May 2018

Amistad (Schooner)

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A MENDI VOCABULARY,
Supplementary to that contained in the forth-coming number of the American Journal of Science.

Back, pu-ma.
Beard, be-lo.
Belly, ko.
Bones, ka-le.
Chin, baw-kpaw.
Hand, lo-kwi, lo-ku, to-kwi or toku.
Head, ngwi or ngu.
Knee, gum-bi.
Neck, nbo-lo.
Quill, gnuaw-ni yum-boi.
Shoulder, ba-ki.
Sonic, ngo.
Tail, ba-la.
Upper arm, ba-ki.

Black snake, mang-go-lu.

Arrow, me-gne.
Bag, bangaw-law, baw-lee.
Basket, to-kul.

Bird, man-di.
Boat, den-de.

In-digbe or kidle, ko-la.
Clothes, gha-tu.
Comb, bo-kbe or faki.

Door, gne-to.
House door, pu-
Land, ya-yi.
Language, da-yi.
Place, hin-da.


Necklace, mbe.
Grain of rice, fu-li.
God, peli.
Stick, nguli or ngu-li, mbe-li.
Thanks, si-o.
Thing, ha-ni.

Town, to.
Tree, nguli or ngu-lu.

Son, ndu or ndi.
Daughter, gna-hda.

Alive, wu-lun-go.


to ask, maw-ri.
to ask pardon, ma-ni-ni or ma-ni-ri.
to do, to ask, to be, to do, to give, to get, to keep, to know, to land.
to tell, to look after, to make, to plant, to put, to put on, to remember, to run, to rest, to say, to see, to take, to speak, to strike, to thank, to think, to walk.

From the country of Gissi into the Vai country. (4.) The testimony of Kimbo and Shuma that there is a river called Se-wa in the Mendi country. (5.) The testimony of Ba-a, one of the prisoners, that the Ma-a runs from Gissi into the Vai country.

The countries of Bulom and Vai, or Vey, lie between Sierra Leone and Liberia, and are well known. It follows from the preceding statement, that we are unable to identify the rivers Ma-a and Se-wa, that the country of Gissi is situated on the sources of the rivers Bulom and Vai, and that the Mendi country has between Gissi on the north, and Bulom and Vai on the south.

For the Palladium.

The Africans of the country and speak a language not noticed by philologists, much less reduced to writing or grammaticalized. They came from towns and villages not visited by European travelers, of course not known to geographers and not marked on our maps. Their kings and councillors are absolutely unknown to us. Their rivers and mountains, although from the most ancient times, have names in their mouths of which we have never heard. Add to this, their inadequate idea of dates and distances, the ignorance of the interpreters themselves of geography and of all the geographical names with which we are familiar, and it will be seen at once that the question concerning the native districts of these Africans is one of considerable difficulty.

It is the practice of scientific travelers to give to each native or tribe the name by which they designate themselves. In conformity with this principle, we shall call these African Mendi, and their country the Mendi country.

African country. (3.) The testimony of Bulom or the testimony of the interpreters Covey and Pratt, that there is a river called Se-wa in the Mendi country. (4.) The testimony of Gissi-gwawani, that the Ke-ya runs from Gissi into the Mendi country, and joins the Ma-a, which joins the Moa, and that the Moa itself comes from Gissi. (5.) The testimony of Shum-a, that the river Wu-wa runs from Gissi into the Mendi country.

The river Wu-wa runs from Gissi into the Mendi country. For this we have (1.) the testimony of John Price, who is a native of Gissi, that the Gissi country is bounded on the south by the Mendi country, and that the river Ma-a is a contrary to Gissi, where it is called the Ma-a-nya, into the Mendi country, and joins the Moa. (2.) The testimony of Gissi-gwawani, that the Ke-ya runs from Gissi into the Mendi country, and joins the Ma-a, which joins the Moa, and that the Moa itself comes from Gissi. (5.) The testimony of Shum-a, that the river Wu-wa runs from Gissi into the Mendi country.

Two of the principal rivers of the Mendi country runs into the Vai country. For this we have (1.) the testimony of the interpreters Covey and Pratt, that the river Wu-wa runs from Gissi into the Mendi country.

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Another of the principal rivers of the Mendi country runs into the Bulom country. For this we have (1.) the testimony of the interpreters Covey and
Slaves Per Amistad

Hartford, Wednesday Evening

Postmortem of the Amistad Case

At the opening of the Court this morning, the District Attorney asked leave to file the following libel or claim, as the Judge decides it to be. Some objections were made by the counsel for the blacks, but the Court received it.

Slaves Per Amistad

The district Court, Nov. 19, 1839.

Thomas R. Gedney or schooner Amistad, &c. &c. Be it remembered that on the nineteenth day of November, 1839, William S. Hollard, Attorney for the United States, for the district aforesaid, for and in behalf of the United States, has been presented to the Government of the United States a claim which is now pending upon the United States, setting forth, and avowing, that said vessel called the Amistad, and her cargo aforesaid, together with several slaves, on board of the same vessel, all of them being so described as in the libel aforesaid, are property of Spanish subjects; and that said vessel, cargo, and slaves, while being the property of said Spanish subjects, arrived within the jurisdictional limits of the United States as of and of this court, and were taken possession of by said public armed brig of the United States, under such circumstances as make it the duty of the Government of the United States to cause said vessel, cargo, and slaves, being the property of said Spanish subjects to be restored to the true proprietors and owners of the same, without further hindrance or detention, as required by the treaty, now in full force, between the United States and Spain.

Now said attorney, in behalf of the United States, prays this honorable court that in case the claim aforesaid, of the Spanish Minister aforesaid, is well-founded and conformable to the treaty aforesaid, that this court will make such order for the disposal of said vessel, cargo, and slaves, as may best enable the United States to comply with their treaty stipulations, and preserve the faith of the government.

Wm. S. Hollard, U. S. District Attorney.

Jinqua, and six of his companions were brought into court, very nearly and comfortably clad, and apparently well pleased with their condition. Their testimony was said to be wanted on the question of jurisdiction.

Mr. Baldwin stated that the blacks on the British brig Boxer, whose services were indispensable in procuring the evidence of the African, were detained at New Haven by indisposition, and he asked for a short postponement on that account. After some discussion, the court decided to adjourn to the 7th of January next. Mr. Baldwin said the only objection to this was, that Dr. Madden, the English agent for liberated Africans in Cuba, and a member of the mixed commission at Havana, who was then in court, and whose testimony was all important to show the situation of the Africans at the time of the purchase, was under the necessity of going to England in a few days, and he could not consent to be deprived of the benefit of his testimony.

