle, apparel, furniture and loading, to wit the materials, arms, ammunition and stores, above specified, became and are forfeited to the uses prescribed by law. Wherefore the said Attorney prays advisement; of the Court here in the premises, and for conviction and other process to the end, that the same may be decreed to be, and remain forfeited accordingly.

sd. J. H. Regan

U. S. Atty

J. L. H. H. H.

June 23 The libel appears to cover the whole ground - and every one seems to think it is a desperate case! - I have overcome more difficult things than this.

I telegraphed yesterday as follows - (Private).  
" Altman & Co. Mobile June 22 / 53

" 87 Broad N.Y. Can not negotiate draft -  
" Deposit in Bank of New York to credit St John  
" Powers old Tom hundred dollars, and request  
" Bank to advance them by Telegraph -

A.O.

June 24 Sunday. This morning received a letter from my Agent in Apalachicola (B.L.) informing me that the "Amelia" was at St. Josephs Bay on 13<sup>th</sup> inst and of what advices had been sent to Capt. -

Nothing new -

June 25 Monday. Occupied as usual in studying my case. Reading, writing &c. - Receive and pay a great many visits, chiefly with men who entertain certain political views, with which it is imagined that I am in some way identified -

No letters -

June 26 Tuesday - Received a long letter from my brother dated 20<sup>th</sup> inst chiefly relating to his visit to Washington - I am very satisfactory. He also spoke of the "White Squall" - and out of consideration for some of my friends I determined to again sacrifice my own interests and rights for the other owners as far as I could consistently. I therefore telegraphed him as follows viz.

" 30 Cornhill Mobile June 26 1853.

" 47 Pearl N.Y. - You can use "White Squall" policies to raise money - Policies to remain subject to my order till I settle with owners, A.O.

I did this, not that I felt in any way bound to pursue this course, but simply that I might, if I could at all, err on the right side -

The papers of the day are full of all kinds of absurd reports concerning the "Squall" which are quite amusing to me - Very few have any coloring of truth.

I made the acquaintance of Judge -



June 26 to day - We had a long conversation upon topics of mutual interest: also passed an agreeable hour with my friend Middleton of the "Register" - We were acquainted at Panama.

June 27 Wednesday - Passed last evening with \_\_\_\_\_ I wonder what this experience will lead to - Can I ever bring it to any good?!

This morning rec'd a Telegram/R from my brother Sidney relating to friends - It was dated "New York June 26" -

June 28 Thursday - Rec'd letters from my brother Sidney enclosing sundry documents, also copies of letters from Capt Hardy - Everything for him satisfactory. Also rec'd letters from G - dated Washington 22<sup>nd</sup> inst - also a note from Fannie - &c &c -

Later in the day rec'd a telegram from Sidney dated New York June 27<sup>th</sup> stating "Amelia at old place" - When will there be an end to all this trouble?

Drew from St. John Powers \$400.00

June 28 Write to brother - kept Hardy - Mr G -

June 29 Friday - Received letters from my brother Sidney dated 23<sup>rd</sup> inst in N York. All well - Employed as usual - reading law, studying writing &c

June 30 Saturday - Rec'd Telegrams from my brother Sidney dated New York June 29, stating "yours rec'd" - Affairs arranged, leave with Henshaw & day" 50.

July 1<sup>st</sup> Sunday.

Received letters from brother Sidney from New York, and from Ellen and H. M. R - from Apalachicola all dated the 25<sup>th</sup> June - Nothing particularly important.

It is raining hard, and I have kept within doors all the day.

To day I wrote "Haggie Bell" -

July 2 Monday

Received letters from Sidney dated June 26 with enclosures &c. - Advice from Key West report that all the fleet are searching for the "Amelia" - This is a most vigorous administration - I think it is perfect with one exception,



July 2 they ought to have beal Dow in it! -  
I submit a clip upon the subject

KEY WEST, June 21, 1855.—The U. S. sloop of war Falmouth, Capt. Shaw, is daily expected at this port from Pensacola. She was to have sailed on the 18th. She procured a Key West pilot from the steamer St. Lawrence. There is now no man-of-war in the harbor; those of Com. McCauley's fleet that have not left the squadron are at present cruising in the Gulf, looking out for the filibuster bark Amelia. The steamer Fulton, Lt. Mitchel, left this harbor on the 11th, sailing under sealed orders; it is conjectured, however, that she has gone to St. Andrew's Bay, near Pensacola. — The sloop-of-war Oyané, Com. Wilson, left on the 16th, bound for the west coast of Florida. The barks Magnolia and Amelia have been at anchor near the old city of St. Joseph for sometime past. The former was recently taken by the Mobile revenue cutter, but the Amelia escaped.

