

who says he got permission for Mrs Ogle to go with a Flag
on board the British fleet, by application to James Madison the
President of the United ^{States} and that she did go, but got no sat-
isfaction, and was told by Commodore Gordon the negroes were
sent to Bermuda - now although the say so of Commodore
Gordon is no evidence, and although he might have told Mrs Ogle
they were sent to Bermuda merely to get rid of her impor-
tunities; still taking what he said, together with the evi-
dence of Croft and B. Ogle and the Boy on board the Menal-
aus; is it unfair to infer that they often had Slaves on
board which are not reported, and more particularly as
we find one ship reporting Slaves as taken from another, that
by the Books of that other never appear to have been on board.

That the Menalaus remained in the Waters of the United States
page 65. until the 14th of April 1815 is proved by her own Log, and by
a Letter dated the 12th of April 1815 to Anthony St. John Baker
Esq. then acting as Charge D'affaires to his B. M. &
an attested Copy of which is hereto annexed, from Cap^t. Dix
in which he says "as soon as the wind will permit my leaving

The Claim of Benjamin Ogle as next of Kin and Agent
for the Children of Mary Bevens being Grand Children of
the late Mrs. A. M. Ogle of Annapolis, Maryland presented
to the Board of Commissioners for adjudication -
In presenting this claim to the Board, ^{we} shall prove
positively that the Negroes claimed went on board the
British fleet and that the Menalaus on board which ship
they went remained in the Waters of the United States until
the ratification of the treaty - The first evidence we shall
present is that of Fielder Croft, who is certified, by Gabriel
Dwale Esq. one of the Judges of the Supreme Court of the
United States, to be a Man of respectability, well known
to him for many years, he has no claim or interest to, or
in the property of Mrs Ogle in any manner whatever, he lived
he says on a Farm adjoining Talley's point the Farm of Mrs Ogle
for six years previous to the arrival of the British, and was very
intimate with George Bevens, Mrs Ogle's son in law, who resided
there; he frequently saw the Negroes at Talley's, and they frequently
visited his Negroes at his House; he thus became well acquainted
with them; they were missed he says, the night of the 17th
of December 1814, and in consequence of suspecting they had
gone on board the British fleet which lay in view of the
Farm, Mrs Ogle wrote to one of the Officers and received an
answer from Captain Dix dated on board his B. M. Ship the

Menalaus acknowledging that they were on board and thus confirming beyond a doubt the evidence of Tiedou Croff; for the Captain says "your Negroes" and refers to Mr. Ogle's statement - now he speaks expressly in the plural and the statement to which he refers could mean nothing but the number, description and sex of the Slaves; we thus establish beyond the possibility of doubt the twenty Negroes mentioned by Croff to have gone on board the Menalaus - This ship it appears went down the Chesapeake and lay in Lynnhaven Bay all the month of February, in which month says Tiedou Croff "a Man of Mr. Ogle's named Sam and a Man of mine named Joe were captured by Capt. Weedon who commanded a company of Virginia militia, by boarding on the ice; to have been boarded on the ice so low down the Bay as Gloucester County, they must have been very near the Shore, and in some place well protected from the sea and wind - for the waters there, are not liable to freeze from their excessive saltness - now this Schooner in which they were taken must have been a Tender sent in Shore to get fresh provisions &c. or for what other purpose would they run such hazard by going so near the Land - and as the Menalaus lay so near is it surprising too much to infer that this Schooner belonged to her, particularly as two of the Men taken on board had belonged to her, for we find from Tiedou Croff

testimony they went on board off Talley's point and are acknowledged to have done so by Capt. Dix himself - Although the Menalaus reports no slaves on board 14 April 1815 the very day on which she left the Chesapeake state as we find "a boy supposed to belong to Mr. Ogle of Annapolis on board the Menalaus (in Bayley's list page 108) and two others captured in a tender in her immediate neighbourhood and as we prove before by the Capt. of the Menalaus himself their reception on board and he has given no proof of their being elsewhere, and moreover as we find errors in the return of almost every ship, beginning with the Regulus in the very first page of the printed Documents, ~~where~~ the Albion gives a list of not less than twenty five taken from that ship not found on her Books - and the same errors we see continued in almost every page afterwards and in almost every ship - the omnipresence of such numbers could not be accidental - Tho. M. Bayley in his letter of May 17. 1825 to the Secretary of State ^{says} "It is very certain that some of the Slaves changed their names after they fled to the enemy (page 103) and from the evidence of Benj. Ogle also certified to by Judge Duval that Mr. Ogle was not permitted to see her Slaves when she went on board the fleet; and the evidence again of Tiedou Croff

