New York Superior Court

[redacted] Henry Peterson
ads
Jonas P. Levy

City & County of New York ss. Henry Peterson the above Deft. being duly sworn doth depose & say. that this action is brought for Gross Negligence ~~mismanagement~~ & ~~Misconduct~~ on the part of this Deponent as Master, whereby the Brig & Cargo of the above Plantiff was lost. Deponent further says that he arrived a Velasco. Texas. on the 2d of July 1837 & anchored about three miles off Shore being the safest place to Anchor &c in Strict pursuance of the said Plantiffs letter of Instructions and that the following is a copy of the Protest Subscribed & Sworn to by Deponent James Davis his first Mate, James [redacted] & James Earle Seamen

Republic of Texas } Port of Velasco
County of Brazoria }

By this Public instrument of Protest made & Executed on the tenth day of August AD 1837 - Before me George B McKinstry Chief Justice & Ex. Officio Notary Public in & for the County aforesaid. In the absence of an American Consul. Personally came & appeared Henry Peterson. Master. James Davis Mate and James Jones & James Earle Seamen of the Brig Belvidere of the Port of New York. Burthen one hundred & Eighty Tons or thereabouts, who being duly Sworn, declare & saith. that on Sunday the second day of July at 2 PM came too. off Velasco. let go the Best Bower Anchor in three Fathoms water, 3 Fresh Breezes from S E. heavy Sea. commenced landing Passengers. find the Sea so rough on the Bar could not land any Baggage or Cargo. July 4th landed a few passengers the fore part of the day in the small boat. July 5th. this day fresh breezes from S E. landed two loads of Passengers in the Small Boat. long Boat still on deck. July 6th commences fresh Gales from S S E & a heavy Sea. found the Anchor came home. let go the second Anchor and sent down the fore Royal Mast & Top Gallant Yards. at 9 A M the Capt & three men went on Shore. took two Kegs Cracks & some of the passengers Baggage. Gale still increasing at 3 P M parted the Larboard Chain & lost the small Bower Anchor & about 15 Fathoms Chain. at 6 P M the small boat & three men came off. the Captain remained on Shore, through the Night fresh gales Brig lying in 2 3/4 Fathoms water one mile from the Shore with the Best Bower Anchor & the whole Scope of Chain out. July 7th comes in more Moderate. at 9 A M sent the Boat on shore for the Captain at noon the Capt came off. the Mate took the Boat with Mrs Ward & Child. Mrs Rowley & Child and Mr Curtis & three men and some small Articles of Baggage & provisions. when about half way to Shore a Sea broke astern of the Boat & upset her. the passengers were all drowned. three of the men held on to the Boat. the Mate & one man with the assistance of the oars swam on Shore. the Boat & the Ballance of the boats Crew were saved by the assistance of the people on Shore. the mate & Seamen were so much exausted & bruised they could not get on board for three days. the Brig still holds on well. July 8th commences more moderate. apparently left surf. on the Bar. a Schooner with a Signal of Distress flying & has had it flying daily for some days. no boat off. and I can get no Assistance as yet. or get on Shore, the mate & men still on Shore in what Situation they or the Boat is I known