

**ADDITION TO THE SOUTHARD CORRESPONDENCE:
“RASCALITY IN BRAZIL”**

By Andy Kupersmit

From July 2001 to February 2014, the name Samuel Southard appears in several issues of the New Jersey Postal History Society Journal. That can now be extended to February 2017.

This cover came to light when a collection of New Brunswick (and New Jersey in general) was recently sold. This cover is addressed to Hon. Samuel Southard as Secretary of the Navy, Washington, D.C. It has a red “New Brunswick Jul. 19” cds and a matching red “FREE” handstamp at top right, and is datelined “New Brunswick July 19th (18)27”.

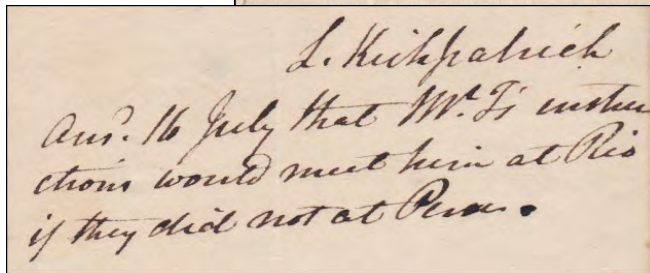
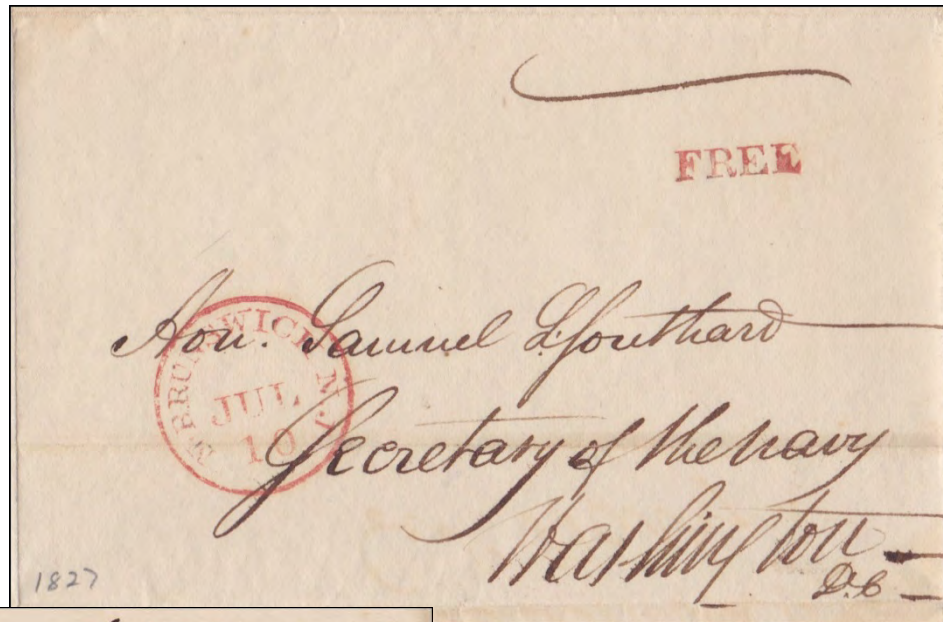


