

The undersigned avails himself of this opportunity to renew to the honorable William H. Seward, Secretary of State of the United States, the assurances of his most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

No. 4.—*Case of the steamer Noc-Daquy.*

Mr. Romero to Mr. Seward, (with one enclosure).....	February 23, 1863.
Mr. Seward to Mr. Romero.....	February 25, 1863.
Same to same.....	March 6, 1863.
Mr. Romero to Mr. Seward.....	March 6, 1863.
Mr. Seward to Mr. Romero, (with twelve enclosures).....	March 13, 1863.
Mr. Romero to Mr. Seward, (with four enclosures).....	April 15, 1863.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, February 23, 1863.

The Mexican consul at Havana has sent me a copy of an affidavit made at the consulate under his charge by sundry individuals of the crew of the steamer Noc-Daquy, captured by the Mexican authorities of Yucatan for being in the slave trade. If the facts be true which are narrated in that affidavit, of which I have the honor to enclose you a copy, the United States steamers Wachusett and Sonoma, which arrived at the island of Mujeres the 28th December last, under the order of Commodore Wilkes, committed the offence of taking by force from the jurisdiction of the Mexican tribunals a prize which was subject to them, and which they were passing upon in accordance with the laws.

I have no doubt that, if such facts should turn out to be proven, the government of the United States will be disposed to give to that of Mexico all the satisfaction that may be due to it for the violation of its rights, as she has done to other nations whose maritime sovereignty has not been respected by vessels of the United States. Although I have not yet received instructions from my government upon this matter—and probably they will not communicate with me until the receipt in Mexico of the reports from the governor of Yucatan—I believe it to be my duty to communicate to you at once the affidavit mentioned for the information of the government of the United States, reserving the application for what may be rightly due when I shall receive instructions from the Mexican government.

I profit by this opportunity to renew to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

[Translation.]

CONSULATE OF MEXICO, AT THE HAVANA.

I certify that on pages 243, 244, 245, and 246, of book A, protocols of this consulate, are found recorded the following documents:

CONSULATE OF MEXICO, AT THE HAVANA.

On the tenth of February, one thousand eight hundred and sixty-three, there came to me, at this consulate, and before me and the undersigned witnesses, with the aid of the interpreter of the government, Don Ramon de Aroastia, the following individuals belonging to the crew of the steamer Noc-Daquy, delivering to me a letter dated at Key West, and

signed by Chief Engineer Wm. E. Hardy, of that vessel, stating at the same time, and spontaneously, that they made the affidavit that all the said machinist Hardy said in the said document, which they placed in the hands of the consul subscribing, was the plain truth as to what had occurred at the islands Mujeres with the steamer Noc-Daquy: Samuel Croply, second engineer; P'lope Carvin, fireman; Francisco Harappy, fireman; José Maria Trias, fireman; José Colmen, fireman; Pedro Juan, mariner; Luis Cosine, mariner; Du-comte Jean, mariner; Manuel Lisboa, mariner; Caire Jaques, mariner.

The letter to which the individuals mentioned attest was written in English, at Key West, dated the 2d instant, and signed by the first engineer of the steamer Noc-Daquy, translated into Spanish by the said interpreter, and says literally as follows:

KEY WEST, February 2, 1863.

SIR: I hope the following narrative will be read, because it interests you, as well as your government. I embarked at the Havana on the 13th December last, to join a steamer lying at the island Mujeres, to run the blockade at Mobile. On arriving at the island we found the steamer in the hands of the Mexican authorities. The employés allowed some of us to go on board to repair the engines, one of which was broken. On the 28th December the United States steamers Wachusett and Sonoma came into port, under command of Admiral Wilkes; and, on the 29th, he sent on board a lieutenant and fifteen men, who took possession of the vessel. We still went on working, believing she was a Mexican prize, and that we would be remunerated for our labor. On the 9th January, 1863, the Sonoma went to Sisal. Upon her return she brought word that the Mexican authorities at Mevinda had considered the vessel ("Noc-Daquy," alias "Virginia") as a slaver. On the 18th of January, our captain, acting under the orders of Admiral Wilkes, told me to set the engine going, which I did; and while I was below obeying his orders he hoisted the banner of the Confederate States, and, on seeing this, I got the engines ready, (before the anchor was weighed,) when immediately they were set in motion by the lieutenant of marines. In fine, the United States seamen got her out of port any way, weighed anchor, appointed firemen, and the lieutenant acted as engineer. When she was at a short distance from land they took possession of her in the following ridiculous way:

Officer of the Sonoma. "What bark is that?"

