HAITI.
Mr. Blaine to Mr. Douglass.

No. 89.] DEPARTMENT OF STATE, Washington, January 9, 1891.

SIR: You will perceive from the letter of Messrs. G. A. Brett, Son & Co., copy of which I inclose, that vessels engaged in trade in Haiti are detained in its ports for two and even three weeks after their cargoes are discharged, and their clearance papers withheld until the duties on the goods are paid by the consignees.

It would seem that the goods, which are in the hands of the customs authorities, ought to be a sufficient security for the payment of the duties, which are due from the consignees and not from the carriers; and the detention of the vessel, as is alleged, even when about to call at another port of the Republic, until the duties are paid, appears an unnecessary interference with commerce.

If the representations made in the letter of the Messrs. Brett prove correct, you will endeavor to obtain the removal or modification of the restrictions in question.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 89.]

41 South Street, New York, January 7, 1891. (Received January 8.)

HONORABLE SIR: We are running a regular line of vessels from this port to Port-au-Prince, Haiti; the vessels comprising the fleet are the American schooners RICKERSON, EBEK, ABBOTT, LAURY, THOS. W. STOLDER, and others. The success of the line has been very much interfered with from the fact that our vessels, the property of American citizens, have been detained in the port of Port-au-Prince not one week only but two and three weeks, awaiting their clearance papers, after their cargoes have been discharged and delivered into the hands of the Haitian Government custom-house officials, the alleged cause being that the Haitians to whom the goods are consigned have not paid the duties. Our vessels are detained just the same when they wish to go to a second port in the same island and under the same Government to load. Our captains fail to receive any help from their representative at Haiti. Is there any redress? Is there any rightful law by which American vessels can be held for dues due the Haitian Government by its own citizens? What can we do in the matter? By helping us in this matter of doing away with what appears to us an abuse of power you will confer a great favor on,

Yours, respectfully,

G. A. BRETT, SON & CO.
No. 120.]

Legation of the United States,
Port-au-Prince, January 26, 1891. (Received February 9.)

Sir: Referring to your No. 89, of the 9th instant, which covered a copy of a letter addressed to you on the 7th instant by G. A. Brett, Son & Co., complaining of an unnecessary and unreasonable detention of American sailing vessels in the ports of Haiti that inflicts serious loss upon the owners of such vessels, and further complaining that "our captains receive no help from their representative in Haiti," I have the honor to state that the grievance complained of is not of recent origin, nor is it one under the control of the representatives of the United States, except in so far as they may be able by representation, persuasion, and remonstrance to induce the Government of Haiti to remove the hardship and redress the wrong which are the basis of the complaint; and I have the honor further to state that for some time prior to the receipt of your No. 89, just referred to, I had, on the representations of the captains and consignees of the vessels thus detained here, made it my duty repeatedly to set before Mr. Firmin, the minister of foreign affairs, who is also minister of commerce, the wrong done to our sailing vessels by what appears to be their unreasonable detention and the duty of his Government to remove this burden on American commerce.

In response to my statements on the subject, Mr. Firmin has cited to me, as if he did not entirely approve of it, the long-standing law of Haiti, by which sailing vessels are held until the duties are paid on their cargoes by the consignees. He has also explained to me that much of the delay complained of is due to the tardiness of the consignees in paying those duties, and in further explanation has offered the fact that the imports during the past few months have greatly exceeded any expectation or previous preparation of the Government to receive them. For instance, he said that the wharf was built to receive the freight of only four or five vessels at a time, and that the custom-house force was organized accordingly.

In answer to all this, however, I have insisted that the law making sailing vessels responsible for the duty on their cargoes is the imposition of a hardship which the Government of Haiti ought to remove, both as a matter of public policy and of justice.

It is due to Mr. Firmin to state that he seemed to be favorably impressed by my representations on the subject, and that he has promised me to do what he can to enable our vessels hereafter to pass the custom-house with as little delay as possible. I count on his friendly disposition and his promises in this respect, and I shall follow them up.

I am, etc.,

Frederick Douglass.