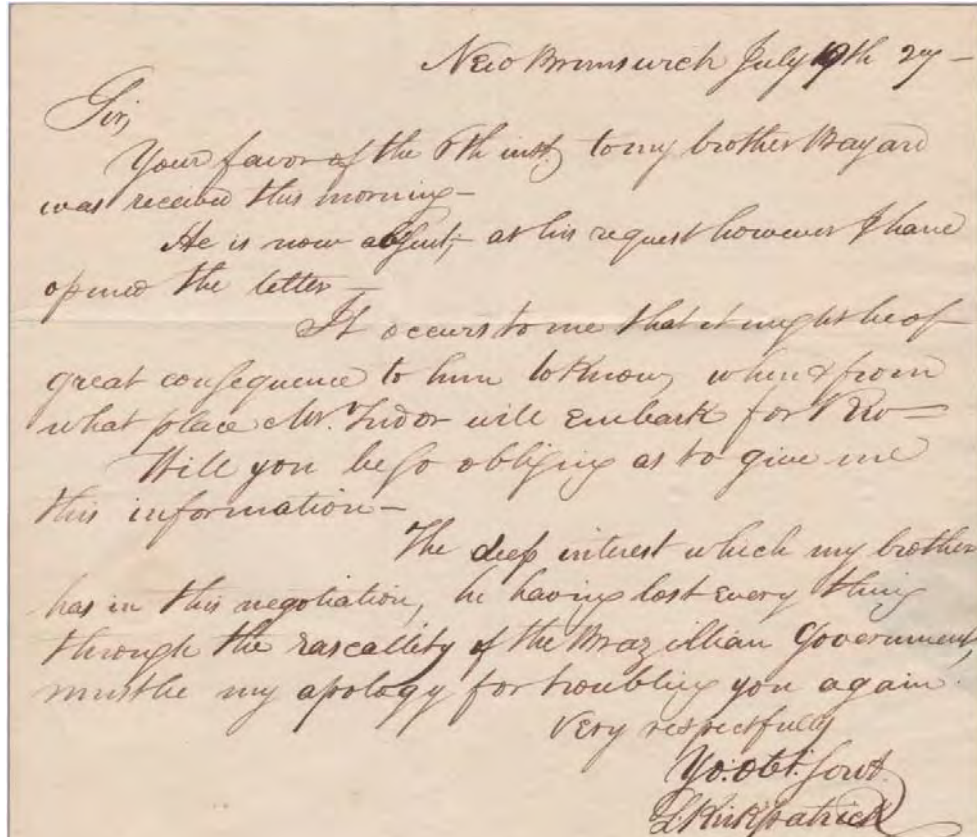
Fig. 1: Stampless folded letter sent to Samuel L. Southard, Secretary of the Navy, regarding the arrival of William Tudor in Brazil to replace Condy Raguet.

The docketing reads, “L. Kirkpatrick. Ansd. 16 July that Mr. T.s instructions would meet him at Rio if they did not at Pern(ambuco),” likely in Southard’s hand.

“L. Kirkpatrick” is Littleton Kirkpatrick (1797-1859) and his brother is John Bayard Kirkpatrick (1795-1864). The Kirkpatricks were nephews of John Bayard of New Brunswick because they were the sons of John Bayard’s sister Jane and her husband Andrew Kirkpatrick. Andrew Kirkpatrick was a member of NJ General Assembly in 1797-98 and then was appointed to the New Jersey Supreme Court in 1798, serving as chief justice from 1804-1825.

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This letter to Southard, pictured and transcribed below, was written by Littleton Kirkpatrick on behalf of his brother John Bayard Kirkpatrick. John Bayard Kirkpatrick had just received a letter from the Secretary of the Navy Samuel L. Southard regarding affairs in Brazil, but John was away so his brother Littleton read the letter and composed a brief response on behalf of his brother. The response contains only a few clues as to its subject, but the “rascality of the Brazillian (sic) government” is intriguing and worthy of further research.



Sir,

Your favor of the 6th inst. to my brother Bayard was received this morning.

He is now absent, at his request however I have opened the letter – It occurs to me that it might be of great consequence to him to know when and from what place Mr. Tudor did or will embark for Rio -- Will you be so obliging as to give me this information?

The deep interest which my brother has in this negotiation, he having lost everything through the rascality of the Brazillian (sic) government, must be my apology for troubling you again.