Captain of the Noc-Daquy. "The confederate steamer Virginia."

Then the Wachusett fired a cannon-shot, and sent the crew on board as prize; and because we, the crew of the steamer Noc-Daquy, did not choose to work under the confederate banner, nor take part in the infamous plan for stealing the vessel, and for refusing to bring her to this port, we were taken on board the steamers Wachusett and Sonoma and treated as traitors, in which condition we now are, and we ask you to act at once in this matter, because the bark is valued at \$100,000, and there are nineteen of the crew who will corroborate all aforesaid. I forgot to say the cargo of the schooner was taken on board the steamer by express order of Admiral Wilkes.

I am, respectfully,

WILLIAM E. HARDY, *Engineer.*

I certify what precedes is a faithful translation of the original in English, which I have marked.

In faith whereof, I place at foot my signature and seal, at the Havana, the 10th February, one thousand eight hundred and sixty-three.

RAMON DE AROASTIA,

Interpreter for the Public and the Government.

Seal thereto, bearing interpretation for the public and the government.

(Signed)

SAMUEL CROPLY,

For Felipe Corvin, Francisco Harappy, José Colmen, Pedro Juan, Luis Cosine, Manuel Lisbon, and Caire Jacques, which individuals don't know how to write, and he does it at their request.

(Signed)

SAMUEL CROPLY.

(Signed)

JOSÉ MA TRIAS.

(Signed)

ALEX. McINTOSH.

(Signed)

MICHAEL HYLAND.

Signed as witness: A. C. MUNOS,

A. HARTMAN.

ALEX. McINTOSH.

(Signed)

RAMON S. DIAZ.

Consulate of Mexico, Habana, February 11, 1863.

A copy.—Washington, February 23, 1863.

ROMERO

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, February 25, 1863.

SIR: I have had the honor to receive your note of the 23d instant, relative to an alleged forcible taking from the jurisdiction of the Mexican tribunals, by Acting Rear-Admiral Wilkes, of the steamer *Noc-Daquy*, captured by the authorities of Yucatan for being engaged in the slave trade.

In reply, I have the honor to acquaint you that a translation of your communication will be at once submitted to the Secretary of the Navy, with a request for an inquiry into the case, with a view to such further proceedings as the result may be found to call for.

I avail myself of the occasion, sir, to offer you a renewed assurance of my very high consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 6, 1863.

SIR: I have to acquaint you that a report from Rear-Admiral Wilkes has been received, through the Navy Department, on the subject of the steamer *Virginia*, *alias* *Noc-Daquy*. From this report, and the accompanying proofs, it appears that that vessel, though claimed to have been intended for the slave trade, was in reality the property of insurgents in arms against the United States, and was intended to run the blockade of Mobile, with a cargo which was taken from Havana to Mugeris island, on board the Spanish schooner *Pepita*. It also appears that, in point of fact, the *Virginia* was captured beyond the maritime jurisdiction of the Mexican republic. Inasmuch, however, as the vessel has been sent to Key West for adjudication, it is not to be doubted that the prize court there will give due attention to any claim which the Mexican republic may prefer with reference to her.

I avail myself of the occasion, sir, to offer to you the assurance of my distinguished consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.

Mr. Romero to Mr. Seward.

[Translation.]