It will be recollected that the Magnolia cleared last February from the city of New York for St. Mary, Ga., but by some unaccountable means got down as far as Loo Key, and ran ashore and fell into the hands of the wreckers of the Florida Reef. She was got off by them, and on the payment of \$5500, she was allowed to proceed. We believe that her hatches were not taken off, and so the nature of the cargo was not known generally. Her papers were not right, and she was fined by the Collector of this port for the infirmity, and then allowed to proceed on her voyage, and she cleared hence for Mobile. We reported her at the time as a suspicious vessel, but no notice was taken of our accusations.

The ship Ellen Hood yet remains in port. She is now loading and will be ready for sea in a week. The Admiralty Court have given the salvors \$20,500 for their services—the largest sum paid by the Court for more than a year.

The schooner Sea Dragon, Goodspeed, arrived on the 18th, from Port Arenas, Charlotte's Harbor. She is loading with salt for New Orleans. The steamer St. Lawrence, Mouroe, arrived on the 17th from New Orleans, and sailed the following day for New York, via Havana. — [Cor. N. O. Delta.

The Cutter "McLellan" returned to Port to day having been unable to find the "Amelia". She reports that she "just sniped her" at St. Josephs Bay to which place she returned after the seizure of the "Magnolia". I think she had better try it again - It would be very easy to take her if they

July 2 only go to the right place.

The case of the "Magnolia" came on to day in the U. S. Dist. Court - Mr. Requier on the part of the Government desired a postponement for two weeks, which was granted.

I wish "the Government" was a man so that I might deal with him as he deserved; but this multitudinous, chimerical entity, is hard to fight.

July 3 Tuesday

This morning received letters from my brother Lister New York - Mr. Ellison and Mr. McLaughlin - Apalachicola. Gent 2 - Honmonth &c - all dated January 2<sup>nd</sup>.

I learn that the "Amelia" touched off Apalachicola for on the 25<sup>th</sup> inst and received wood, water, and stores and sailed on the same day. I don't exactly understand his reason but the Capt writes that he shall keep in Lat 28° and long 85° which is one degree further to the Northward than I instructed. I presume on a case of currents.

Mr R. sends me part of the documents which I had desired. My brother writes full

July 3 particulars of various business matters. I am truly blessed in my brothers, they are my friends, my confidants.

Genl. I - writes me frankly in regard to certain matters, and I cannot but believe that he has acted with all sincerity.

July 4 Wednesday.

This morning early recd a telegraph from my brother Sidney dated Montgomery 3<sup>rd</sup> stating that he would leave some evening in steamer for this place.

In the afternoon went down to Point Clair where passed the night.

July 5 Thursday.

Returned from Point Clair - no letters - nothing new.

About 5 P.M. my brother arrived as also Mr. Hansen and Mr. Gxxxxxx. Engaged till two o'clock in the morning reading letters, examining accounts, discussing the position of affairs, future plans &c.

I was glad to hear that my family and friends were well, but disappointed at the details of my business.

July 6

~~Friday~~ Friday.

This day was passed entirely in my room with Mr. G. and my brother in the discussion of our affairs. I finally had a distinct and positive understanding and agreement with Mr. G. in the presence of my brother Sidney of which the following is the substance.

1<sup>st</sup> All of the property real and personal in question, in my possession are mine - fully and unqualifiedly my individual property as I have not yet transferred them, and my accounts here not yet been liquidated.

2<sup>nd</sup> The property being exclusively mine, I have the right to dispose of it as I think best for the interest of all concerned, and it is desired that I should sell it to best possible advantage and after deducting what is due me to pay over the balance which is considered as a loan advanced, one on said Congress to Mr. John Maria Morgan for use of whom it may concern.

This was the substance of our understanding distinctly agreed to in the presence of my brother. There is to be no interference

July 6. whatever. Mr G... wrote to Mr W.H.K. to pay no attention to his instructions of 27<sup>th</sup> and 28<sup>th</sup> ulto and to follow all of my instructions implicitly. I wrote to Genl E. in reply to his letter of 27<sup>th</sup> ulto, also to Mr W.H.K. enclosing that of Mr G. I made also a more comprehensive statement of my understanding with Mr G. - which was certified by my brother and put "in file".