Very respectfully,

Your obt svnt, L. Kirkpatrick

Fig. 2: Letter from L. Kirkpatrick regarding difficulties in Brazil which seem to have caused his brother great financial inconvenience

HISTORICAL BACKGROUND REGARDING THE RASCALITY OF THE BRAZILIAN GOVERNMENT (per Wikipedia)¹

In 1821, President James Monroe appointed Condy Raguet the United States consul in Rio de Janeiro. Between 1822 and 1825, Raguet negotiated a commercial treaty with Brazil. Subsequently, on March 9, 1825, President John Quincy Adams appointed Raguet chargé d'affaires to Brazil.

Raguet [presented his credentials as] the first chargé d'affaires from the United States to Brazil on October 29, 1825. One of the first issues he dealt with was the blockade of Argentine ports by the Brazilian navy during the Cisplatine War. Argentina was a growing trade partner of the United States and Raguet and his counterpart in Argentina worked to convince Brazil to restrict its blockade to only certain ports and that ships approaching the blockade should be given warning before being seized by Brazil. After negotiations, Brazil restricted its blockade to only ports in the Rio de la Plata, but the blockade still encompassed more ports than the United States was pressing for. Brazil never made it a policy to give ships warning, but many ships were warned and let go.

Relations between Brazil and the United States became severely strained over the lack of a Brazilian response to the recruiting of United States seamen for Brazilian warships through fraud and coercion. United States citizens were enticed onto Brazilian ships, and after the end of their voluntary enlistment period, were forced to stay. Raguet became exhausted with how the Brazilian government never followed up its promises to investigate the complaints. The issue only got worse as United States merchant ships were seized by Brazil for attempting or intending to bypass the blockade. The crews of the ships were often manipulated into Brazilian service or imprisoned. Tensions over the issue continued to rise particularly after a US Navy commander, backed by force, procured the release of two detained Americans. Eventually the Brazilian Navy ordered all ships to immediately surrender all improperly detained United States citizens. Despite the order, Raguet was increasingly frustrated with what he felt was Brazil's purposeful delay in processing detained United States ships and citizens. After receiving approval from Secretary of State Henry Clay on his efforts, Raguet was emboldened and his notes to the Brazilian government became more forceful and undiplomatic.

After a letter from a Brazilian foreign minister requested that Raguet use more moderation in his communications, Raguet wrote to Clay that the Brazilian government was offended by his communications, that he had lost his patience with them, and that he hardly considered the Brazilians a civilized people. By the end of 1826 copies of letters of Raguet's communications to the Brazilian government had reached the State Department in Washington. Henry Clay wrote back indicating it would be best to use "language firm and decisive, but at the same time temperate and respectful. No cause is ever benefited by the manifestation of passion, or by the use of harsh and uncourteous language." Responding to a request Raguet made to threaten to sever diplomatic relations with Brazil if they did not release their ships, Clay said "war or threats of war ought not to be employed as instruments of redress until after the failure of every peaceful experiment."



Fig. 3: US Brig Spark

By early 1827 relations with Brazil improved after a new foreign minister took office, but that quickly changed in March when Brazil seized the USS Spark, a recently decommissioned U.S. warship. After a rebuffed offer to sell the Spark to Brazil, the ship headed for Montevideo. On the way, the ship was seized by a Brazilian Man of War and its crew imprisoned. Brazil demanded an explanation for what it said were irregularities in the Spark's activities and suspected the ship was a privateer

going to join Argentina. Raguet didn't believe the Brazilians actually believed the Spark was a privateer, and felt that what he called "the most deliberate and high handed insult" against the United States was planned days in advance. The incident with the Spark was the last straw for Raguet. He sent a letter to the Brazilian government saying "that recent occurrences induce him to withdraw from the court of Brazil, and he therefore requests that his Excellency will furnish him the necessary passports." He left his position as chargé d'affaires on April 16, 1827.