MEXICAN LEGATION,
Washington, March 6, 1863

MR. SECRETARY: I have the honor to acknowledge receipt of the note you were pleased to address to me of this day's date, informing me of a despatch from Rear-Admiral Wilkes, and, from the evidence which accompanies it, the steamer *Noc-Daquy*, it appears, is in "reality the property of rebels against the United States, which was intended to run the blockade of Mobile with a cargo which was brought from the Havana to the island of Mugeris by the Spanish

schooner *Pepita*, and that the steamer was captured outside of the maritime jurisdiction of the Mexican republic." In said note you are pleased to state, besides, that, supposing the *Noc-Daquy* had been sent to Key West for trial there, it is not to be doubted that the prize court would give due attention to any complaint which the Mexican government might present with reference to said vessel.

Not having yet received the instructions of my government on this subject, I restrict myself to sending to Mexico a copy of your note. If the Mexican government could have before them the evidence to which you make reference, I have no doubt it would contribute to making it form a just idea of what has happened.

As to what relates to the disposition the court of prizes at Key West may entertain to give due attention to the claims of the Mexican government, I must say to you that, by the reports which have reached my knowledge in respect to this matter, it appears that Rear-Admiral Wilkes forcibly withdrew from the jurisdiction of the Mexican courts a prize which was subject to them, and which they had under trial according to the laws. This constitutes a violation of the maritime sovereignty of Mexico by vessels of the government of the United States. Of this violation I complain, conditionally, in the note I had the honor to address to you on the 23d of February last past, and to obtain reparation therefor, in case it should prove to be true; I could not address myself to the court at Key West, which could not give me proper satisfaction. If from proofs existent in your department, and those Mexico may furnish me, it should appear that the sovereignty of Mexico has not been violated, no more would be left for me to say on this matter, for I should not have any ground for claim.

I avail of this opportunity to repeat to you, sir, the assurances of my most distinguished consideration.

M. ROMERO.

Hon. WILLIAM H. SEWARD, &c., &c., &c.

Mr. Seward to Mr. Romero.

DEPARTMENT OF STATE,
Washington, March 13, 1863.

SIR: Your note of the 6th instant was duly received. In compliance with the request which it contains, a copy of the communications of Rear-Admiral Wilkes to the Navy Department, relative to the insurgent steamer *Virginia*, is herewith transmitted. I adhere to the opinion, however, expressed in my note to you of the 6th instant, that if your government has any claim to that vessel, there can be no doubt that the claim would be patiently heard and justly decided by the United States prize court at Key West.

I avail myself of the occasion, sir, to offer to you a renewed assurance of my high consideration.

WILLIAM H. SEWARD.

Señor Don MATIAS ROMERO, &c., &c., &c.

No. 4.]

U. S. FLAG STEAMER WACHUSETT,
Off Mugeris Island, January 18, 1863.

SIR: I have to apprise you that I have this day taken possession of the fine iron steamer (propeller) *Virginia*, of 800 tons, whereof John Johnson is master, as a prize to the *Wachusett* and *Sonoma*, being a confederate vessel, as proved by the papers found on board, the secession flag, and other evidence of the most satisfactory kind. I have avoided any interference with international rights whatever, and abstained from making her a prize within the accustomed limits from the shore.

The engineers of the Virginia having agreed to perform their duties on board till their arrival in the United States, I have given them to understand that they will receive the usual wages for their services. I have concluded to order the Virginia to Key West for adjudication. I believe she will be found, on inspection, well fitted for a government transport or an armament. She is two hundred and twenty feet long, and well built; and from her model well calculated for speed and for maintaining the sea, having bunkers capable of containing four hundred tons of coal, with a very small consumption of fuel. Her propeller trices up. Under canvas she is reported as being very fast, and is bark-rigged.

I am, very respectfully, your obedient servant,

CHARLES WILKES,
Rear-Admiral, Commanding West India Squadron.

HON. GIDEON WELLES, *Secretary of the Navy.*

I herewith enclose copies of papers found on board the Virginia, the originals having been forwarded to the district judge or prize commissioners at Key West, numbered 1, 2, 3, 4, 5, 6, and 7.

Very respectfully, your obedient servant,

CHARLES WILKES,
Rear-Admiral, Commanding West India Squadron.

No. 1.]

HAVANA, December 10, 1862.