Gen. Isham replied, that from the significant hint of Mr. B. that this important case could not be disposed of summarily, and that his clients should be protected, he supposed a delay would be acceptable to him, and that the testimony of Dr. Madden could then be taken in the form of a deposition.

Messrs. Baldwin and Staples withdrew with Dr. Madden, and after some consultation, they agreed to the course proposed, and the Court adjourned to 9 o'clock, to meet at the chambers of the Judge, to receive the evidence of Dr. Madden. It is of course taken subject to exception in future, in case the District Attorney shall deem it necessary.

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The Court adjourned at a late hour last evening, the afternoon session was consumed in hearing the testimony in respect to the position of the Amistad at the time of the capture by the Washington. The district rules that govern the practice in common law courts are not so rigidly enforced in courts of admiralty, and a great deal of irrelevant and collateral evidence was admitted on the question of jurisdiction. Green, Fordham and Conklin, from Sagharbor, were called on to swear to the situation of the schooner. These men were trafficking with the negroes at Culoden Point, and Mr. Green has filed a libel, claiming salvage, for inducing the blacks to bring some trunks on shore, which he supposed to have contained money. He swore that Burnah, one of the blacks, told him that there were four hundred doubloons in one of the trunks, and that there was plenty of money on board the schooner.

The object of Green and the others was to get possession of the vessel and effects, and they endeavored to persuade the blacks to go with her up to Saghahar, and to evade the brig. They all swore that the Amistad was not more than thirty rods from shore when seized. On this point they are exactly contradicted by the officers of the brig. Lieutenant Meade and Dr. Sharpe concur in stating the distance to have been at least one half of a mile. The officers of the brig differ materially from Green and his associates as to the number of blacks on shore at the time of the capture.

Green says there were more than twenty, and the officers say 8 or 9. This is a matter of some importance in two points of view. The counsel for the blacks contend that those who were on shore cannot rightfully be brought out of the state of New York, whatever might have been the situation of the schooner. And Green contends that he assisted in the capture, by detaining a large number of the blacks on shore. The cabin boy, Antonio, who was on shore at the time of the capture, says the number was only 8, and that 5 went off in the Amistad's boat and 3 in the brig's boat.

Burnah, the black who speaks a little English, was introduced by the district attorney, and his manner and replies to different questions went to discredit the testimony of Green and his associates.

The evidence of the officers of the brig was perfectly consistent, and was sustained by the statements of those gentlemen who went out in the cutter at the instance of Judge Judson, to ascertain with absolute certainty where the Amistad lay.

Fordham made some admissions in his evidence for the Court and the crowded auditorium. He said two trunks were brought on shore by the blacks. "Joseph Jingu," said he, "lifted one trunk, and I heard the money rattle. Me and another negro lifted the other trunk, and then I heard some more money. So we determined to have the vessel at all hazards—forcibly if we can, peaceably if we must."

Mr. Holabird, on the opening of the Court this morning, offered a new libel in behalf of the Spanish consul, to enable him, or somebody else, to return Antonio, the cabin boy, to the widow of his deceased master at Havana. No objection was made to this, though it seemed to be unnecessary. There was no process of any kind against the boy. Jingu and six other of the blacks were brought into Court to testify to the position of the schooner and the number on shore at the time of capture. The district attorney filed another claim, giving the Court to understand that the Spanish minister had officially presented a claim to the government of the United States, setting forth that the Amistad, cargo and slaves, the property of Spanish citizens, were taken possession of by a public armed brig, and brought into the jurisdictional limits of the Court, under such circumstances as to make it the duty of the government to cause the property to be stored to the true owners thereof, without delay, as required by treaty stipulations with Spain. And the attorney farther prayed, that if the claim should be well founded, the Court would make such order for the disposal of the vessel, cargo and slaves, as would comport with our obligations to Spain, and preserve the faith of the government.

Mr. Baldwin moved for a short postponement of the case, on account of the sudden indisposition of Covsey, the interpreter from the Brizzoz. After some conversation between the bar and the Court, the Court adjourned, to meet at New Haven on the first Tuesday of January next. The Court then adjourned, to meet at 2 o'clock in the afternoon to hear the testimony of Dr. Madden, a member of the mixed commission at Havana. His evidence is claimed to be of great importance by the counsel for the slaves, and as he is obliged to go to England in a few days, it was agreed that his deposition should be taken subject to the exception of the district attorney hereafter.

The Africans were sent back to New Haven in the afternoon. So the whole matter lies over to January.

(M correspondence of the Sun.)

Hartford, Nov. 19, 30.

The District Court of the United States for the District of Connecticut, was opened at the hour appointed, by the Hon. A. T. Judson, Judge—and there being no other business on the docket, the Amistad case was immediately called on.

R. S. Baldwin, Esq., Counsel for the Africans gave notice, that he had filed a plea to the jurisdiction of the court, to which he called the attention of the Counsel on the other side.

J. Isham, Esq., Counsel for Lieut. Gedney, thought it strange that the gentleman should appear, when the only parties were the liberellists and the claimants, who were perfectly satisfied of the jurisdiction of the court, and had no difficulty in allowing the cause to go on to an amicable termination.

The Court finally allowed the plea to be entered, so far as it referred to the place where the vessel and persons were taken, but not as to the merits of the question, which he said could not come in under this plea.

Evidence was then adduced as to the place where the vessel was taken.

"Henry Green, of Long Island," related in full the circumstances of his interview with the blacks, of their surrender to him, of their bringing their trunks ashore, and of the capture by the brig from the boat from the brig Washington. He said there were about two and twenty of the blacks on shore at the time, and the schooner was not more than 30 or 30 rods from shore, or at least, was within half a mile.

The court adjourned to dinner.

Mr. Baldwin was much disappointed at not seeing Mr. Staples. He however went on with the case in good style and with maiden confidence. Gov. Ellsworth is retained by Capt. Green and others from Long Island, who claim salvage.

Hartford, Tuesday Evening.

To the Committee, &c.

The afternoon session has been adjourned in the hearing of witnesses, partly in reference to the question of jurisdiction, as depending on the place of seizure, and partly in regard to the grounds of the claim of Capt. Green, and others, from Long Island, for salvage, as the first captors.