Once Washington found out that Raguet had left Brazil, the State Department quickly worked to appoint someone new to repair any damage caused by Raguet and to continue working on solving the issues with Brazil that had led Raguet to leave. Adams would later write that relations between the United States and Brazil were "aggravated by the rashness and intemperance of Condé Raguet, ... [who had] brought this country and Brazil to the very verge of war." On Raguet's return to the United States he met with Clay and Adams who said "I told him that my opinion of his integrity, patriotism, and zeal was unimpaired; that I was convinced of the purity of his motives to the step he had taken; but that I thought it would have been better if he had, before taking that step, consulted his government."

Newly-independent from Portugal, Brazil attempted to assert itself against Argentina (the Cisplantine War; December 10, 1825-August 27, 1828) over the territory on the Rio Plata that would eventually become Uruguay, and in doing so, established blockades of Argentine ports, which interfered with American shipping to Argentina. Ships were seized and crews impressed into service. These Brazilian blockades were at the heart of disputes with the United States.

It would be logical to conclude that the Brazilian navy captured a vessel in which John Bayard Kirkpatrick had a financial stake, seized its cargo and enslaved its crew. It is also logical to assume that the loss of this ship, crew and property forced him into financial hardship. Some of this proved true.

Research revealed that the name John Bayard Kirkpatrick appears in the papers of Henry Clay, 1827, pp 157-158. The entry reads, "... the case of the *Spermo* was "decided by the court at Pernambuco against the Captors in April 1826," that the issue has been suspended by an appeal to the Superior Court at Rio de Janeiro, that *the agent, John Bayard Kirkpatrick*, has pressed unsuccessfully for a final decision, and that Raguet has asserted that he can do nothing "unless by some express Order of Government." In the book *Index to United States Documents Relating to Foreign Affairs, 1828-1861*, Raguet comments on the *Spermo* case seven times between Jan. 1826 and Jan. 1827. [italics added – Ed.]

The US Brig *Spermo* was one of the earliest incidents in these American disputes with Brazil, and related to the Brazilian seizure of the *Spermo*, which left New York in June 1824, sailing for Pernambuco with a cargo of flour and other legitimate merchandise. She arrived at Pernambuco on the 10th of August, and lay anchor off the coast 2 miles from the lighthouse. She was not approached by the Brazilian Brigs of War, nor warned of any blockade (which was not in effect until the 12th). The following day, a gale forced Captain Clarke of the *Spermo*, who found himself in some difficulty because of the loss of an anchor cable, to raise a distress signal. While the Brazilian ships of war did not respond, a Pilot did come to her assistance, and “steered the Ship into the Harbour, where she ‘made fast to another Vessel, and by that means prevented from going ashore.’”² When the Imperial Forces of Brazil entered the harbor, charges were brought against the *Spermo* for breach of the blockade.



Courtesy of the Nantucket Historical Association³

Fig. 4: Once a whaling boat, built on Nantucket in 1820, the *Spermo* made only one whaling voyage, to the Far East, returning with a large volume of whale oil. The painting was done by a captain of another whaler in that fleet, John Fisher. *Spermo* was sold in 1823, and became a merchant ship sailing out of New York. It was captured and held by Brazil in 1824. John Bayard Kirkpatrick was the agent charged with obtaining its release and reparations for its cargo for its owners and underwriters.⁴

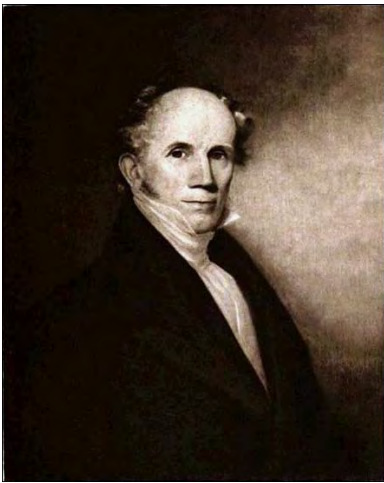
Soon after, complaints were brought against the Brazilian government for failure to return the ship, its crew, and its cargo. The complaints remained unaddressed for months. Further communications, complaining of delays, were sent on Dec. 19, 1825, but no action was taken until a local court in Pernambuco declared the *Spermo* a “bad prize” in 1826, and the ship was released on bonds and allowed to return to New York. However, before reparations could be made, the judgement was overturned by the Imperial Government in Rio de Janeiro, and appeals and court proceedings continued for another three years.