SIR: The steamer described in the enclosed building certificate belongs, as I am assured, to Francis P. Drain, a citizen of the Confederate States, now temporarily in Havana, and that said steamer is about to sail for Mobile with a cargo suited to the necessities of our army and people. Francis P. Drain is known to me to be true, loyal, and devoted to our cause, and I will add, a Virginia gentleman. His steamer goes without a register; I therefore request that you give to his captain all proper facilities in disposing of all his cargo, and in the purchase of a return cargo of cotton usual in each case. I also request that a register and other papers necessary under our laws be granted to show ownership in said Drain and confederate nationality.

I am, sir, with great respect, your obedient servant,

CH. J. HELM.

The COMMANDING OFFICER, *Confederate Forces, Mobile.*

No. 2.]

HAVANA, December 11, 1862.

MY DEAR SIR: My personal friend, F. P. Drain, of Virginia, is largely interested in the steamer bearing the name of his State, for the purpose of running our enemy's blockade and benefiting our friends with articles so much needed by them. Should the vessel succeed in reaching your port, and her captain or any other person connected with her need your kind interference in their behalf, in the way of disposing of her present cargo, obtaining one for return or otherwise, I beg that you will do your utmost for them. With kind regards to Mrs. Scott and friends, and trusting that your home may not meet with the like fate of mine,

I remain, very truly, your friend,

W. H. ROZET.

JOHN SCOTT, Esq., *Mobile, Ala.*

Particular regards to E. O. George and lady and Miss Chandler.

No. 3.]

HAVANA, December 13, 1862.

DEAR SIR: In accordance with the agreement entered upon between ourselves yesterday, I beg you will proceed at once to take possession of the steamer Virginia, on the coast of Yucatan, put her in seaworthy condition as early as practicable, sailing thence to Mobile, Ala.

Should you succeed in running the blockade, as I expect, you shall report the vessel to the consignment of Messrs. H. O. Brewer & Co., and so soon as the report cargo is shipped upon her by those gentlemen, you shall again endeavor to run the blockade and make sail with possible despatch and caution for this port of Havana, delivering me all papers concerning vessel and cargo.

You shall look to the satisfactory disposition of the 400 or 600 boxes claret you carry.

Herewith an introduction to John Scott, esq., of Mobile, who will assist you, as well as consignees, towards promoting my views generally.

Relying upon your good management of the adventure, which I hope may succeed,

I remain truly yours,

FRANCIS P. DRAIN.

Captain JOHN JOHNSON, *Present.*

HABANA, December 12, 1862.

No. 4.]

GENTLEMEN: With the enclosed introductory lines from our mutual friend, J. Pemberton, I beg to accompany shipping vouchers of cargo per bearer, the steamer Virginia, amounting to \$15,078 09.

I have taken the liberty of consigning both cargo and vessel to your address, upon the information I have of your promptness, ability, and sound management of the interests intrusted to your care. You will, consequently, oblige me by disposing of the cargo to best possible advantage, and invest the proceeds in a cargo of cotton, documents of which you shall establish and forward to my order, holding at my disposal, with your good selves, any surplus of funds resulting after purchase of the return cargo. The within copy of my agreement with master and engineers of the steamer Virginia will govern you in your management of that vessel's business while in your port; and in this connexion I would call your attention to the papers of the craft which I desire you shall have issued in my name, under confederate colors. The vessel, running the blockade successfully, will reach you without papers.

I rely upon your management of this affair; and looking to the success of present trial for the continuance of operations of mutual benefit,

I remain, most respectfully, gentlemen, your obedient servant,

FRANCIS P. DRAIN.

Messrs. H. O. BREWER & Co., Mobile.

[Memorandum of agreement. Vouchers of cargo.]

P. S.—Besides the goods mentioned in her invoice, the vessel carries 400 to 600 boxes claret, which you will dispose of to best advantage, investing proceeds in return cargo.

Invoice of goods shipped by Francis P. Drain, per confederate steamer Virginia, John Johnson master, for Mobile, on account of and wish of whom it may concern, and consigned to Messrs. H. O. Brewer & Co., there.