Lient. Mead, U. S. N., testified as to the circumstances of the seizure of the schooner by him, and the capture of part of the negroes on shore by Lient. Porter. He swore that the schooner was distant from shore over half a mile, and under their quarter. And that Jingu was first put down in the hold, and then jumped out and jumped overboard. Dr. Sharp, surgeon of the Washington, corroborated Lient. Mead in several particulars. Capt. Mather and others, who went in the Cutter to examine the place with Lient. Mead pointed out as the spot where the schooner lay, estimated the distance, variously, as under and over half a mile. Schuyler R. Conklin, and Capt. Peletiah Porter, of Long Island, testified like Capt. Green, that the distance of the schooner from the shore was from 25 to 30 rods. Conklin swore that he saw Jingu when he first went on board the schooner, and saw him run round the forecastle and jump overboard. There was a considerable discrepancy between the two sets of witnesses, as to the number of negroes on shore at the time of their capture. The circumstances on which the Long Island gentlemen ground their claim, were fully detailed, although not strictly regular; yet the Court seemed to allow all that was offered on either side. Mr. Hollischild, the U. S. District Attorney, attempted to test the ability of Bumah, the negro that Capt. Green communicated with, to speak English. He was accordingly introduced, but being much frightened, did not say any, and showed that his English needed a good deal of help from signs, in order to communicate any ideas at all. No counsel have as yet appeared for Messrs. Ruiz and Montes. Whether it is that they have abandoned their claim, or that an arrangement has been made with the U. S. Government, to come in their place, by the District Attorney, and defend their claim, remains to be seen. Further evidence is to be given to-morrow, as to the place of residence. Mr. Staples has not yet arrived in town, but it earnestly expected by the friends of the Africans. Their cause, thus far, has been well sustained by Mr. Baldwin.

Hartford, Wednesday, 10 o'clock A. M.

The Court has just adjourned the hearing of this case to the first Tuesday in January, at New Haven. The postponement is in consequence of the sickness of James Covsey, the interpreter, who was suddenly taken ill on Monday at New Haven, and is discharged by his physician to be unable to travel. The cause for the Africans being unwilling to go without him, and there being no earlier day that would accommodate all the gentleman engaged in the case as counsel (the date is set for the 7th of January, as above, and the place to be New Haven), to avoid the expense and exposure of the Africans at that inclement season of the year. The Court sits at the Judge's Chambers this afternoon, for the purpose of taking Dr. Nodder's testimony in due form. This will doubtless occupy the day. All the testimony taken, thus far, will be considered as before the Court, at the next term. Seven of the Africans and the Cuba boy Antonio are here, and were in Court this morning.
The U.S. District Attorney has filed a new libel in behalf of the United States, grounded on the claim of the Spanish Minister, for the vessel and cargo (slaves included) to be given up to his Government, according to the provisions of the treaty. He also filed a suit in behalf of the son of Antonio, but the Court said that it would become necessary to appoint a guardian before the case could be decided. The Spanish Consul, resident in Boston, is in attendance for the purpose of protesting in behalf of the government of Spain, against the proceedings of the court.

The following plea in abatement of the jurisdiction of the court, headed by Mr. Madison, of counsel for the Africans, contains a summary of the points presented in issue.

To the Honorable A. T. Jackson, Judge, et cetera.

The several pleas of Singua, and other Africans, now in the custody of the Marshal of said District, under color of process issued from the Honorable Court on the 21st day of August, A.D. 1839, against the said John A. H. and the officers of the said ship Amistad, and the petition of persons on board of said ship, then lying in the harbor of New London, in said District, on the behalf of Thomas R. Gedney, a Lieutenant in the United States Navy, and of Henry C. Smith, a citizen of the United States, in the service of the United States in the coast survey, and on behalf of Richard W. Meade, Esq., on board said ship, and the officers and crew of the said ship, as well as the said ship, and the whites, on board said ship, and the officers and crew thereof, and the said ship, to be freed and restored to them, to be awarded to them by this Honorable Court, for a merciful service in seizing and securing the said persons, and holding them as slaves to serve them in the said ship, is hereby respectfully referred to the Circuit Court of the United States for the District of Connecticut, for the purpose of determining the said points of law and equity.

And also, under process of this Honorable Court issued and served on Hartford on the 13th day of September, 1839, while the respondents now in the custody of the Marshal of said District, under color of process issued from the said Court, as well as the whites, on board the said ship, and the officers and crew thereof, and the said ship, to be awarded to them by this Honorable Court, for a merciful service in seizing and securing the said persons, and holding them as slaves to serve them in the said ship, is hereby respectfully referred to the Circuit Court of the United States for the District of Connecticut, for the purpose of determining the said points of law and equity.

And that the said Pedro Montez well knew the premises, and confederating in like manner with the said persons for the purpose aforesaid, made a pretended purchase of the said ship, and found it to be the true, there being no other persons thereon, or to the knowledge of the petitioner, or any person by whom the said petitioners were unadvisedly and aforesaid, and intending to deprive them of their liberty, made a pretended purchase of the said respondents, except Keny, who is a free man.
To the Committee on behalf of the African Captives.

Gentlemen—

Agreedly to your request, I proceeded to Hartford, on the 18th instant, for the purpose of attending the trial of the Libel for salvage against the Africans, brought by Lieut. Godney, U. S. N., and the various claims and questions which have been energetically thereon. In stepping for a few hours at New Haven, where I met our esteemed friend Dr. Madden, I was grieved to learn that the African interpreter, James Covey, who was so kindly permitted by Captain Fitzgerald to remain in this country to assist at the trial, was quite unwell, and not able to go in the evening boat, as had been arranged. As it was then too late to see any one in town, I addressed a note to Mr. Townsend, urging that Covey should be sent in the morning at every hazard, short of life and death; and I have reason to believe that Mr. T. urged his attendance as far as a due regard to humanity would allow, but the very respectable physician who was in attendance, remained of the opinion that he could not safely take the journey. I will now give you, from my notes, an account of the proceedings of the District Court.