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The Kirkpatrick brothers were understandably perturbed at the proceedings (or lack of) in 1827, and the lack of progress achieved by Condy Raguet. On Raguet's return to the US in 1827, William Tudor Jr., of Boston, then chargé to Lima, was appointed to replace Raguet. However, while he was appointed in 1827, his health prevented him from arriving in Rio until 1828.

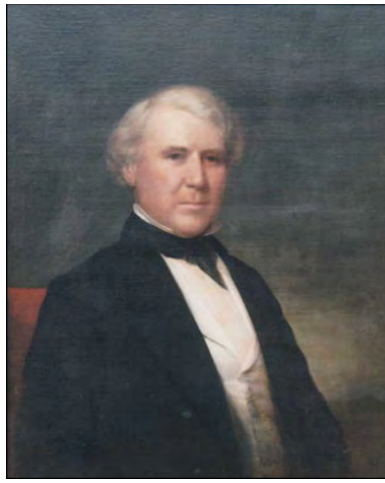
Tudor proceeded to repair the relations with Brazil, obtained positive judgments for the *Spermo* and other ships which had been taken during the years of the blockade, and forged a treaty with Brazil in 1828 which assured continued friendship and trade with Brazil.

It was not until 1829 that a final decision was made, and reparations were scheduled to the owners, through their agent, John Bayard Kirkpatrick. During this long five-year period, not only did its owners have the loss of profit but in addition, the costs of having an agent in Brazil to sue for their cause.



Wikipedia portrait⁵

Fig. 5: Condy Raguet, Consul and then Chargé d'affaires to Brazil, 1822-1827, who came to an impasse in negotiations with the Brazilian government regarding reparations for ships taken in the Brazilian blockade.



Ancestry.com public trees⁶

Fig. 6: Littleton Kirkpatrick, brother of John Bayard Kirkpatrick, agent for the owners of the US Brig *Spermo*.



Massachusetts Historical Society⁷

Fig. 7: William Tudor, Jr., former Chargé d'Affaires to Lima, Peru, who replaced Condy Raguet as Chargé d'affaires to Brazil, with greater success. Tudor is the "Mr. T." referred to in the docketing.

The *Spermo* had been allowed to return to New York in 1826, under bonds posted. Tudor had these annulled in 1829, and reparations were as follows.

Tudor to Secretary of State, April 18, 1829

This ship was seized for an alleged breach of blockade at Pernambuco in 1824. The vessel was allowed to depart under bonds, (cancelled recently at my requisition,) acquitted in the first court, and finally condemned, after a long delay by the court of appeal in Rio Janeiro. The claim for the vessel was in behalf of the underwriters; for the cargo, for the owners. It has been settled by an award in milreas, valuing the dollar at 1,500 rs. (the par is 800.) This the agents, experienced merchants, considered more advantageous than a settlement in dollars. For the vessel, &c. 33,075.000 rs.; interest from January, 1827: cargo 41,907.000 rs.; interest from April 5, 1825.⁸

Just what John Bayard Kirkpatrick's own stake in this enterprise was, we don't yet know, but as agent for the company & underwriters, he finally did see recompense, although it was five years from the original taking of the *Spermo*. Also, sadly, William Tudor, who won these concessions from the Imperial Government of Brazil, was taken by fever in 1830 in Rio, and died there at the age of 51.