Mr. Douglass to Mr. Blaine.

No. 127.]

Legation of the United States,
Port-au-Prince, February 9, 1891. (Received February 26.)

Sir: I have the honor to inform you that on Monday afternoon, the 2d instant, in company with Rear-Admiral Bancroft Gherardi, special commissioner to Haiti, and Lieut. Huse, of our war steamer Philadelphia, who acted as interpreter on the occasion, I had a lengthy interview with Mr. Firmin, the Haitian minister of foreign affairs, during which interview the question of the hardships imposed on American sailing vessels according to the existing law and practice of the Gov-
ernment of Haiti, by which those vessels are often detained and held in Haitian ports until the duties on their inward cargoes are all paid, was fully discussed.

The evil complained of has of late seemed much aggravated. Vessels that should, in a fair condition of things, be able to depart within ten or fifteen days after their arrival here have been detained in this port thirty and even forty days, thus fouling their bottoms, opening their seams, endangering the health of their officers and crews, and inflicting needless loss upon their owners.

Our complaint was ably presented during the interview by Rear-Admiral Gherardi. One feature in the matter is that the law is made to apply only to sailing vessels and not at all to steamers. It was accordingly insisted upon by us that there should be no discrimination either for or against either class of vessels; that the law should be as liberal toward sailing vessels as toward those propelled by steam; and that if the cargoes of the one class of vessels should be deemed sufficient security for the payment of the customs duties, the same should be sufficient in the other class of vessels.

Mr. Firmin stated in reply that the subject had already been brought to his attention by myself; and he again made substantially the same explanation that he had made to me several weeks ago.

He declared that much of the delay complained of was due to the failures of the persons to whom the goods brought by sailing vessels were consigned to promptly pay the duties on those goods; that sailing vessels not infrequently come to Haitian ports without being consigned to anyone; that this condition of things often affords opportunity for evading the payments due from the vessels; that between steam vessels and sailing vessels there is in this respect a wide difference, inasmuch as steam vessels have responsible agents permanently located in Haiti, and these agents can be held to account for any violation of law, whereas the departure of a sailing vessel may end all her responsibility toward the laws of this country, as she may never return to any port in Haiti.

Nevertheless, as on the former occasion already referred to, when, as stated in my No. 120, of the 26th ultimo, I called his attention to this serious complaint made in the interest of free commerce, Mr. Firmin assured us that he would study the subject with the view to the proper correction of the evil.

I am, etc.,

FREDERICK DOUGLASS.

Mr. Blaine to Mr. Douglass.

No. 97.]  
DEPARTMENT OF STATE,  
Washington, February 13, 1891.

SIR: I have received your No. 120, of the 26th ultimo, replying to my No. 89, of the 9th ultimo, and reporting the result of your conferences with Mr. Firmin on the inconveniences caused to American commerce by the Haitian law requiring the detention of vessels in Haitian ports until the import duties on their cargoes are paid by the consignees.

You will continue to keep the matter in view. Messrs. Brett, Son & Co., of New York, have been informed of your efforts to remedy the evil complained of.

I am, etc.,

JAMES G. BLAINE.
Mr. Blaine to Mr. Douglass.

No. 99.]

DEPARTMENT OF STATE,
Washington, February 27, 1891.

SIR: I have received your No. 127, of the 9th instant, reporting a further conversation between Rear-Admiral Gherardi, yourself, and Mr. Firmin in regard to the discrimination against sailing vessels engaged in the Haitian trade by detaining them in the ports of Haiti until the customs duties on their cargoes are paid by the consignees.

Referring to my previous instructions, I have to approve your insistence on the hardships involved in this complaint and the necessity of a remedy.

You are right in holding that the goods should be sufficient security for the payment of duties, and this is especially true of cargoes not consigned but seeking a market. If they are landed they must necessarily be sold or offered for sale by some responsible agency of the owners of the goods.

I am, etc.,

JAMES G. BLAINE.

Mr. Blaine to Mr. Douglass.

No. 105.]

DEPARTMENT OF STATE,
Washington, March 11, 1891.

