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*National Museum of African American History and Culture*

## **Argument of John Quincy Adams, before the Supreme Court of the United States, in the case of the United States, Appellants, vs.**

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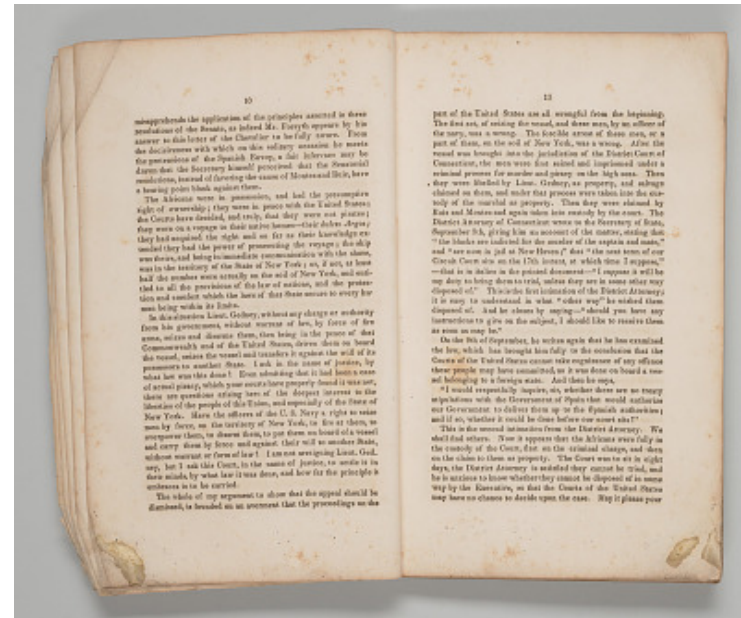
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misapprehends the application of the principles asserted in these resolutions of the Senate, as indeed Mr. Forsyth appears by his answer to this letter of the Chevalier to be fully aware. From the decisiveness with which on this solitary occasion he meets the pretensions of the Spanish Envoy, a fair inference may be drawn that the Secretary himself perceived that the Senatorial resolutions, instead of favoring the cause of Montes and Ruiz, have a bearing point blank against them. The Africans were in possession, and had the presumptive right of ownership; they were in peace with the United States; the Courts have decided and truly, that they were not pirates; they were on a voyage to their native homes—their dulces Argos; they had acquired the right and so far as their knowledge extended they had the power of prosecuting the voyage; the ship was theirs, and being in immediate communication with the shore, was in the territory of the State of New York; or, if not, at least half the number were actually on the soil of New York, and entitled to all the provisions of the law of nations, and the protection and comfort which the laws of that State secure to every human being within its limits.

In this situation Lieut. Gedney, without any charge or authority from his government, without warrant of law, by force of fire arms, seizes and disarms them, then being in the peace of that Commonwealth and of the United States, drives them on board a vessel and transfers it against the will of its possessors to another State. I ask in the name of justice, by what law was this done? Even admitting that it had been a case of actual piracy, which your courts have properly found it was not, there are questions arising here of the deepest interest to the liberties of the people of this Union, and especially of the State of New York. Have the officers of the U.S. Navy a right to seize men by force, on the territory of New York, to fire at them, to overpower them, to disarm them, to put them on board of a vessel and carry them by force and against their will to another State, without warrant or form of law? I am not arraigning Lieut. Gedney, but I ask this Court, in the name of justice, to settle it in their minds, by what law it was done, and how far the principle it embraces is to be carried.

The whole of my argument to show that the appeal should be dismissed, is founded on an averment that the proceedings on the

part of the United States are all wrongful from the beginning. The first act, of seizing the vessel, and these men, by an officer of the navy, was a wrong. The forcible arrest of these men, or a part of them, on the soil of New York, was a wrong. After the vessel was brought into the jurisdiction of the District Court of Connecticut, the men were first seized and imprisoned under a criminal process for murder and piracy on the high seas. Then they were libelled by Lieut. Gedney, as property, and salvage claimed on them, and under that process were taken into the custody of the marshal as property. Then they were claimed by Ruiz and Montes and again taken into custody by the court. The District Attorney of Connecticut wrote to the Secretary of State, September 5th, giving him an account of the matter, stating that "the blacks are indicted for the murder of the captain and mate," and "are now in jail at New Haven;" that "the next term of our Circuit Court sits on the 17th instant, at which time I suppose,"—that is in italics in the printed document—"I suppose" it will be my duty to bring them to trial, unless they are in some other way disposed of." This is the first intimation of the District Attorney; it is easy to understand in what "other way" he wished them disposed of. And he closes by saying—"should you have any



instructions to give on the subject, I should like to receive them as soon as may be."

On the 9th of September, he writes again that he has examined the law, which has brought him fully to the conclusion that the Courts of the United States cannot take cognizance of any offence these people may have committed, as it was done on board a vessel belonging to a foreign state. And then he says,

"I would respectfully inquire, sir, whether there are no treaty stipulations with the Government of SPain that would authorize our Government to deliver them up to the Spanish authorities ; and if so, whether it could be done before our court sits?"

This is the second intimation from the District Attorney. We shall find others. Now it appears that the Africans were fully in the custody of the Court, first on the criminal charge, and then on the claim to them as property. The Court was to sit in eight days, the District Attorney is satisfied they cannot be tried, and he is anxious to know whether they cannot be disposed of in some way by the Executive, so that the Courts of the United States may have no chance to decide upon the case. May it please your

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