The U. S. District Court was opened by the Hon. Andrew T. Judson, District Judge, at the appointed hour. It was a special session, appointed expressly to try the case of the Amistad. Messrs. Isham and Braimerd, of New London, appeared in behalf of Lieut. Godney, the libellant, who grounds his demand upon meritorious services, rendered in rescuing and preserving the schooner Amistad and her cargo from the hands of Squa and the other Africans, in whose possession said vessel and cargo were found. The two Spaniards, Ruiz and Montez, had, at the September term, filed a claim to the vessel and cargo as their property, and employed, as their counsel, Messrs. Ingersoll and Hungerford; but neither gentlemen appeared on this occasion, thus giving color, at least, to the report, that the Government of the United States had kindly volunteered to maintain the Spanish claim against liberty, and that the Spaniards had wisely concluded to abandon their cause to such powerful advocates. Mr. Hollabird, the District Attorney for Connecticut, appeared on behalf of the United States, as the patron or protector of the claims of the Spaniards.

R. S. Baldwin, Esq., informed the court that he proposed to interpose a plea in abatement to the jurisdiction of the court. This was a "several" plea, in form, and set forth briefly the facts in regard to the Africans; that they were natives of Africa; that they were kidnapped, and transported to Cuba by persons to whom unknown—that they were never domiciled in Cuba, but were there embarked by Ruiz and Montez, their pretended owners, whether they knew it—that, animated by the natural love of liberty, they took possession of the vessel, with the desire and intention of returning to Africa—that, hence, neither the constitution nor laws of the U. S., nor the law of nations, nor treaties with any foreign power, require our courts to regard them as property—that when taken by Lieut. G. they were off Culloden Point, within three quarters of a mile of shore, and consequently within the District of New York—that a large number, twenty or more, were upon the shore, within the body of the State of New York—that they were withdrawn from the jurisdiction of the District of New York, to that of Connecticut, and were taken by the marshal to the jail at New Haven, and subsequently to Hartford, where they were subjected to further process—concluding with the allegation, that from all the facts in the case, the District Court of Connecticut had no jurisdiction over them whatever.

Isham, for the libellants, said it was strange that counsel should appear in this manner, and not disclose for whom he appeared. If he was acting on behalf of either the libellants or claimants, he should have no objection; but he did not understand that to be the case, and he should object to the gentleman's appearing at all on behalf of the slaves. He would ask, who are the parties here? The libellants ask for salvage on these slaves, as the property of these claimants; that is, that the court shall order the owners of this property to pay us a reasonable compensation for having saved their property. It is not now a question to be agitated here, whether this vessel and cargo, including the slaves, are the property of the claimants, for by their claim they have admitted it; and we are agreed, if any salvage is due, it is due from Messrs. Montez and Ruiz, as the owners of the property, to Lieut. Godney—himself. The only parties before the court are the parties in interest, and these parties have no question between them as to the property. Lieut. Godney has been accused of seeking a decree of the court that these slaves should be sold here, in Connecticut, at public auction, for his benefit, or to test their value. But we ask no such thing. The owners say it is their property, and we believe it is their property, and we demand such a percentage as the court shall decree to be reasonable for having saved their property. What disposition shall be made of these individuals can be settled hereafter, by the proper authority, but it has nothing to do with this case. We pity the condition of these Africans as much as the gentleman himself, but that has nothing to do with this case.

Had the question been left to the proper parties, without this interference, it would have been amicably settled long since. I submit to the court, therefore, that the Africans have not now that kind of interest which gave them a right to appear to embarass this case, which is between other parties.

Baldwin, in reply, thought it a most extraordinary proceeding, that objection should be raised against the admission as parties if this case of the very persons who are most deeply interested. These persons are libellants as property, and only as property. The libellant comes with his demand, founded on his "meritorious services," rendered not to these individuals, but to certain other persons claiming to be the owners of these persons, who now come in to question the jurisdiction of the court, over such an extraordinary claim. The very foundation of the whole proceeding is the demand that these individuals should be treated, not as persons, having rights, but as property, as the mere chattels of other persons. The libellant even alleges their value in money to be $25,000, and for the service rendered, not to humanity, in saving so many lives of his fellow men, but to the "Spanish gentlemen," in saving their property, he seeks this court to go into an inquiry to ascertain their value, and to pursue the usual measures of an Admiralty Court in regard to property saved from the perils of the seas. And now he denies the right of these individuals to appear in court and deny that they are the property he alleges them to be. Unless they are property, Lieut. Godney has no foundation for his libel, and this court no foundation for proceeding in regard to them, for no process is against them in this court as persons.

The constitution and laws of the United States have not vested this court to pass a decree in this case against these persons in any other capacity except as property. If, then, the court award salvage to Lieut. Godney, a per centage on all the property claimed, and if Ruiz and Montez claim those persons as property, and they are not allowed to come
in the afternoon, the Judge held a session in his chamber. Upon the trial of the plea, a writ of habeeb was made to the bar of the court, to be taken for the purpose of guarding the rights of men; and now if we are to be debarred a hearing in this court, it will be rendered impossible for these persons to obtain redress in any court whatever. Surely, the gentleman will not press his objection.

And how can the gentleman say he does not ask the court to sell these persons! He asks the court to seize the property. The persons I refer to are claimed to be a part of the property. And then he asks this court of Admiralty to proceed in the usual manner, which is to order the whole property to be sold, and the proceeds to be divided according to the decree. If the court decides these persons to be property, they must be treated by the court as property, and nothing but property.

And now we ask the Court to look at this question of jurisdiction, and determine at once whether the constitution and the laws have given any authority to treat these persons as property. We call the attention of the court to the obvious difference contemplated by the constitution, between the rights of American citizens who hold slaves, and foreigners. Those individuals for whom I appear, stand before this court, on the face of these proceedings, just as an Englishman or a Spaniard would stand, who was claimed as property by an Algerine slaveholder.

Isham. That I shall not deny.

After some remarks by Isham in reply, and a few suggestions of the District Attorney, the Judge decided that the plea should be received—remarking at the same time, that upon the trial of the plea of jurisdiction, the parties would not be permitted to go into the general merits of the case, but that the evidence must be confined to the simple question, whether the seizure was made within the district of New York, or of Connecticut. The remainder of the day was consumed in the examination of witnesses upon this point.

Wednesday, November 20.

The court held its session this morning in the City Court Room. In consequence of the absence of a material witness on the part of the Africans, the interpreter who is detained by sickness at New Haven, and to accommodateMessrs. Isham and Brainard, counsel for the libelant, whose engagements rendered it impossible for them to remain in the city after Thursday, the Court decided to arrest the proceedings in their present stage, and adjourn the whole matter as it now stands, to the 7th of January, 1840, when its session will be held at New Haven.