This anchorage I shall sail for Bermuda - This letter is
dated H. B. M. Ship *Meralaux*, *Hampton Roads* - Having now
proved beyond the possibility of doubt the Negroes being on
board the *Meralaux* and that the *Meralaux* did not leave
the Waters of the United ^{States} until after the ratification of
the treaty, I respectfully ask a compensation for ^{reimburse}
out of the twenty Negroes carried off with interest ^{to be}
paid - *Benj. Cople* -

State of Maryland

Anne Arundel County to wit,

On this twenty fifth day of March 1828 before me the Subscriber a Justice of the Peace for said County personally appears Lewis Nett of the City of Annapolis of Lawful age, who being duly sworn on the Holy Evangelists of Almighty God deposed and said that he went on board the Meralaus Capt. Dix on or about the twenty second of December 1814 with a flag and there and there saw a number of Negroes and ~~understood~~ ^{these} Negroes were exhibited (that is the greater part) as belonging to Mr. Ogle by Capt. Dix - this Deponent further says that he went down with a flag when the Commissioners went to the fleet with the ratification of the treaty and that Mr. Ogle went down also at the same time and in the same vessel and further this Deponent saith not -

Bushrod W. Harriott

Anne Arundel county to wit

I hereby certify that Bushrod W. Harriott

(Gentleman)

Gentlemen before whom the foregoing affidavit was
made was at the time of so doing one of the state of
Maryland justices of the peace in and for Anne
Arundel county duly commissioned and sworn

In testimony whereof I hereunto set my
name and affix the seal of ~~my office~~
Anne Arundel county court this twenty
fifth day of March in the year of our
lord one thousand eight hundred and
twenty eight

Wm. S. Greenback

at the
Seal with

Agnes' slaves.

March 1828.

No 4

filed the 31st Mar. 1828

do not expect it would have saved you any
trouble as at all events I must have been your
plague - Do inform me if I have made out
my proofs in proper order - Judge Duval thinks
they are full and satisfactory. I wish those who
have the money to pay may be equally clear sighted
and just - with great respect I am Sir
Yours

Sincerely
Ben. Cope

Mr. Thomas knows nothing of the business
I applied to him by Judge Duval

Bellevue
May 7. 1821

Benjamin Cope
Bellevue
May 7. 1821

State of Maryland

Anne Arundel County to wit.

On this twenty fifth day of March 1828 before me the Subscriber a Justice of the Peace for said County, personally appears M^{rs} Elizabeth Neth and makes Oath on the Holy Evangelij of Almighty God that to the best of her knowledge and belief, she saw and conversed with Capt. Rich who came to Annapolis after the rejoicings for Peace, that she understood from him, that he had been on board the Menelaus, and he mentioned that he had seen Thomas a boy of M^{rs} Ogles and William Rofs a boy belonging to M^{rs} Neth both of whom waited in the cabin, she understood also from Capt. Rich that he had been a prisoner on board the Fleet and further this Deponent saith not.

Bushrod W. Harriott

Anne Arundel County to wit

I hereby certify that Bushrod W. Harriott gentleman before whom the affidavit was made was at the time of so doing one of the State of Maryland Justices of the Peace in and Anne Arundel County duly commissioned and sworn

In Testimony whereof I hereunto set my name and affix the Seal of Anne Arundel County Court this twenty fifth day of March in the year of our Lord one thousand eight hundred and twenty eight

W^m Green Secretary

Prince Georges County, State of
Maryland &c.