July 7 Saturday Received letters from Mattie which answered - also one from George - engaged in our room with Mr G... till 12 o'clock when he left for New Orleans -

July 8 Sunday. Letters from Capt Swenson Mr W.H.K. - Mr B.E. &c - Nothing new -

July 9 Monday - Letter from my brother Alvin dated New York 3<sup>rd</sup> inst with sundry enclosures relating to business matters - also one from Beman relating to "Storm Bird"

July 10 Tuesday - Note Adams re meeting to Valise & Read letter from Mr W.H.K. dated 4<sup>th</sup> inst. Nothing important

July 11 Wednesday Received telegraph from Mr G. - - this date New Orleans - also letter from my brother Edward.

July 12 Thursday Employed with my brother Sidney writing and arranging certain business matters. No letters

July 13 Friday This morning Mr G... arrived from New Orleans and talked together in my room till 11 o'clock when he left in the Mail line for New York.

Mr Bailey soon after came in and we discussed our line of defense. I gave him all the "Magnolia" papers, which it would be necessary to use on the trial. Note to J. C. Beman and to my brother Edward.

July 14 Saturday - Engaged preparing papers re making invoices, writing instructions, and preparing evidence. No letters. I wrote to Beman yesterday as follows my <sup>4</sup>  
Copy Mobile July 3<sup>rd</sup> 1855  
J. Beman Esq  
Care Platt Bros  
4 Liberty St N. York Dr Sir

Your favor of 5<sup>th</sup> inst to hand and contents noted. I am very much occupied here as you are aware upon rather unpleasant business, which must be my excuse for my brief reply. I think you are clearly responsible for the demurrage - for the full amount - but if you have any proposition to make in order to have an immediate settlement I will do all I consistently can.

In regard to having the demurrage to arbitration, it would be impossible till Capt Small and

July 14 his officers return - as the testimony would be all on one side.  
If you wish it I will give you a note for the amount less the demurrage - and will leave that to arbitration upon the ships return - If you write me by return mail your letter will reach me.  
Very respectfully  
A. C. Smith.

July 15 Sunday. Had last consultation with all parties previous to trial in my room. Nothing new.

July 16 Monday. The former's case of the U.S. versus the Brock Magnolia opened to day in the U.S. Dist Court. Contrary to my expectations I find that Mr. Rogers is inclined to "persecute" - to do more than his simple duty calls for.  
I have noticed that he has a cold a little cold for a day or two. I presume he finds it hard to reconcile



July 16 his present conduct with his former protestations.

The case was opened by a brief argument on both sides - they counsel Mr Bailey filed exceptions to the libel which were argued and the decision reserved.

The Government then proceeded with the main case and commenced the examination of their witnesses. They introduced testimony to prove a conspiracy between the Boats "Magnolia" and "Agulha" and the Steamers "United States" & "St. Lawrence".

They proved an organization to liberate Cuba, in this country. They proved a political organization in Cuba, having for its end the Revolutionizing of that Island.

They proved the dearest manner in which these vessels left New York then landed in France in St. Josephs Bay - the interviews with Gen. Dittman the presence of Cubans known to be interested in the freedom of this country. They undertook to prove the establishment of large bodies of men at unusual places &c &c.

July 17 Tuesday

The Case still continues the Government witnesses not yet through. The plan of the prosecution is very evident.

At 12 1/2 P. M. the High Attorney announced that he closed for the Government.

This evening I received some information which requires my very prompt action - Future events will show what it was.

I will here remark that Mr Requier after I had taken my brother Sidney to his house and he had learned that he came here as a most important witness for me - in fact as my only witness on the leading points of defense, which information he received in friendly converse at his house - did me the ungenerous trick, which I can never be convinced that his duty required, of including my brother's name in the libel so as to exclude his evidence. When the prosecution closed

This has since been satisfactorily explained as a mistake.

July 17 Mr Bailey, moved that my brother's name be stricken from the libel as he was not in any way interested in the vessel or cargo and was only a party to the suit, and that the Government had introduced no evidence to endeavor to prove that he was interested. The judge ruled that the showing was not sufficient to strike his name from the libel but that we might introduce testimony to prove that he had no interest. We called Mr Heussen who proved that he was not interested in any way in the "Magnolia" or her cargo. Mr Heussen went on to prove my ownership and his evidence was truthful, simple and to the point - Mr Requeier attacked him most strongly in the cross-examination to break him down but without success.