In the afternoon, the Judge held a session at his chamber in the City Hotel, for the purpose of receiving the testimony of Dr. Madden, which was declared byMessrs. Staples and Baldwin to be material in their cause, as the Doctor was about to sail immediately for Europe. This testimony was taken in writing, reserving all questions as to the admissibility of the whole, or any part of it, for determination hereafter. The cross-examination was conducted by Holliday, U.S. District Attorney, acting for the government. After the testimony was given in, Dr. M. requested the clerk a
The District Attorney objected to some of the statements in the deposition being received, which were allowed to stand, on the understanding that their admissibility was to be hereafter decided.

There were several incidents connected with the proceedings, which are important to be known, which will be reserved for another report. It is but justice to remark, that the department of the judge towards the Africans and their counsel, was perfectly fair and honorable, worthy of his office, and satisfactory to the friends of humanity. We make this remark, because it is due, and because many will wish to know how the facts are, and without any reference to what is past, or what may be to come.

**CONDITION OF THE AFRICANS.**

While at Hartford, I took the opportunity to have a very free and friendly conference with Mr. Wilcox, the U. S. Marshal, in regard to the condition and treatment of the Africans. And on returning to New Haven, I visited the jail, in company with two highly respectable and impartial citizens of that town. I called several times in order to see the keeper, Col. Pendleton, but did not succeed in finding him. I found the prisoners, generally, in the same condition described by the correspondent of the American.

**CONCLUSION.**

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They were clad in checkered cotton shirts, and cotton and wool trousers, with woolen stockings and thick shoes. They also had each one a blanket. Of the sufficiency of this clothing, under the circumstances of the case, the public will form their own opinion. A few of them had an undershirt of white cotton. The rooms were hot enough; one of them was ventilated by the breaking of a pane of glass, but the air left a very disagreeable savor in my mouth and throat, that remained for several hours, and was not removed until I had taken food. The citizens of New Haven have some interest in guarding against the occurrence of a jail-fever in their town, from having so large a number of human beings confined all winter and sweltering in such an atmosphere. The sick room is about 14 feet by 10, and quite high between joists. There are four bunks or boxes of rough board, two on the floor, and the others over them, at the height of about three feet. They are four feet and seven inches wide, and each one is occupied by two sick men. Their clothing is the same as the others. I have good medical authority, that two sick men ought not to be put into the same bed, especially one so narrow; and that persons affected with
The Marshall's Vindication.

We follow our own inclination, as well as the dictates of justice, in giving place to the following documents, in vindication of the U. S. Marshall in the District of Connecticut. They should be read in connection with the article copied from last from the N. Y. American, and signed "B." The Vindication would have accompanied the other, but for the absence of the editor of this paper, who was at Hartford. It will be seen from the date of the documents, that they had been in somebody's hands a week before they were published, and of course that they were not prepared in reference to the article of "B."

From the Journal of Commerce of Nov. 19.

THE CAPTURED AFRICANS.

The few remarks which we made on Friday last, relative to these unfortunate persons, have elicited the testimonials which follow. We deem it fortunate that no occasion has been afforded for definite and authentic information to be given to the public on the points at issue. After reading these certificates, and after a personal interview with Mr. Wilcox, and Col. Pendleton, the jailer, we are satisfied that the Africans are treated with uniform kindness and attention; that their clothing is at present sufficient; and that the complaints, &c. which have been made by some of the officious friends of the negroes, are without foundation.

Marshall's Office,

New Haven, Conn., Nov. 12th, 1839.

Gentlemen,—Your letter of the 6th inst. was received in my absence. At this late period, however, I should presume to make you a reply. The tenor of your letter appears to be, that you are informed through different sources that the Africans under my charge are suffering for the want of warm and sufficient clothing, and that I have refused to furnish clothing at the expense of the government, or to permit others to furnish it at their expense. On the application of a gentleman of this city, I did refuse to furnish any more clothing than they at present have, for the reason that in my opinion they did not require more; but I did not, nor do I refuse to provide all that is necessary. As there appears to have been some excitement on the subject, and fearing I might have erred in my judgment, I addressed a letter to the Physician, (Dr. Hooker,) who has had them in charge since they first arrived in this town, a copy of which, and also his reply, I send herewith. I also send a copy of a certificate from the Selectmen of this town, and the Sheriff of the county, which I presume will be sufficient to satisfy you on this subject:

You are at liberty to publish these papers, that the public may judge whether the Africans are treated humanely or not.

As Mr. Hallcox is in the habit of visiting this city weekly, I would respectfully ask him to make a call at the County Jail in this city, and judge for himself.

I am, very respectfully,

Your obedient servant,

NORRIS WILCOX.


(Copy)

New Haven, Conn., Nov. 8, 1839.

Sir,—It has been intimated through some of the New York papers, that the Africans now detained here, are not suitably and comfortably clothed, and otherwise provided for.

As you have been their physician, attending daily upon them since they have been here, I will thank you to state what their situation has been, and is; and whether they have uniformly been provided with comfortable clothing, and well taken care of in other respects. I wish you would also state the diseases of which any of them have died, particularly the case of the one who died last, and the manner in which he and the others have been provided for, in sickness as well as health.

Please also inform me whether in your opinion any of the Africans now require any further supplies of clothing, or any other provision to be made for their comfort or health on the part of the government.

I am, very respectfully, your obedient servant,

NORRIS WILCOX.

To Dr. Charles Hooker, New Haven, Ct.

(Copy)

New Haven, Nov. 9, 1839.