On this fifth Day of April 1828 came before me
the subscriber a Justice of the Peace for Prince Georges
County Cesar Peterson of lawful age, who being
sworn on the Holy Evangel of Almighty God
deposeth and saith that he knew all the
Negroes who belonged to Mr. F. M. Cyle of the
City of Annapolis and State of Maryland and that
he remembers perfectly their going away (as was
always believed) to the British Fleet that lay
off Kent Island, opposite Talley's point from which
most of the Negroes went. That one Boy named
Thomas Simmons was a waiter in Mr. Cyle's house
in Annapolis. that the rest were severally named Robert
Cooper, Thos Cooper, Ben Cooper, Abraham Cooper, Tom
Cooper, Clara Cooper and her two Children - Jacob Williams,
Dobrah Williams the Wife of Jacob and two Children -
Sall Blackstone and her Son a stout boy named John and

H. M. Cyle.
most of the name of
"Thos Cooper" - W. M.
p. 13 -

Sam Williams - the young children names this
deponent never knew nor the exact number the
Women carried off can be recollect and further
this deponent saith not.

Sworn before Wm Beckett

1828 April 5th I do hereby certify that I have
known the above deponent ^{for several years} Caesar Peterson, and
as a colored man, I believe him to be a
man of almost unexceptionable character,
and I have heard that character given him
by gentlemen who have been longer acquaint-
ed with him than myself.

Wm Beckett

Maryland Prised George County to.

I hereby certify that William Beckett
gentleman before whom the within affidavit appears to have
been made and whose name is thereto subscribed was
at the time of taking & signing the same and
still as one of the State of Maryland Justice
of the Peace in and for said County duly
commissioned and qualified

In testimony whereof I have hereunto
set my name and affixed the seal
of my Office this third day of
May Anno Domini Eighteen
hundred and twenty eight

Aquila Bice Clerk
of P. G. Co. Co.

worth a rush. ~~There~~ ~~When~~ If the Slave had heard, or understood the fact ^{to which he speaks}, from whom did he understand it? The contrary not appearing it is inferable that he "understood" from the privates, or some one private, of the Fleet, they being much more numerous than the Officers; and the much greater facilities of intercourse between the Sailors & our Black refugees. But from the general capacity of Negroes, I consider the Board will not go farther to counteract their evidence, than where they speak to facts of their own personal knowledge, and those facts strongly indicated to exist by some circumstances accompanying the particular case - If the Slave had gone to Bermuda with these slaves & stated the fact, it might possibly receive some little attention: but of that I have some doubt. Wherefore should any evidence be received to impair the strength of a claim, when if the fact referred to did exist, evidence of high & positive character can be reached? On the contrary the Board ought in my humble judgment to receive the evidence of a secondary grade in support of claims, because the better evidence is in the possession of the defendant, who withholds it, & the claimants have no power to Coerce it. But the Board will perceive at once, that this is purely hearsay evidence, and that too of the slightest order, and with, I humbly conceive, reject it wholly -

See Proc. doc. page 65. It appears that the Ship Menalans was in Lynnhaven Bay on the 17th Feb 1815 - She sailed on the 28th Feb & is found on the 8th March off Cumberland Island - So that she must have gone direct to Cumberland Island, from the

Henry M. Ogle.

1. Bob — age 55 years — Halifax list Rob. Cooper
2. Ben — " 25 " Proc. doc. 22. Ben Cooper
3. Jacob — " 21 "
4. Wm — " 16 "
5. Bill — " child about 3 years
6. Flora — " 55 . . . Halifax list Flora Cooper
7. Sarah — " 55
8. Clara — " 19
9. Deborah — " 20
10. Sam — " 18
11. Tom — " 20 Proc. doc. p 13. Tom Timmons -
12. 8 children

No 1.

In the affidavit of Fielder Croft - he proves the desertion of the slaves on the 17th day of December 1814.

He states that Mrs Ogle the widow & tenant for life of the said property, told him that Commodore Gordon informed her that her slaves had been sent to Bermuda. When were they sent? It is not stated; but the time when this conversation took place can be sufficiently well ascertained. From the same will also we learn that Mrs Ogle went twice to the British Fleet - also from the deposition of Capt. Dix of the Ship Menalans, acknowledging that the negroes were on board two days after their desertion. No 3 - two letters from Richard Forrester of the Department of State dated 24th - 25th Decr. 1814 show that the flag officer was ordered forthwith to proceed to Annapolis to accompany Mrs Ogle to demand restitution of her property - there can be no doubt that she then went on board of the menalans where her slaves were, as announced a few days before by Capt. Dix -

By document no 4 - the affidavit of Lewis Steth together with a letter written by Philip B. Key show that Mrs Ogle went down with the agents on the part of Amer. Government. who after the return of peace went to Tangier to demand the restoration of public & private property - as well as I can

ascertain the time of their arrival at Frazier, it was about the 6th day of March 1815. So that what was passed between Commo. Gordon & Mrs. Ogle must have taken place in the month of March relative to the declaration that her slaves had been sent to Bermuda. So that this declaration is worth nothing as against the claimant, because the precise point of time of deportation is not ascertained, & might have happened between the 17th Feby & the time of the conversation, as well as before. But it is such evidence as is not worth an argument to put down. Suppose it to be true, what how can it affect the interest of the remainder man?