My brother was then called to the stand and gave his testimony in a simple, manly straight-forward

July 17 manner - every word was stamped with truth, and his evidence made a marked impression as contrasted with the gross and stupid perjuries (perjuries) by some of the witnesses for the prosecution. The judge questioned my brother on several points, which my brother answered frankly, and promptly. We then introduced our other witnesses and at 3 P.M. the Court adjourned.

July 18 Wednesday The Court opened at 10 A.M. We examined our last witnesses this morning and closed for the defense - Mr Requeier then commenced his opening argument which occupied him till 12 o'clock when my Council Mr George Bailey rose for the defense - He commenced in a calm, deliberate and unassuming tone and manner - gradually warming as he went on and citing his authorities with remarkable facility, and made a most clear, logical,

July 18 and brilliant argument.

He claimed that the Statute under which the "Hagnum" was libelled was a "penal statute" and therefore must be construed strictly.

That the "onus probandi" was upon the Government.

That the act applied only to vessels fitted out for the purpose of "cruising" and committing hostilities, and could not apply to "transports" or merchantmen - only to armed vessels. The act was simply intended to prevent American Vessels from being used as "Privateers" under foreign flags - &c.

That neither a political organization in Cuba or the United States, having for its object the design to liberate Cuba were a "people" within the meaning of the act.

That an intent without any overt act was incapable of proof &c &c &c - His arguments were accurate and to the point,

July 18. And finally he reduced the case to three contingencies in either of which he claimed the Vessel could not be condemned even allowing that all the allegations were true.

1<sup>st</sup> That the Vessel had been sold to a political organization in Cuba

2<sup>nd</sup> Or that she was carrying on business account for a merchant

3<sup>d</sup> Or that she was intended to be employed by an expedition to invade Cuba.

In the first place the Vessel would have ceased to be an American Vessel and there would be no jurisdiction.

In the 2<sup>nd</sup> there is no law to prevent American citizens in dealing in such articles and selling them to who they please except to an enemy of our country; and

As for the third contingency, that is expressly provided for by Section of the act of which in- poses certain penalties, but says nothing about forfeiture of property or



July 18 refuels. Mr Bailey's argument displayed acute perceptions and close study. He was listened to with due attention and appreciation.

Tomorrow morning Mr Requien closes his argument for the prosecution and the case is left for the judge's decision. I have little doubt of the result.

Bailey dined with us and then my brother Sidney and I prepared for our departure.

I wrote to Aunt Lillian and also to Mr R.

July 19 Thursday This morning very early Sidney & I went on board of the Schooner "North Maff" which I had chartered the day before and which had been waiting for us since day light, and sailed for

The Schooner sailed for Key West. At 8 P.M. came to anchor inside of Mobile Point.

July 20 Friday Got under way at daylight and at 7.30 A.M. Mobile Point light bore N. distant 3 miles. Took some observations to ascertain error of Chronometer - found it to be 2.58.53 slow of mean Greenwich time. Light winds on & calm through the day. What little wind there is, is dead ahead. Standing to Southward.

July 21 Saturday Light breezes from the Eastward. at 12 M. Lat by Obs 29° 15' N. Long. Chron? 87° 52' W. Caught several fish. Afternoon and night calm - one dead, feverish, painful calm.

July 22 Sunday Calm still continues - Good vessels in sight - Amuse ourselves as best we can sailing. Fishing &c. at 12 M. Lat by Obs 28° 05' N. Long. Chron 88° 30' W. Caught a fine long tail fish. Afternoon and night calm with light breezes from Southward.



July 23

Monday

We were forced with a light breeze in the night and since then have made a little progress on our course to E.S.E. This morning we have had frequent rain squalls from the southward. Three vessels in sight a Boat, Brig and schooner.

At 12 M Lat by Obs  $28^{\circ} 39' N$ .  
Long a Chron  $86^{\circ} 57' W$ .

At 1 P.M. a good breeze set in from S.W. which enables us to make good progress on our course.

July 24 Tuesday

The breeze failed us at about 12 o'clock last night and since then we have had calms and light breezes.

At about 7 o'clock a Boat to windward set her ensign. I took her to be the \_\_\_\_\_ and made a signal. She stood down for us about fifteen minutes and then hauled by the wind - I judged from this and her appearance that it must be the \_\_\_\_\_ and as she stood off on the wind

July 24

as if afraid of us I tried in various ways to attract her attention. Finally I took to the Southward and lowered the foresail down and "hoor too" under jib and mainsail. She then stood off before the wind directly for us, and great was my disappointment when I discovered that it was not the \_\_\_\_\_. At 12 M she spoke us and I learned that she was the Boat "J. A. Hogue" of Newport R. I. commanded by my old friend Capt Williams. We thought we were in distress and wanted assistance. However he was not at all provoked when he discovered who it was. We got out a Boat and Sir and I went on board of him and made a short call. We parted and we each stood off to the Southward on the wind. He is bound to New York and promised to see my brother Allen and report us "all well."