4,800 woollen blankets.....		\$6,596 87
502 do do		596 12
-----		7,192 99
5,302 woollen blankets.....		
12 boxes containing 4,000 pairs shoes.....	\$5,083 37	
10 bales leather.....	700 00	
-----		5,863 37
	<i>Provisions.</i>	
100 bags salt.....	\$328 98	
20 bags pepper.....	400 00	
80 boxes cognac.....	300 00	
50 jars gin.....	275 00	
20 boxes liquors.....	50 00	
20 boxes preserved fruits.....	200 00	
-----		1,553 98
		14,610 34
Shipping expenses		100 00
-----		14,710 34
Commission 2½ per cent.....		367 75
-----		15,078 09

E. E.

FRANCIS P. DRAIN.

HAVANA, December 12, 1862.

No. 5.]

HAVANA, December 12, 1862.

GENTLEMEN: I took the liberty of addressing you a few lines recommending F. P. Drain, esq., of this place. My acquaintance with you being limited, I beg to apologize, and refer you to my friends, Messrs. Charles Welsh, Charles Libaron, Thomas S. King, Mr. Duran, of Sands & Co.

Very respectfully,

JOHN PEMBERTON.

Messrs. H. O. BREWER & Co., Mobile.

No. 6.]

HAVANA, December 12, 1862.

GENTLEMEN: Mr. Francis P. Drain, of this place, having expressed his desire to enter into correspondence with you, I beg to say that he is a gentleman of much standing, and transactions with him will always prove highly satisfactory.

With great respect, your very obedient servant,

JOHN PEMBERTON.

Messrs. H. O. BREWER & Co., Mobile.

No. 7.]

BARK PROPELLER VIRGINIA,
Off Mugeris Island, December 29, 1862.

I certify that the bark Noc-Daqui, and now the Virginia, was sold on or about the 15th of December last to Francis P. Drain, a merchant in Havana, and was bought by him for the purpose of engaging in the confederate service in carrying supplies to the confederate army, and in running the blockade; that she stopped at this place for the purpose of receiving her cargo from the Spanish schooner Pepita, now here, and that it was the intention to sail from this place for Mobile and run the blockade, when she was seized on the 21st of December by a party of people from this place, and seized upon the alleged suspicion of being a slaver. I further certify that the schooner Pepita was loaded with cargo for this steamer, which was to be put on board here, when she was also seized by the same party on her arrival here the 22d of December. I further certify that the confederate flag was hoisted on board this vessel for a day and a half, to which no objection was made until the third day, when it was hauled down on the 23d of December, and no flag was substituted until the Mexican flag was hoisted upon the day of the arrival of the United States vessels-of-war Wachusett and Sonoma at this place. I further certify that, to the best of my knowledge and belief, there is nothing in the vessel's fittings or cargo upon which to base suspicion that she was intended to engage in the slave traffic.

JOHN JOHNSON, Master Virginia.

Witness:

F. H. STEVENS, Commander U. S. steamer Sonoma.

I hereby certify that the foregoing statement is correct.

JOHN ROSS, Mate Virginia.

Witness:

F. H. STEVENS, Commander U. S. steamer Sonoma.

No. 5.]

UNITED STATES FLAG STEAMER WACHUSETT,
Off Mugeris Harbor, January 18, 1863.

SIR: In my communication, No. 4, of this date, I have informed you of the capture of the iron propeller steamer Virginia. There are some circumstances connected with this vessel and a small schooner, the Pepita, under Spanish colors, which it is necessary I should now state. In cruising for the Alabama I had reason to suppose that she, with the Agripina, store-vessel, had changed their rendezvous from Grand Cayman island to that of Mugeris, on the coast of Yucatan, a well-known place, where vessels intending to run the blockade, as well as slavers, fitted out—a harbor well adapted to their purpose, and where the notorious Walker and others fitted their filibustering expeditions. There is no government or authority here whatever, nor is it a port of entry or clearance, but a rendezvous for plunderers, slavers, and pirates.