The most that could be done with it was to injure the rights of Mrs. Ogle, but this hearsay evidence was not to injure the interest of a third person. I will further urge upon the Board, that Commo. Gordon is stated to have made this declaration alone, above stated, and that declaration is in his favor - The British Officer must stand in the place of the British Government, and under any circumstances would be competent for the British Officer's declaration to be used against us? - The confessions of a defendant may be used against him but not for him - It is true that all which is said at the same time shall be given in evidence, and to this rule we are willing to submit - But what Commo. Gordon said could not be given in evidence against us - it may be relied however that it comes from our witness - this makes no difference. Suppose in an action of detinue the plaintiff calls a witness to speak of the possession of the slave by the defendant, and instead of doing that, he states that the defendant had told him that he had never had possession - would not the Court instruct the jury to disregard that testimony?

But wholly independent of these views, the declaration of the Commodore is not entitled to credit;

and where positive evidence might have been obtained of the precise point of time of the deportation, evidence of a secondary character, and that too from an interested witness, ought not to be heard - I have said the declaration is not entitled to credit, holding as I do that in such a case as this that slight circumstances would destroy the effect of the evidence. He states "that her negroes were not there, that they had been sent to Bermuda & she got no other information or satisfaction"

In Feby one of her negroes were taken in Virginia, so that he was not sent - see No. 1. another of her slaves was proved by the document No. 5 that a Capt. Rich who was a prisoner saw Thomas belonging to this claimant waiting on the Cabin of a ship - In Bayley's last page 108, he states that a boy was then on board the Menelaus supposed to be - long to Mrs. Ogle of Annapolis. So that here are two of the slaves positively proved not to have been sent to Bermuda. But I will not press this point any farther, because as at present advised, the evidence could not be read against Mrs. Ogle if she were living, and secondly because if it could be read against her, her declarations of what another had declared could not prejudice in any manner the rights of the claimants before this board -

But it may be said, a returned refugee slave stated "that he understood on board the Fleet, that all the other negroes had been ~~sent~~ belonging to Mrs. Ogle were sent to Bermuda."

This is said by the slave of Mr. Croft & not the slave of Mrs. Ogle - two slaves returned, one is dead & the other is sold & sent away.

Surely this statement of Mr. Croft's slaves is not

filed the 31st March 1828

Wm. Beck
agent

Remarks in support of
H. M. Ogle's claim by

time of her sailing to the period of her arrival -
 This was the ship which said Mr. Ogle slaves -
 She returned to the Chesapeake on the 26th day
 of March, with one of the slaves on board.
 And can we not, and ought we not to in-
 fer that she carried these slaves with her -
 It must be recollected that our agents, did
 not see the men aboard on the 28th Feb'y or Mar-
ch - They had not got to Georgia - also that she
 sailed in clear days after the return of peace -
 In fact as well as my memory now serves
 me, as soon as she would like to risk a
 voyage - For when we rec^d the news of peace
 it was amidst a terrible snow storm, which
 was followed by cold rains, which froze as
 they fell, till the face of creation seemed em-
 bosed with ice. Wherefore did this
 ship sail to Georgia? For the purpose of taking
 our slaves remote from their importuning owners,
 and to throw difficulty in the way of their
 pursuit. It may be said, wherefore then, ~~did~~
^{did the ship not sail} ~~to have gone~~ straight way to Bermuda? But
 remember, that Cockburn & Barry were in
 Georgia; and moreover that ever those slaves
 who were listed by Bayley, were taken to
 Cumberland Island before they were sent
 to Bermuda Halifax & elsewhere - It does
 show that the British Officers were very
 much indisposed to take the slaves from
 our shores at any time.