Sir,—Yours of the 8th instant was received this morning. In reply I would state, that the Africans under your charge have received medical attendance from me ever since they were brought to this town, and that I have endeavored to become acquainted with their condition and wants.
They came here nearly destitute of clothing, and most of them in a sickly, emaciated condition. Immediate arrangements were made for clothing, and for their comfort in other respects. They were all supplied with new shirts and trousers of a thick cotton fabric, woollen stockings, shoes, and for each one a good blanket and cap. A day or two previous to their removal to Hartford, before stoves had been provided for them, a sudden change of weather caused them to make some little complaint of cold; but as no other time have they complained to me, nor appeared to suffer at any inconvenience on this account. Most of them are lodged in two large rooms, another room is appropriated to the sick, and a fourth to the children; and during the day they all have admission to a very large, airy chamber, suitably furnished with convenient seats. The lodging rooms are furnished with a sufficient supply of comfortable straw beds. Four of the rooms are furnished with stoves, and the several apartments are made sufficiently warm. So far from requiring more clothing, the Africans do not commonly use, or appear to need, all the clothing now furnished them. During the day they frequently choose to sit by an open window, and when going out into the yard, which they are allowed freely to do, they rarely wear their blankets or caps. Many of them uniformly at night, and sometimes during the day, throw aside all their clothing except their blankets, complaining that so much clothing is burdensome. It is a well known physiological fact that inhabitants of warm climates bear exposure to the cold of a greater part of the year, without inconvenience than those of colder climates; and from the habits manifested by these Africans, it is obvious that they will not willingly wear the amount of clothing ordinarily required in this country. Their diet has been the same as for the other inmates of the building, except when restrained by my direction, or prescribed in reference to disease. If there has been any error in this particular, it has consisted in too much indulgence. When the Africans were brought to this town, sixteen at least, or more than one-third of their number, were affected with the white flux, or chronic diarrhea, a disease which is very common and fatal in warm climates. Their cases all originated from their landing in this country, and most of them, it is believed, before their leaving Havana. One of them I found in a dying condition on the evening of their arrival, and four others have since died. The case of Yarnmon, who died last, differed from the others only in the circumstance that his system had been enfeebled by chronic disorder of the chest. Only one of the cases remain severe; but from the character of the disease it is not improbable that a great many of the cases are not yet apparent. Another is lingering with an affection of six or seven months standing, probably malarial abscess, a disease which is ordinarily fatal. No new cases of disease have occurred among them in this town, except two cases of pleurisy supervening in subjects of the diarrhea, both of whom have recovered. In regard to the manner in which they have been provided for in sickness, I would only observe that in prisons, almshouses, and other similar institutions, the sick necessarily want some of the conveniences and comforts afforded in private families; but I deem it no disparagement to the excellent and humane arrangements in this town, to express my opinion, that the innates of that establishment are not better provided for in sickness as well as health, than are the Africans under your charge. It is not my opinion that any of them require any further supply of clothing, nor can I suggest any other provision for their comfort or health.

I have endeavored, sir, candidly to answer your several inquiries; and in conclusion I must add, that when you committed these unfortunate beings to my medical care, you directed me to have every thing provided which their health or comfort might require, and that while I have endeavored faithfully to obey this direction, every suggestion of mine has received your prompt attention.

Respectfully, your ob't serv't,

CHAS. HOOKER.

To Norris Wilcox, Esq., Marshal of the District of Connecticut.

(Copy)

The undersigned, having been requested to examine the condition of the captured Africans confined in this city, more particularly with regard to their accommodation, we certify, that it gives us pleasure to state that they all appear to be comfortably situated; their clothing is ample; their rooms well warmed; and they appear contented and happy. We are fully satisfied that the Marshal of the District, under whose charge the Africans are placed, is not justly liable to any charge for want of kindness or humanity towards them.

BENJAMIN BEESER,
NAUM HAYWOOD,
MARCUS MERRIAM,
ISAAC JUTSON,
P. S. GALPIN,
LEVY GIBBERT,
RICH'D M. CLARK,

Selectmen

New Haven,

New Haven, Nov. 11, 1839.

Having been daily in a situation to witness the treatment towards the Africans above alluded to, I feel it no less a duty than a pleasure, to concur in the opinions and views above expressed.

CHAS. W. CURTIS,
Sheriff of New Haven County.

New Haven, Nov. 12, 1839.

From the Cincinnati Gazette Oct. 31.

The Africans of the Amistad.

We noticed a few days ago, that suits had been brought against the two Spaniards, Ruiz and Montez, by Sinqua and Fulah, two of the Africans captured in the Amistad, and an order obtained from separate judges, to hold each defendant to bail. We added an opinion that these arrests would call out strong animadversion from the political press. Our anticipations have been more than realized. "The Spanish inquest" receive the sympathy of the northern press of southern adhesion. And this press pours out abuse of the coarsest description against the advisers of the Africans, who are denounced in fury as abolitionists. These ravings would not have drawn from us any animadversion had not the National Intelligencer joined the hue and cry.

That paper contains an editorial thus worded:

"We agree with the New York Courier and Enquirer in the cause which it applies to the conduct of those persons who have been instrumental in getting up the persecution against Messrs. Ruiz and Montez, two Spanish citizens rescued from the hands of the slavers in a Spanish vessel found upon our coast, by instituting suits at law in the courts of New York, in the name of some of these slaves, on the pretense of false imprisonment, &c. This conduct of our misguided zealots is not merely censurable for the sacrence of the frivolity and wantonness of thus making sport of the laws, and perverting the powers of courts of justice to fantastic and fanatical ends, but it is highly unpatriotic, because it tends directly to involve the whole United States in hostilities with the Government of Spain, and these which we are now on the best terms. For causes, some of which were of vastly less pith and moment, we had lately been plunged in a war with Mexico; and for less importance of causes, the French Government has battered down the Castle of St. Ulus, and reduced the Government of Mexico to the necessity of concessions which nothing but the law of necessity would have extorted from her. We do not depurate the displeasure of any nation on earth in a just cause, but we hope to be spared the mortification of a quarrel with any government originating in such miserable pretenses as that, of undertaking to annul, through our judicial tribunals, the relations of master and slave under Governments foreign to our own. It is as much as we can do to manage that question among ourselves. We have no color of authority to interfere with it as it exists in other countries."

The article of the Courier and Enquirer, so distinctly approved and so broadly adopted, we suppose to be the following:

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The article of the Courier and Enquirer, so distinctly approved and so broadly adopted, we suppose to be the following:
Richard Robert Madden, M. D.

This gentleman sailed from this port on ship Roscius, on Monday, 29th inst., leaving his deposition with respect to his knowledge of facts relative to the Africans of the Amistad, in the District Court, Connecticut, and with respect to the same, and his knowledge of Ruiz, in the Court of Common Pleas in this city. The substance of his deposition has found its way into the newspapers, and the facts disclosed will astound the people of this country. It will be found in another column. Doctor Madden has visited Washington, and laid before the President of the United States, and the British Minister, important testimony with regard to the captured Africans, and the inquisitive proceedings in the island of Cuba. This zealous philanthropist, during his short visit to this country, has performed an important service to the cause of humanity.

B. F. Butler, Esq., U. S. Attorney for this District, assisted Mr. Purroy, the Spanish Attorney, in taking the Dr.'s deposition to use in the suit against Ruiz and Montes here. About four hours were consumed in taking it. Dr. M. afterwards remarked that every thing in the testimony that could in any wise appear favorable to the cause of the negroes, was objected to by the United States Attorney. Both here and at Hartford, the whole legal weight and influence of the U. S. Government, seemed, to his apprehension, to be thrown into the scale, and arrayed against the unfortunate Africans. We trust the American people will act with regard to the captured Africans and the injustice which they will therefore be nothing more nor less than whole to the dignity of slavery.