SIR: I inclose herewith for your information a copy of a letter of the 11th ultimo from Messrs. G. A. Brett, Son & Co., shipping and commission merchants, of 41 South street, New York city, in relation to the detention of American vessels lately at Port-au-Prince from various causes.

The letter details one case as an example. The vessel arrived at Port-au-Prince on the 6th of December last. By reason of the lack of facilities at the custom-house for receiving cargo she was compelled to lie at anchor until the 16th of that month, a period of ten days, when she was hauled alongside of the wharf to discharge; but a permit for that purpose was not obtained until the 22d, when the vessel had been sixteen days in port. The permit to discharge having been obtained, other delays supervened, chiefly due to the closing of the custom-house about two-thirds of the time for holidays and other purposes, and even with the employment of double gangs of laborers the work of discharging cargo was not completed until the 5th of January, a month after the arrival of the vessel. Thirteen days more then elapsed before the bills for customs duties were made out for payment, so that the vessel was in all forty-five days in port.

It is stated that much testimony as to other cases of a similar character can be adduced. The writers of the letter say that they themselves have been compelled to pay $700 demurrage for the detention of chartered vessels, but that in most instances the vessels have had to bear the loss, amounting in all to some thousands of dollars. It is also stated that a frequent cause of detention is the enforcement of what appears to be a very unreasonable law permitting the holding of sailing vessels as security for the payment of duties on cargo that has been landed. This law appears to operate to make the period of detention proportionate to the number of consignees named in the manifest.
The effect of these grievous and unnecessary burdens upon commerce will be that the intercourse upon which they bear will be very materially diminished, and that some of those who are engaged in it will be compelled to desist altogether, unless the Haitian Government shall hasten to correct the abuses which have been described and adopt a more reasonable and considerate treatment. It is assumed that Haiti desires to cultivate commerce, and not to destroy it. It is upon this assumption that the provisions of the treaty of 1864 touching reciprocal liberty of commerce are based, and in this sense you are instructed to urge the complaints of our merchants, as above described, upon the attention of the Government. The subject is one of immediate importance and should receive instant and considerate attention.

I am, etc.,

JAMES G. BLAINE.

[Inclosure in No. 108.]

G. A. BRETT, Son & Co. to Mr. Blaine.

41 South Street, New York, February 11, 1891. (Received February 12.)

HONORABLE SIR: We had the pleasure on the 7th ultimo to write to you in regard to the unlawful detention of vessels the property of American citizens at Port-au-Prince for duties due the Government by its own subjects. Since then we are in receipt of numerous complaints from our captains on the same subject. Some of them are as follows:

"All vessels of Brett's line are having a hard time of it at Port-au-Prince for the last three months; and, gentlemen, I wish to say, this line of commercial industry must stop. The detention is too great. I arrived at Port-au-Prince December 6, 1890. By reason of lack of facilities on part of the custom-house to receive cargo, I lay at anchor until December 16, when we hauled alongside wharf to discharge. But not until December 22 did the Government give us permit to discharge. Sixteen days in port. Next came Christmas and New Year weeks, four holidays in each week, not including Sundays. Then the custom-house was closed (owing to the death of the wife of one of the directors) for two days. However, by using a double gang to discharge, we finished on January 5, 1891, but after that it was thirteen days before the customs made out the duty bills for payment so I could clear. Forty-five days in port. I, with a few other captains, have made written complaint to the United States minister. The primary cause for all this trouble is the law holding sailing vessels as security for duties on cargo landed. The delay is in proportion to the number of consignees the manifest contains. Now, gentlemen, I would suggest that you make a memorial in relation to this matter and send it to Mr. Blaine and ask him to use his official influence to do away with or have modified this unjust law relating to American sailing vessels."

We could furnish much more testimony of the same kind if desired. We have ourselves had to pay some $700 demurrage for the detention of chartered vessels; but most of the vessels have had to stand the loss themselves, amounting in all to some thousands of dollars.