On our arrival off the harbor we discovered the confederate steamer Virginia, with the Spanish schooner Pepita, at anchor, and immediately anchored. The Virginia was formerly the Noc-Daqui, and has no doubt been engaged in the slave trade before being purchased by the present confederate owners. Captain Johnson came over in the schooner Pepita from the Havana with a crew, stores, and contraband articles, to take charge of her, and did so, hoisting the confederate flag, the possession having been passed over to him by the officer then in charge. At this time a Mexican, who represented himself as an officer, Urceley by name, without authority or any commission, as I have since been informed, collected an armed force in order to take possession of the vessel as a slaver, which Captain Johnson refused to permit, although threatened by an armed force of plunderers, gathered from the island and elsewhere. This took place two days before our arrival. Captain Johnson had hoisted the confederate flag, which they took down. This Urceley removed the Spanish crew out of her, accusing them of having been engaged in the slave trade, leaving Captain Johnson, his engineers, and part of his confederate crew. He (Captain Johnson) became apprehensive of difficulties on board, and threatening of bloodshed was made, which was repeated to me by Captain Johnson on my arrival, and a request made for me to send a guard on board to prevent violence. This I did, and made an agreement with Urceley to hold possession of her until an examination was made relative to whether she was a slaver, of which there was no proof whatever, and to await *ten days*, that the affair might be referred to Merida, he sending some of his men on board the Spanish schooner, the Pepita. I then sailed with the Wachusett and Sonoma for the Havana to coal, and to return here within the stipulated time, which we have done. On my arrival I found no information had been received from Merida, or action taken place, although the time had elapsed as agreed upon. I have determined to send Commander Stevens in the Sonoma to Sisal, the seaport of Merida, to avoid any misunderstanding, to ascertain the cause of the delay, and what proceeding, if any, had taken place relative to her being proved to be a slaver. The Spanish crew had been examined, and no evidence had been adduced, and no further proceeding taken that he could ascertain. In the event of such being the case, Commander Stevens was directed to give notice to the authorities that I no longer felt myself bound by the agreement, the time having expired, and should act as if the steamer was, which I have abundance of evidence to prove, a confederate vessel, fitting out with contraband, and intended to run the blockade, and probably, if successful, to be fitted as a confederate privateer, for which she is thought to be well adapted.

During our absence at Havana additional testimony was obtained of her confederate character and of the cargo being shipped in the schooner Pepita for her. Captain Johnson complained, on my arrival here, that the persons left on board of the Pepita were plundering the cargo which belonged to his vessel, and consuming the provisions intended for the Virginia to a great extent. I therefore gave Captain Johnson my assent to remove what remained of it on board the Virginia, leaving the schooner, after being discharged, in the possession of those who were on board of her. The Pepita was entirely without the limits of her destination, having been cleared at Havana for Cardenas, with the contraband cargo on board. I did not consider it proper to make prize of her, as I had proof of the cargo belonging to the Virginia; not wishing to involve ourselves in any international question or make the matter more intricate, I determined to leave her in the possession of those on board, Spaniards and Mexicans.

The Virginia being thus free from the charge of being a slaver, seeing there was no escape for her, Captain Johnson concluded to go beyond the limits of the maritime jurisdiction, which I permitted when he was captured and his vessel taken a prize to the Wachusett and Sonoma. I think he is entitled to some remuneration for his services in this respect, as he avoided delay on our part and placed her beyond any controversy as to any international right, although he evidently could not do otherwise. If I had permitted him to remain here he would have fallen into the hands of the parties again and have been fitted out to run the blockade; indeed the owner or agent, Mr. Drain, was down here a few days ago with some five thousand dollars to bribe her off, but finding the condition of things he left. On the Virginia proceeding to sea we followed and made her capture under the confederate flag; I ordered a prize crew on board and have sent her to Key West for adjudication, with all the papers found on board.

I herewith enclose Commander Stevens's report to me, numbered 1, and a copy of his letter to the governor of Yucatan, numbered 2.

I am, very respectfully, your obedient servant,

CHARLES WILKES,

Rear-Admiral, Commanding West India Squadron.

HON. GIDEON WELLES,

Secretary of the Navy, Washington, D. C.