The breeze is now very light and dead ahead. The fuel very

July 24 much disappointed.

At 12 M. Lat by Obs 28. 24' N  
Long - Chron 85. 56 W.

Through the night moderate breeze from  
E. to S.W.

July 25 Wednesday

This forenoon got a good  
breeze which enabled us to lay our  
course. At noon cloudy, could get no  
observations.

At 3.30 P.M. by double Altitudes of Sun  
and by Chronometer found our position to be

Lat 27. 57 N

Long 85. 9 W - which

would have brought me in sight of the Rock  
— had she been in her position  
at the time I instructed. At 5.30 P.M.  
I was in exactly 28. 0' N and 85. 0' W  
and had a lookout at the mast head  
since 2 P.M. Stood on till 6 P.M. when  
not being able to see anything of  
the — shaped my course. (For  
apprehension) with a fair wind  
at about S.E. At 8.30 P.M. passed  
a cutter "hove to"

July 26 Thursday

No change through the night.  
At 8 A.M. made the land - at 10 A.M. St.  
George's light bore S. dist 10 Miles. - at 1 P.M.  
Spoke pilot boat who took us into a  
little harbor south of St. Vincent's under the  
lee of a little spit called "sand island" -  
Here Capt Ashby the Pilot came on board  
(and I learned) all of the particulars  
concerning the — In the afternoon  
landed on the island and shot some snipe  
and also caught a number of fine  
fish.

Capt Ashby passed the evening with  
us and we amused ourselves with a  
game of cards.

Sprayed an awning and slept  
on deck.

July 27 Friday

At 6 A.M. Capt Jack came  
on board and piloted us out. At  
8.30 A.M. St. George's light bore S. dist 9 miles. At 9 A.M. heavy squall  
from S.W. which lasted over an hour  
and was followed by other squalls

July 27 different points of the compass, which lasted with but slight interruption till one o'clock P.M. when fell calm -

In the afternoon and night, had light variable breezes which enabled us to make a little progress to the Southward.

July 28 Saturday - Commenced with light breeze and squalls. Cloudy all day, could get no observations till afternoon, when got some altitudes of the Sun which placed us in the following position at 4 P.M.  
my Lat  $28^{\circ} 58' N$   
Long  $83^{\circ} 20' W$   
Point of destination bears S.E. 60 Miles

Afternoon and night. Light breeze and calms.

July 29 Sunday - Commenced with light variable winds with occasional squalls of rain - Cloudy and a poor chance for observations. Nothing in sight at 10 A.M.

July 29. At 1 P.M. by calculation I was up with the point of sundewoods, but nothing was in sight. Stood on to the Southward.

At 3 P.M. by double altitudes, made my position to be Lat  $27^{\circ} 49' N$   
Long  $85^{\circ} 14' W$   
Stood to the Northward with light breeze  
At 5 P.M. calm and nothing in sight.

July 30 Monday - Calm - At one o'clock A.M. got meridian altitude of the Moon by which, with sights taken at midnight, I found my position to be  $29^{\circ} 58' N$  and  $85^{\circ} 2' W$ .

Continued calm till eleven o'clock A.M. when got light breeze from S.W.

At 12 M. had an excellent meridian altitude and at 1 P.M. got good Chronometer sights by which I made my position to be, at 1 P.M. this July 30th,  
Lat  $28^{\circ} 0' N$   
Long  $85^{\circ} 0' W$

July 30 - Perfectly clear and could see  
20 miles from coast here - nothing  
being in sight determined to  
stand in for Apolachicola bar -  
stood in with moderate southerly  
breezes.

At 4 P.M. men at anchor  
here made a sail to leeward -  
stood off for it and ascertained her  
to be a full rigged brig and  
hoisted up again on our course  
light winds through the night.

July 31 Tuesday the vessel apparently choosing as  
standing in shore  
to the northward). with light winds  
and thick coming weather, and  
squalls from Westward.

Thick and squally all day  
could get no observations.