Shall the African Captives be given up to Spain?

This is a serious question, now before the American people, and soon to be definitely acted on by the representatives and agents of the government of the U. States.

If they are given up, it is the opinion of the best informed people that they will be carried to Havana, and all put to death—their value as slaves being impaired by their taste of freedom, and at any rate, not coming in competition with the importance of making a signal example of those who have committed so signal an offence against the peace and dignity of slavery.

Shall they be given up?

No one doubts the fact that these men are Africans, recently imported from Africa, and therefore free by Spanish law; and no true American considers them guilty of any crime against the Spanish government or its subjects, or against the law of nature or of nations. Their execution will therefore be nothing more nor less than wholesale judicial murder of nearly forty men, in cold blood, to which our republican government by the act of surrender constitutes itself a voluntary accessory before the fact.

Shall they be given up?

No other civilized power on earth would give them up.

No nation has ever bound itself by treaties to give up fugitive slaves. They are not demanded as criminals, but claimed as slaves, although, when once in the power of the Spanish authorities, there can be little doubt that they will be treated as criminals. Our own government has not stipulated to
government, in the face of such an affidavit as Dr. Madden's, so much as to abate a duty of five dollars on the strength of it. The surrender, therefore, will be a mere piece of gratuitous servitude, not towards Spain, whose claims might easily be disregarded, but servitude towards the insatiable and inexorable SLAVE POWER that rules with a rod of iron in our own land.

SHALL THEY BE GIVEN UP?

We are not trilling on this subject, and we send no needless alarm when we say that

THERE IS GREAT DANGER THEY WILL BE GIVEN UP.

The withdrawal of Ruiz and Montez from the prosecution of their claim in the District Court proves that they have a good assurance that it is no longer necessary for them to take any trouble, because the Administration at Washington has determined that, if possible, the

Africans will be given up.

The Courier and Enquirer, of Saturday last, declared, without reserve, and apparently by authority, that the libel of Lieut. Gedney was never intended to be seriously prosecuted with a view to pecuniary emolument, but was commenced entirely with a view to enable the U. S. Government to act in the case, according to its treaty obligations and the demands of Spain, and that he is ready to abandon it, whenever the plans of the government require. The issue of the prosecution against the Africans for murder, before a court that had no jurisdiction, affords color for the belief that the original criminal process, Gedney's libel, Ruiz's claim, and the demand of the Spanish minister, were all designedly aimed at one end—

THE AFRICANS SHOULD BE GIVEN UP.

The answers of Mr. Forsyth, the Secretary of State, to all inquiries on the subject, the extreme eagerness of Lieut. Gedney's counsel to release the boy Antonio, the reluctance of the U. S. Marshal to furnish winter clothing for the captives, all point one way, and show

THERE IS GREAT DANGER THEY WILL BE GIVEN UP.

By what precise course of proceedings the transfer of these forty men to the hands of the Spanish minister is to be effected, whether through some forms of law, prostituted from the defence of liberty to the advancement of slavery, or by some high-handed exercise of executive power, either open or secret, setting aside the judiciary, and "taking the responsibility" of rising above law, to guard the interests of the SLAVE POWER, and "preserve the integrity of the Union, we cannot tell. But we greatly fear, that without a more general and distinct expression of public sentiment than has yet been given, our nation is about to plunge into this deep gulf of infamy and crime—perhaps beyond the reach of redemption.

WE HAVE OTHER EVIDENCE.

A person of our acquaintance, of great moral worth, and highly intelligent on all these subjects, with which he is officially connected, lately held a conversation with a Spanish gentleman of standing, whose opportunities of knowing the state of this question are quite peculiar and official. This Spanish gentleman declared that though the American government was ready at once to pay to Ruiz in money the value of the property he claims in the negroes of the Almadrab, that this would not satisfy the Spanish government. The Spanish minister insisted that the terms of the treaty must be exactly complied with, and henceforth identical property must be restored.

To this it was replied, that the case of the persons taken in the Almadrab could never have been contemplated in the treaty, the provisions of which applied to persons and property that legally belonged to the contracting parties, and the people of the Amistad legally belonged to neither, for the Royal Cedula of 1817, of the King of Spain, not only decreed the total abolition of the slave trade from 1800, but also guaranteed the freedom of every negro carried from Africa into any part of the Spanish dominions, and moreover, the treaties of 1817 and 1835 between Spain and England solemnly pronounced the slave trade to be totally abolished.

To this the Spaniard replied that the Cedula of 1817, and the treaties with England were null and of no effect because they were in contradiction to the laws of the Indies, las leges de las Indias, which legally sanctioned the trade in slaves, and the treaties were more of no effect because they were inoperative, impotent and repugnant to the interests of the colonies, and that it would require an army of forty or fifty thousand men to guard the coast of Cuba prevent the trade.

In answer it was asked if the King of Spain was competent to make a treaty with America, the stipulations of which were now insisted upon, and calling it a violation of good faith to resist the claim to negroes clandestinely introduced into a Spanish colony, how comes it that you deny the competency of the same Spanish sovereign to make treaties with Great Britain, which the Spanish government has never denied were duly made, and which that government maintains up to this hour are observed in all good faith? If you deny, said our informant, the validity of these treaties with England, how can you maintain a claim which is based on the faith of treaties with the government of the United States?

The Spaniard replied that the treaties with England were invalid, because they were hostile to the interests of the people of Cuba—the people of Cuba considered them to be so, and therefore they did not allow them to be carried into effect—it was a folly to pretend that the people of Cuba were even now beginning to think the slave trade injurious to the Island. He said he knew the island well; he had spent several years there—he knew very well that the slave trade was every thing that was bad in itself, and that it would one day bring the colony into a vortex of trouble; but, he said, the creoles of Cuba do not think of this, they continue the trade, it is impossible to prevent it, and therefore the treaties with England, for its abolition, are of no avail, and being of no avail, are invalid!

The above indicates, we are assured, the views entertained by the representatives of the Spanish government in this country. It remains to be seen how far they can prevail on the authorities of this country to coincide with them. We will hope for the best, and meantime trust the friends of the captured Africans will keep a watchful eye upon what is passing, and that the people will maintain the utmost vigilance in seeing that the nation is not irretrievably disgraced by an act that has no parallel in the annals of the civilized world.

