R. J. Coale (Copy) Balt^o March 10. 1828

Dr Sir

The Brazilian Seaman for whom at your request I obtained a Habeas Corpus has been remanded by Baltimore City Court because he came into the United States a part of the Crew of the Brig on board of which he is confined. It is undoubtedly true, as you suggest, that every foreigner the moment he touches the shores of the United States is entitled to the protection of our laws, and to the Writ of Habeas Corpus; but in the case of foreign vessels and their crews the laws of Nations must prevail. It is clear that by those laws a neutral is bound to ~~protect~~ repel a belligerent from increasing her force within the neutral territory, and by parity of reasoning a neutral cannot diminish the force of a belligerent by repel. The Seaman came into the U. S. a part of the crew of the Brig and had signed articles as such which were exhibited to the Court whether those articles were binding or not, was a question between Brazil and Buenos Ayres which a Neutral Court had no jurisdiction to decide. No written discharge was produced, or I believe exists, and the verbal one which the Witness Thomas stated to me he heard, was at least very equivocal. The Man was in possession of the privateer Captain and an instrument was produced which in a Neutral Court certainly gave him a right to such possession.

Had the Man been on shore, when the Buenos Ayrean Officer seized him, there would have been an arrest within our territory which would have been a violation of our Sovereignty and might have altered the case. The Court would then have had a right to insist that the Man should be restored to the situation from which he had been improperly taken, but the Man went on board, and being there was treated as part of the Crew, which he appeared to the Court to be

With respect to the local laws of the United States the act of Congress authorizing a Magistrate to commit

Seamen who desert their vessels does not extend to foreign vessels and the practice in most parts of the U. States, including this during Judge Bland's time has been when they were so committed to discharge them.

I do not know what Judge Glenn's practice is, but Judge Story has decided in a reported case, that the proper Course is to deliver a man so committed to his Captain and not to discharge him. No instance that I know of can be found in which a Seaman has been in any country taken from on board a vessel, the articles of which he had signed

Judge Glenn declined granting the Habeas Corpus, because the Brig was within the territorial jurisdiction of the State of Maryland. It is at least a doubtful question whether he had authority to issue it or not. Judge Bree thought that he had no jurisdiction to try the question of the legality of the discharge. In this I think he was mistaken but I do not think there was a sufficient discharge

I Remain

Very Respy Yours &c

(Signed) H. L. Evans

Edward L. Coale Esq

Brazilian Vice Consul

Baltimore