Will a memorial on this subject do any good? Has any Government a right to make and enforce such a law? Would not vessels have a good legal claim against the Haitian Government for such detention provided the facts are as we state them? By answering the above questions and doing all in your power to help American commerce you will greatly oblige,

Yours, respectfully,

G. A. BRETT, Son & Co.

Mr. Douglass to Mr. Blaine.

No. 151.]

LEGATION OF THE UNITED STATES,

Port-au-Prince, April 27, 1891. (Received April 29.)

SIR: Referring to your several dispatches, Nos. 89, of January 9; 97, of February 13; 99, of February 27; and 105, of March 11, 1891, and to my Nos. 120, of January 26, and 127, of February 9, 1891, all of which were devoted to the consideration of representations and complaints arising
from the detention here of our sailing vessels until the customs duties on their inward cargoes are paid, I have the honor to inform you that, as a result of my continued and unceasing efforts, I have this day secured from Mr. Firmin, the Haitian minister of foreign affairs, the positive verbal assurance that President Hyppolite will, in his forthcoming annual message to the Corps Législatif, make the earnest recommendation that the law or decree by which this detention is exacted be speedily repealed.

Mr. Firmin seemed to have no doubt but that the President's recommendation in regard to this matter would be favorably passed upon by the Congress.

Considering the long standing of this burden on our commerce, and considering, also, the successive unavailing efforts of my predecessors to have it removed, it affords me satisfaction to have obtained from the Haitian minister the positive verbal promise of speedy redress.

As soon as I shall have received, as I expect to receive, written confirmation of Mr. Firmin's promise, I shall have the honor to address you further on the subject.

I am, etc.,

FREDERICK DOUGLASS.

Mr. Douglass to Mr. Blaine.

No. 157.] LEGATION OF THE UNITED STATES, Port-au-Prince April 27, 1891. (Received May 15.)

SIR: Referring to my dispatch No. 151, of the 17th instant, I have the honor to send you herewith inclosed copies of correspondence which has since that date been exchanged between myself and Mr. Firmin, the minister of foreign affairs, and from which it will be seen that the Haitian minister reiterates his assurance to me that the Executive will especially recommend in his forthcoming message to the Corps Législatif the repeal of the law or decree by which our sailing vessels are detained in Haitian ports until all the duties on their inward cargoes are paid.

Inclosure No. 1 is a copy of my note to Mr. Firmin. The object of it was to secure from him in writing a confirmation of what he had said to me verbally.

Inclosure No. 2 is a translation of his response, which covers all the ground that I had expected it to cover.

It seems now to be tolerably certain that the law or decree which has borne so heavily on our sailing vessels coming here during many years past will shortly be so modified as to remove our just grounds of complaint on that account.

I am, etc.,

FREDERICK DOUGLASS.

[Inclosure 1 in No. 157.]

Mr. Douglass to Mr. Firmin.

No. 45.] LEGATION OF THE UNITED STATES, Port-au-Prince, April 29, 1891.

SIR: Referring to the several conversations which it has been my privilege to have with you in regard to the detention in Haitian ports of sailing vessels until all the customs duties on their inward cargoes are paid, I have the honor to state to you
that it was with a very lively satisfaction that I understood you to assure me at our interview on the 17th instant that your Government has decided, in response to my several representations on the subject, to make the earnest recommendation, in the forthcoming message of President Hyppolite to the Corps Législatif, that the law or decree by which the detention complained of is enforced, shall be speedily abrogated.

If I have correctly understood you on the important point cited, I shall hasten to give to my Government full knowledge of your friendly purpose in this respect.

Be pleased to accept, etc.,

FREDERICK DOUGLASS.

[Inclosure 2 in No. 157.—Translation.]

Mr. Firmin to Mr. Douglass.

DEPARTMENT OF FOREIGN AFFAIRS,
Port-au-Prince, April 22, 1891.

Mr. MINISTER: I have the honor to acknowledge the receipt of your note of the 20th instant, in which you express your satisfaction at the assurance that I gave you on the 17th instant to the effect that the Government has, in consequence of your representations on the subject, decided to especially recommend to the Corps Législatif, in the forthcoming message of President Hyppolite, the abrogation of the decree in virtue of which sailing vessels are detained in Haitian ports until the customs duties on their cargoes are paid.