Aug 1 Wednesday light winds from  
Southward - cloudy at noon  
and could get no meridian  
altitude of the Sun - At 4 P.M.  
made leave St George bearing North

Aug 1 At 8 P.M. thick and dark St George  
light bearing E. about  $4\frac{1}{2}$  miles and  
not being able to find the bar  
bore stood off for the night.

Aug 2 Thursday In the morning, no  
vessels in sight, stood in shore.  
There being no pilot in the station  
I piloted in myself and pro-  
ceeded up to the town of Apolachicola.  
Arrived there at  $3\frac{1}{2}$  P.M. and  
learned to my disappointment that  
Mr Ellison had gone to the North.

Made many warm friends who  
were previously known to my  
brother Sidney who accompanied  
me. We were entertained most  
hospitably till the following  
morning, when at daylight (left)  
and I proceeded in evening, and  
we made sail down the  
bay. Arrived at the bar the  
weather not looking satisfactory  
saw inside of Georges Island  
and anchored for the night.

Aug 3  
Friday



Aug 4 Saturday  
Got under way at daylight  
and proceeded to sea. As we crossed  
the Bar described a vessel bearing  
S.E. "hove to" under topsails - stood  
for her and made her out to be a  
Brick - As soon as she saw us  
she made all sail and stood  
away on the wind to the South and  
West. From the circumstances I  
made up my mind that she  
must be the — She kept us  
sailing however on the (Wind) and  
the night came on and we  
lost her - (When last seen  
she was standing to the Eastward).  
At 7 P.M. we had a very heavy  
squall from W. after which it less-  
ened and (continued) through the  
night.

Aug 5 Sunday.  
At 4 A.M. got a breeze  
from S.E. and stood in N.E.  
at daylight made Cape  
St. Blas bearing N.N.E. - Hauled

Aug 5 up Coast and at 9 A.M. the  
light on Cape St. George bore N.W.  
dist 6 miles - (could) see nothing  
in the Mist pass. so we came  
by - and stood on to the Eastward  
with not a single sail in sight.  
At 1 P.M. made (Day Island) light  
and determined to run in and anchor.  
At 4 P.M. came to anchor in a  
beautiful little harbor inside of  
Day Island. Went on shore and  
made the acquaintance of the light-  
keeper, who is the only resident  
of the island.

At sunset, when the horizon is  
generally clear, went to the  
summit of the light-tower and  
took a good observation (saw)  
but nothing in sight. The light-  
keeper came on board in the evening  
and from him I learned the fact  
that two suspicious vessels had  
been cruising in the neighborhood  
for several months past. I may  
as well state here that Capt. Ashby

Aug 5 one of the Pilots has informed me that two Spanish men-of-war have been seen in the neighbourhood within a short time and he gave me such corroborative evidence that I can substantiate it at any time I may deem it expedient.

I also deemed interesting particulars in regard to the two Spanish men-of-war which were cruising here during the unfortunate Lopez expedition, one of which was wrecked at St. Joseph's.

I am now fully convinced from the description that the Brig which we saw last Monday was one of these Cruisers. She kept off and ran from us when we bore up to get a nearer look at her, and when we hauled up again, she luffed and gave us chase. We lost her in the night. She would not show her colours, and was a very tame, trim looking craft.

Aug 6, Monday Learned by a message from town that a Cutter touched at the Bar of the Port Entrance on the 4<sup>th</sup> and then immediately stood to the Southward, also learned that a Steamer had been into St. Josephs Bay, but as she did not communicate could not learn her name.

The weather Squally from the Southward and a suspicious looking Schooner in sight concluded to remain at anchor till further change.

At 1 P.M. a man-of-war Steamer passed the Island steering about S.E. She exchanged signals with the schooner and then passed and anchored ourselves (fishing and shooting and watching from the light tower).

At sun set the weather thick and squally and every indication of heavy weather.

Aug 7 Tuesday. The night was stormy but at daylight we had a temporary change for the better. At sun-rise brother Sidney and I were at our usual station on the light-tower, but nothing was to be seen.

The forenoon was sunny with heavy squalls from S. x S.E.

At 2 P.M. it cleared off with light breeze from Westward. Took a long look from the "tower" and nothing being in sight went on board and proceeded to sea. As soon as we got outside the Mind. headed round again to S.E. from which quarter it continued, very light however, and with occasional calms till morning.

Aug 8 Wednesday.

At daylight St. Georges Island was in plain sight about 10 miles to the Northward. Breeze very light from S.E. At 7 A.M. descried a sail to the Southward <sup>and Eastward</sup> which soon made out

Aug 8

to be a Schooner standing to the Eastward. She was soon out of sight and was evidently a fast sailer but we could not get near enough to ascertain whether she carried guns or not.