As collectors, we sometimes see letters to and from Samuel L. Southard during his term as Secretary of the Navy, under James Monroe and John Quincy Adams, 1823-1828, but these are often items not likely to be in the National or Naval Archives, and not related to Affairs of State. This letter provides a rare glimpse into the stressful and challenging nature of the position of Secretary of the Navy, especially during the early years of the Monroe Doctrine.



Redwood Library & Athenaeum⁹

Fig. 8: Samuel L. Southard, Secretary of the Navy, a portrait made by Charles Bird King.

ENDNOTES:

- ¹ Wikipedia article on Condy Raguet at https://en.wikipedia.org/wiki/Condy_Raguet Jan. 21, 2017.
- ² From British and Foreign State Papers, 1828-1829, London, James Ridgway, Piccadilly, 1830, on Google Books at <https://play.google.com/books/reader?id=O5oAAAAAYAAJ&printsec=frontcover&output=reader&hl=en&pg=GBS.PP5>.
- ³ In the collection of The Nantucket Historical Association, <https://www.nha.org/pdfs/hn/HistoricNanFall08.pdf>.
- ⁴ Artist John Fisher, *Ship Spermo Trying With Boats Among the Whales On California*, 1821, oil on canvas, inscribed J. Fisher in lower right corner. John Fisher was a whaling master out of Nantucket, who captained the *General Jackson* which accompanied the *Spermo*. See <https://www.nha.org/pdfs/hn/HistoricNanFall08.pdf> 1/25/2017
- ⁵ Wikipedia public domain photo, attributed to William Henry Fairfax (1804 - 1837), at https://en.wikipedia.org/wiki/Condy_Raguet.
- ⁶ Ancestry.com public trees portrait at www.ancestry.com.
- ⁷ Portrait from *Proceedings of the Massachusetts Historical Society at "[Meetings of 1830]."* *Proceedings of the Massachusetts Historical Society*, vol. 1, pp. 425–436. www.jstor.org/stable/25079128 . 1/27/2017
- ⁸ Documents of the House of Representatives, Washington, 1837, Thomas Allen, on Google Books at <https://books.google.com/books?id=9YcFAAAAQAAJ&pg=RA7-PA53&lpg=RA7-PA53&dq=Documents+of+the+House+of+Representatives,+Washington,+1837,+Thomas+Allen&source=bl&ots=dyzNGLCwZa&sig=IBnHR6Ej3U1qwY15z-f4l-DvwSw&hl=en&sa=X&ved=0ahUKEwiJmq-k5ujRAhXH4SYKHZ0JAYgQ6AEIMDAD#v=onepage&q=spermo&f=false>.
- ⁹ Portrait in the collection of the Redwood Library and Athenaeum, Newport, R.I. , redwood@redwoodlibrary.org in their estore at <http://redwoodlibrarystore.org/index.php?route=product%2Fquicksearch&q=southard>

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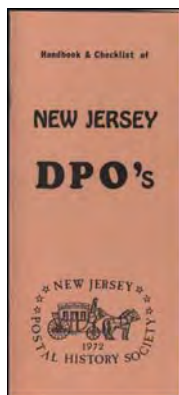
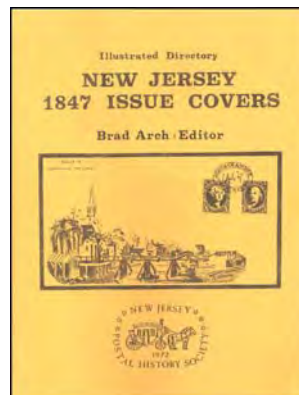
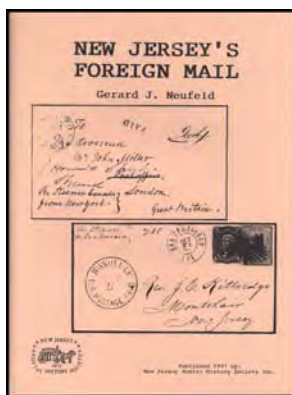
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