It is perfectly understood, and you can count on it, that things will be done as I have assured you, thus testifying to you the lively desire of the Government of Haiti to prove its good disposition toward the Government of the United States, and especially towards your honorable self.

Be pleased to accept, etc.,

A. FIRMIN,
Secretary of State for Foreign Relations.

Mr. Wharton to Mr. Douglass.

No. 116.]

DEPARTMENT OF STATE,
Washington, May 16, 1891.

SIR: The Department is gratified to receive your No. 157, of the 27th ultimo, inclosing copies of correspondence, from which it appears that the Haitian Government promises to make an executive measure the proposed law repealing the existing law by which sailing vessels are detained in the ports of Haiti until the duties on their inward cargoes are paid.

I am, etc.,

WILLIAM F. WHARTON,
Acting Secretary.

Mr. Douglass to Mr. Blaine.

[Extract.]

No. 179.]

LEGATION OF THE UNITED STATES,
Port-au-Prince, June 27, 1891. (Received July 9.)

SIR: Almost at the hour fixed for the sailing of the steamer Prins Willem III, which is to take me to New York and which is already just one week behind her schedule time, I am put in possession of the an-
nual message that President Hyppolite has recently sent to the Corps Léguatatif, now in session at this capital, and I accordingly hasten to transmit to you herewith a copy of that document.

On pages 25 and 26 of the message will be found some important statements in respect to the matter of discriminations which have been observed these late years against our sailing vessels coming to Haitian ports (see my No. 157, of April 27, 1891).

The statements referred to are as follows:

An absolutely remarkable fact is the importance of the constantly increasing commerce of Haiti with the United States. It is this that explains the numerous complaints put forth by the New York journals against the measures taken in Haiti in regard to sailing vessels, which bring hither the greatest part of the provisions coming from the United States.

The American legation has had several friendly consultations with the secretary of state for the purpose of demanding whether the Government would not ameliorate the situation in regard to sailing vessels by placing them somewhat nearly under the same condition with steamers. The principal cause of complaint set forth is, according to the honorable Mr. Douglass, the refusal to expedite every sailing vessel, the whole of whose import duties have not yet been paid, after the drawing up of the exact duty sheets, while steamers are in no way detained by the nonpayment of the duties on their cargoes.

It has been found, from an examination made by the bureaus of the department of commerce, that no law imposes the obligation to detain sailing vessels until the import duties on their inward cargoes are paid.

This measure is perhaps only supported by a decree of the 30th of April, 1899, a decree which was not inserted either in the Official Moniteur nor in any law bulletin of the Republic, so that it is not known from what authority it emanates. In any case, the date of the 30th of April, 1899, calls to mind a troubled epoch of the Republic, in which it was impossible to render a decree in constitutional form, that which makes this decree an act of pure circumstance.

The Government thinks that the obligation imposed on merchants to pay the import duties either definitively or approximately before taking away their merchandise suffices amply to safeguard the fiscal interests. If the national assembly make no objection thereto, the minister of finance and commerce will, in the future, make the application pure and simple of the law of December 10, 1861, which only exacts before the expediting of sailing vessels the payment of tonnage dues and all other charges affecting the body of the vessels.

It is thus seen that my persistent efforts for the removal of the discriminations complained of have been effectual.

I am, etc.,

FREDERICK DOUGLASS.

Mr. Wharton to Mr. Terres.

No. 128.] DEPARTMENT OF STATE, Washington, July 14, 1891.

SIR: I have received Mr. Douglass's No. 179, of the 27th ultimo, including a copy of the annual message of the President of Haiti for 1891.

The Department hopes that the vexatious question of detaining merchant sailing vessels, pending the adjustment of customs duties on their cargoes, will be speedily and satisfactorily settled, as the message of President Hyppolite gives reason to hope will be the case.

I am, etc.,

WILLIAM F. WHARTON, Acting Secretary.