At 9 A.M. made another sail to the Southward of us which soon made out to be a Bark standing about N.W. by N.

The breeze almost failed us and headed to the Southward <sup>we</sup> headed up N.W. by N. on the "Port Tack".

At 1 P.M. I made the Bark out to be the "Amelia" and at 2 P.M. I signaled her, and at 2 1/2 P.M. spoke her - St. Georges Light bearing N.W. by E. dist. 10 miles.

I went on board of her with brother Sidney and his baggage and we immediately commenced transhipping stores and water on board of her. This occupied us till after dark - In the mean time

Aug 8. a light breeze sprang up from S.W. At 8 P.M. I bid my brother Sidney "good bye" and with a few parting words to the Captain and crew I got into the boat and pulled back to the Schooner while the boat filled away on the wind and stood off on her voyage.

Arrived on board the Schooner I shaped my course and moved for Mobile and as I dimly saw the Boat I heard my brother's voice through the gloom give me a last parting hail "good bye App" - I responded with heartfelt earnestness and watched <sup>the boat</sup> with peculiar emotion as the black night slowly enshrouded her and bore her from my sight.

The breeze freshened and we made some progress to the Detachment.

I walked the deck till "late into the night" thinking of many things.

And now once more for the land and see what fate has for me there.

Aug 9 Thursday The day broke clear and pleasant with a light breeze from S.W.

At daylight Cape St. Blas was in sight bearing E by N 9 miles.

At 7 A.M. the U.S. Steamer "Toshiba" passed us standing to the Eastward. She did not pay any attention to us as we were bound to the Detachment.

I hope she will not fall in with the "Amelia" of which vessel she is in search.

At 12 M. Lat by Obs  $24^{\circ} 40'$  N Long "Chron  $85^{\circ} 36'$  W.

The afternoon and night passed without anything of interest. The breeze very light from S.W.

Aug 10 Friday At daylight descended the high sand hill of St. Rosa bearing N.W. Breeze S.W. and light.

At 8 A.M. saw a ~~steamer~~ Steamer standing S.W.

Nothing but "good luck" can save the "Amelia" now.



Aug 10 Friday - At noon we were  
sight off the Port of Pensacola.  
Could see several "men of war"  
lying at anchor inside  
In the afternoon the wind hauled  
more to Westward but still con-  
-tinued very light. Making short  
tacks along the shore. Found an  
easterly current of fully one knot.

Aug 11 Saturday. No change through the  
night. Wind about S.W. which  
compelled us to make a "long  
leg and a short one".  
At daylight, close in shore  
in 4 fathoms water, found  
ourselves by the land marks just  
half way between Pensacola  
and Mobile Point -

At 8 1/2 A.M. Calm - anchored.

At noon light breeze from  
South - weighed and started on  
by the wind along shore.

At 11 P.M. Calm - anchored  
with Mobile Point Light bearing N by S

Aug 11 by Compass distant 8 miles -  
Strong current setting to  
the Eastward.

Calm through the night

Aug 12 Sunday  
At 7:30 A.M. Light breeze  
from S.W. weighed and worked  
up as far as Sand Island  
when the Ebb tide making strong  
against us, anchored.

At 3 P.M. fresh breeze from  
S.W. got under weigh again  
and proceeded on up the  
Bay -

At 7 P.M. Mobile Point  
Light bore ~~South by E.~~ S.S.E.  
dist 5 miles -

Light breeze through the night.

Aug 13 Monday.  
At 7 A.M. All arrived  
along side the Wharf at Mobile.  
Proceeded at once to the Battle House  
where I found a large number of  
letters. I learned that the case of  
the "Magnolia" had been decided in my

July 13 favor, but the Government appealed.  
Every thing had happened much as  
I expected.

Engaged till 16<sup>th</sup> the settling of business  
matters in Mobile.

Aug 14 Thursday Left in the Steamer "Fairfield"  
for Montgomery - Had quite a  
pleasant trip up the Alabama River  
and reached Montgomery Sunday  
morning the 19<sup>th</sup>.

Remained in Montgomery till following  
morning at the Exchange - Then  
left for Charleston via Columbus.  
at 6 AM Aug 20<sup>th</sup>

Aug 21 Tuesday At 5 PM. arrived in Charleston  
and stopped at the Mills House -  
Spent the evening with Mr Bailey  
and family.

