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

Extracted on Apr-23-2024 11:33:42

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46

rocity in the execution and fulfilment of treaties." Is that language for a foreign minister to use to the American Secretary of State, and not to be answered? He then says:

"The undersigned flatters himself with the hope that his Excellency the President will take into his high consideration this communication, to which the undersigned hopes for a speedy answer, as a new proof of the scrupulousness and respect with which this nation fulfils the treaties existing with other nations. If, contrary to this hope, the decision should not be such as the undersigned asks, he can only declare the General Government of the Union responsible for all and every consequence which the delay may produce."

There is the language used by the representative of her Catholic Majesty to the Secretary of State of the United States, and to which the Secretary never thought it necessary to make a suitable reply. There is another correspondence published among the documents of the present session of Congress, connected too with this very case, which shows that the Secretary knows how to be very sensitive with regard to any thing that looks like foreign interference with the action of our courts and government. It is in his answer to Mr. Fox, the British ambassador, who addressed a letter to Mr. Forsyth, January 20th, 1841, saying he had been instructed to represent to the President that the attention of his government "has been seriously directed to the case" of these Africans, and in consequence of the treaty between Great Britain and Spain, in which the former paid a valuable consideration for the abandonment of the trade, it is "moved to take a special and peculiar interest in the fate of these unfortunate Africans." And he says:

"Now the unfortunate Africans, whose case is the subject of the present representation, have been thrown by accidental circumstances into the hands of the authorities of the United States; and it may probably depend upon the action of the United States Government, whether these persons shall recover the freedom to which they are entitled, or whether they shall be reduced to slavery, in violation of the known laws and contracts publicly passed, prohibiting the continuance of the African slave trade by Spanish subjects.

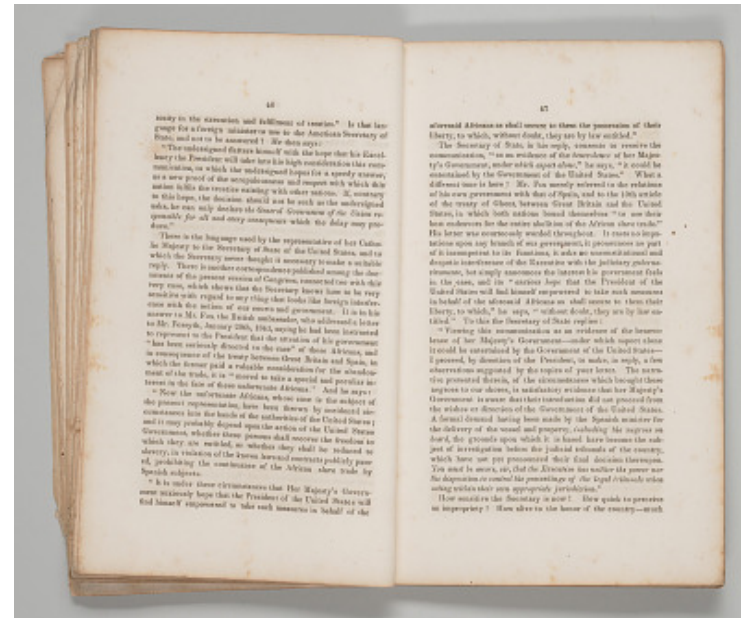
"It is under these circumstances that Her Majesty's Government anxiously hope that the President of the United States will find himself empowered to take such measures in behalf of the

47

aforesaid Africans as shall secure to them the possession of their liberty, to which, without doubt, they are by law entitled."

The Secretary of State, in his reply, consents to receive the communication, "as an evidence of the benevolence of her Majesty's Government, under which aspect alone," he says, "it could be entertained by the Government of the United States." What a different tone is here! Mr. Fox merely referred to the relations of his own government with that of Spain, and to the 10th article of the treaty of Ghent, between Great Britain and the United States, in which both nations bound themselves "to use their best endeavors for the entire abolition of the African slave trade." His letter was courteously worded throughout. It casts no imputations upon any branch of our government, it pronounces no part of it incompetent to its functions, it asks no unconstitutional and despotic interference of the Executive with the judiciary gubernativamente, but simply announces the interest his government feels in the case, and its "anxious hope that the President of the United States will find himself empowered to take such measures in behalf of the aforesaid Africans as shall secure to them their liberty, to which," he says, "without doubt, they are by law entitled." To this the Secretary of State replies:

"Viewing this communication as an evidence of the benevolence of her



Majesty's Government- under which aspect alone it could be entertained by the Government of the United States- I proceed, by direction of the President, to make, in reply, a few observations suggested by the topics of your letter. The narrative presented therein, of the circumstances which brought these negroes to our shores, is satisfactory evidence that her Majesty's Government is aware that their introduction did not proceed from the wishes or direction of the Government of the United States. A formal demand having been made by the Spanish minister for the delivery of the vessel and property, including the negroes on board, the grounds upon which it is based have become the subject of investigation before the judicial tribunals of the country, which have not yet pronounced their final decision thereupon. You must be aware, sir, that the Executive has neither the power nor the disposition to control the proceedings of the legal tribunals when acting within their own appropriate jurisdiction."

How sensitive the Secretary is now! How quick to perceive an impropriety! How alive to the honor of the country- much

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