The Board cannot fail to remember
 that these slaves were proved to be held
 in January 1815 - The winter was severe - the

on camp near at Targier very comfortable - and
but few vessels left after Commo. Barry sailed
to join Cook's bay, which I think was about the
19 December 1874; the men always remained the winter.

again they will perceive ^{that} there were six
likely young fellows with the exception of one -
no question some of the loonier, were their wives;
For we can hardly believe that the four
women, with their children, would have
escaped with out their husbands - and as it is
proved in many cases that all the men
fit for service (and we have proof of two
of these being in the service) were employed &
retained within the U.S. and that their wives
& small children also - it does seem to me
that no case (indeed it is a mixed case of
positive ~~in~~ and presumptive evidence) could
be presented, sustained by stronger evidence,
where circumstances, are at all referred to
in support of a claim - and more es-
pecially a case like this, which has no
parallel, save its fellows upon the defe-
nitive list -

This claim is respectfully submitted under
the just hope, that the claimant is entitled
to an award which is prayed by

Alp. Keall gent
for
The admiral

P.S.
evidence of the names may not
be obtained in time -

United States of North America,
Maryland, Prince Georges County ss.

Be it remembered that on the Twenty sixth day of
April in the year of our Lord Eighteen hundred & Twenty
one, personally appeared before the Subscriber an Associate
Justice of The Supreme Court of the United States aforesaid,
Benjamin Ogle, Esquire of lawful age of the County
aforesaid, to me well known and of highly reputable
character & integrity, and being duly sworn on the
holy evangel of Almighty God touching his knowledge
of certain Negro Slaves which belonged to his late
mother, M^{rs} Henry Margaret Ogle, & which are said
to have been carried away by the British fleet which
came then in Chesapeake Bay, doth depose & say
that he knows nothing of the circumstances aforesaid
but from hearsay: he has understood & believes from
conversations which he had with his mother that number
of her Slaves had gone on board the British fleet in
Chesapeake Bay in the year Eighteen hundred and
fourteen in the month of December in that year,
one of which, to wit, Sam, a youth, returned to her
service. That he believes all the said Slaves, except
Sam, a house servant, and Sam, a blacksmith, went
from the Farm at Talley's point; that after the
death of his said mother which happened in the

Benjamin Ogle
Ogle, Henry Margaret (a/c) -
26 April 1821.

Deposition of Henry Ogle - 19 Slaves of
Mrs Ogle (one of which returned) -
with copy of letter of Capt. Dix of
Br. Navy

Henry Ogle
No 2

year Eighteen hundred and fifteen, Letters of administration
on her personal estate were granted to this deponent
& in looking over the papers left by her, he found
several letters which had been written to her relative
to the said Slaves carried away as aforesaid, and amongst
others a letter from Captain Dix, dated on board "His
Majesty's Ship Menelaus, Dec^r. 19. 1814. Chesapeake"
directed "To M^{rs}. H. M. Ogle, Annapolis" & signed "Edward
Dix, Capt." which said original letter is herewith annexed
and is certified by the signature of this deponent, under
the superscription, & also at the foot of the said letter,
that this deponent was informed by his said mother that
when on board the said fleet she was not permitted to
see her said Negroes; that she was on board twice in
pursuit of her property but without effect, and without
receiving any remuneration whatever. This deponent
further saith that he is not intitled in the possession of
the said Slaves, the whole of them having been bequeathed
by the said Henry M. Ogle, by her last will & testament
to the children of her daughter, M^{rs}. Mary Bevens.
and further this deponent saith not.

Benj. Ogle

I hereby certify that Benjamin Ogle whose name is
above written took and submitted the foregoing deposition.

before me on the day and year first above written.

J. D. Wall

His Majesty's Ship. Menelaus—
Dec^r. 19. 1814. Chesapeake

Madam

It would ever give me
the greatest pleasure to attend to the
distress of the Widow & Fatherless & were it
in my power to return the Negroes who
came off to this Ship last night according
to your statement, I would most cheerfully
do it, but you must be well aware that
they are now under my protection & are
entitled to it.— Their desertion from the
Shore was quite a voluntary act of
their own.—

I have the Honor to be

Madam
your very Obedt^l Serv^t.

J.
M^{rs}. H. M. Ogle—

Annapolis—

Benj. Ogle

Thos. D. Tapp