Aug 22 Wednesday Left in the "Southerner"  
Steamship for New York - Enjoyed

a most agreeable voyage and arrived  
in New York Saturday morning the 25<sup>th</sup>  
Saturday  
Aug 25 - in New York.

I L A - ... had outlined

Sept

*Dep*

remained in Portland). I visited this place to get rid of some of the annoyances of my business - and to recruit in some better degree my mental health.

Sept 24<sup>th</sup> 1855

With 4 new local *Strabomeryx* sp. Det. 5 addressed the following letter to the Soc. - Young.

W  
J  
C  
C

Copy

Great James Guthrie  
Leay of Morning

Millers Street  
Washington Oct 5<sup>th</sup> / 83

Agreeable to your verbal permission I address you regarding my Vessel now under seizure in Mobile. As you intimated that your mind was fully impressed that I had intended a breach of the neutrality laws, I will not discuss that point but simply express to you that I have not violated them and had no intention of so doing.

In order to put the case plainly before you I send you a copy of the evidence and decision as published in the papers of the day. As it is the only copy I have you will oblige me by returning it with your answer to this request.

By the evidence you will observe that the Government had six - ten witnesses - I had but three - and if you can prove the evidence with the decision you will be convinced that no conscientious judge

could have decided differently. There is no law of the United States which can condemn that Agent for pursuing a perfectly legitimate business adventure. I have enclosed some paragraphs in the decision to which I would call your attention.

I will not occupy your time further but simply state what I desire.

The "Magnolia" has already been seriously damaged and her cargo is being ruined. I wish to test a principle and the efficacy of a law. I am doubtful that you certainly have no desire to inflict serious injury upon an individual.

I ask you then to have the necessary instructions issued for the property to be appraised and to accept any individual Bonds to obviolate the result of suit.

The action of the Government

in this matter has so impaired my credit that I should find it impossible to procure the usual security, but if the property were returned to me I should be responsible at any time.

I trust that this may meet your approval and that thereby you may release me without conflicting with your ideas of public duty.

Respectfully the favor of an immediate answer I am

Very respectfully

A. O. Keith

Saturday Oct 6<sup>th</sup>

Received in answer to my letter of yesterday to the Hon<sup>ble</sup> Secy of State and J. P. Bell left in the Steamboat for Aquia Creek on my way to Mobile.



Monday Oct 13<sup>th</sup> /53

Arrived in Mobile, at "Battle House",  
having been detained by a low river.  
Found the Boat had been moved up  
the River, and that several things had gone  
wrong. The Dist Atty had been waiting  
for advice from the 1<sup>st</sup> Solicitor of the  
Treasury regarding sale of Naval and cargo.  
Mr Butler has not yet reached here.

All my friends glad to see me and  
quite surprised at my marriage.

Thursday Oct 18<sup>th</sup>

Mr Goldball the Marshall is out  
of town and will not be back till next  
week. Of course can do nothing till  
his return.

Received a letter from Judge Matrons  
which answered as follows

Copy. Mobile Oct 18<sup>th</sup> /53

My dear Sir

Your favor of 9<sup>th</sup> inst this morning  
to hand and contents have had my  
particular attention. My engagements  
are of that peculiar nature that I

shall not be able to go out to Mexico  
before the early part of January.  
I understand that you will be in  
Galveston on 12<sup>th</sup> of January.

I have so much at stake in the  
business which at present occupies me  
that I cannot leave it. I expect to leave  
here in about a week for Washington.  
I cannot regulate my time with  
certainty and my movements depend  
much on circumstances over  
which I have no control.

I upon the receipt of this you  
write me of Exchange Hotel Anti-  
-gomeray Ala. I think your letter will  
reach you. I would not however  
advise you to let the expectation of  
meeting me interfere at all with your  
arrangements or my movements or my  
uncertainty.

I wish however you could write  
and at length upon this subject.  
(and any other which you may have  
to communicate) to my office  
47 Pearl Street New York. Give

me your proper address in Texas and  
I shall then know where to com-  
municate at all times. I think it  
will be in vain for me to attempt  
to go out before January; and have  
little fear that the capture of those parts  
of Mexico will take place before  
that time.

What is the other scheme to  
which you refer? The one which  
we have under consideration is a  
good one if the party from whom  
you get your information can be  
relied upon.

Hoping to be able to send you  
before your return to Texas I am  
Dear Sir

Very truly  
Yours

To  
Hon. John C. Watrous  
Grand Juror  
Philadelphia