* If Spain would only ask for it, we have no doubt the British government would very cheerfully afford all the help necessary for the execution of the treaty.—B. H.
For the Emancipator.

The Country of the Amistad Prisoners.

Mr. Editor.—If I remember right, it has been said, there is no map of Africa, yet examined, gives the location or name of the Mendi tribe or nation, to which the Amistad Africa—two exceptions—are supposed to belong. I have John Seale’s map of Africa (London, 1725) on which find the following note—"Kingdom of Manou, or where the King is called Mendi-Manou." The country which this describes is situated between 7 and 8°, North latitude, and between 5 and 7°, West longitude from London.

If you think this memorandum will be of any use to those who are interested in such inquiries, it is at your service for publication.

The Record.

New Haven, Saturday, November 23, 1839.

Case of the Captured Africans.—This important case came on for trial before the District Court in Hartford on Tuesday of this week,—according to adjournment. The only claim presented was that of Lieut. Gedney for salvage.

Mr. Baldwin, counsel in behalf of the Africans, moved an abatement, on the ground, 1st, that these men were not slaves, and, 2d, that there was a want of jurisdiction in the Court, as these persons were taken, a part of them on the Long Island shore, and the vessel was taken in the waters of New York. The counsel on the other side objected to having the counsel for the Africans appear at all in this case—that there were only two parties in the case, viz. Lieut. Gedney, the claimant, and Ruiz, the owner of the property. This objection was overruled by the Judge,—but the counsel were required to confine themselves to the preliminary question of jurisdiction. On this point the testimony was unsatisfactory. Unfortunately, Covey, the interpreter, was taken suddenly ill in New Haven, on Monday evening, and was unable to attend the trial, and on this account it was impossible to examine the Africans, of whom seven or eight went up on Monday for that purpose. The court therefore adjourned the case to a special session appointed to be held in New Haven in January.

Before the adjournment, the court heard the testimony of Dr. Madden, who holds under the British government the office of Superintendent of Liberated Africans in Havana, and who has taken this country on his way to England, for the purpose of giving the evidence which he has obtained in this case. His testimony proves that the Negroes were bought by Ruiz as Africans just imported;—it confirms in all essential particulars the story of the Africans, while it conflicts in important respects with the account of Ruiz and Montez. This gentleman deserves the thanks of the friends of humanity for his prompt and thorough efforts to obtain all the evidence which was the case. His testimony proves that the Negroes were bought by Ruiz as Africans just imported;—it confirms in all essential particulars the story of the Africans, while it conflicts in important respects with the account of Ruiz and Montez. This gentleman deserves the thanks of the friends of humanity for his prompt and thorough efforts to obtain all the evidence which was the case.

Dr. Madden spent a few hours in this city, last Monday, on his way to Hartford. We had the pleasure of being some time in his company. We learned from him that these unfortunate persons, if they are returned to Cuba, will every man of them be put to death. This was understood as a matter of course by every body at Havana; and the feeling of every one there is that they deserve such a fate.

Their act in boldly rising against their oppressors and striking a blow for freedom, is looked upon as a deed of peculiar atrocity, and as demanding signal punishment. If our laws and the interests of slavery in this country should require such a sacrifice of the claims of justice and humanity, we think it would no longer be necessary to prove that as a nation we have something to do with slavery.

We heard from Dr. Madden some appalling facts respecting the slave trade and respecting the extent to which our country is answerable for it.

Treatment of the African Prisoners.—For several weeks past it has been thought by many persons that the Africans confined in our prison were not provided for in all respects as their comfort and health required. Within the past week strong representations respecting the matter, from different sources, have appeared in one or two New York papers. In consequence of this, the Marshal of
The Country of the Amistad Prisoners.

Mr. Editor.—If I remember right, it has been said, that no map of Africa, yet examined, gives the location or name of the Mendi tribe or nation, to which the Amistad Africa—two exceptions—are supposed to belong. I have John Senex's map of Africa (London, 1725) on which find the following note—"KINGDOM OF MANOU, OR THE KING IS CALLED MENDI-MANOU." The country which this describes is situated between 7° and 8° North latitude and 5° and 7° West longitude from London, has on the North, or rather on the North-west, the "Count of Hondo, the Galas," on the South-west the "Kingdom of Foljia Carou;" on the South, the Eastern, or rather the North-eastern part of the "Malagueta Coast," on the South-east, the Tooth Coast; on the East, the name of the country adjoining it is not given, but there is a range of mountains running North and South, nearly the whole length of it, 16 miles apart, and is separated from it, on an average, not more than ten or twelve miles, from its rise to the ocean.

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The Case of the Africans.

The following is a copy of the latest libel or claim entered by the U.S. District Attorney against the African men now in keeping of the U.S. Marshal. As this is now the main claim on which the whole case turns, we invite the attention of our legal friends to its form and substance, both with reference to its legal sufficiency and its judicial bearings upon our civil institutions, and our national character. What would they say to such a suit in Westminster Hall?

The Case of the Amistad.

It appears by the following statement, to which we have no doubt entire credit is due, that the view which we took the other day of the imperative obligation upon our government to treat the Spanish vessel (the Amistad) with her cargo and equipment unpaired to the Spanish owners, has been taken also by the Executive of the United States:

Correspondence of the Courier and Enquirer.

Hartford, Monday Evening.

"The District Court commences its session to-morrow, it is a special case, and the case of the Amistad is the only one to be tried."
They made them steer the schooner towards the rising sun, where their native country is, in hopes to get back to Africa and see their friends once more. But as these poor ignorant men did not understand navigation, the Spaniards deceived them, and steered the vessel for the United States.

One day some people on Long Island, near Culloden’s Point, saw a schooner at anchor near the shore, and about 20 colored men on the land. The Africans bought some victuals and a dog, and paid for them in gold. Soon the U. S. Brig Washington came in sight, and sent an officer and some men in a boat to see what was going on. They took possession of the Amistad, the Africans and the Spaniards, and carried them all into New London.

Judge Judson went there and held an examination. After hearing what the Spaniards had to say, he bound over the Africans to be tried for murder. They were all sent to New Haven, and put in jail. And there they have been ever since, except that they were sent to Hartford and said over a week, for trial, and again seven of them were sent there again for a day or two. Eight of the poor creatures died before the vessel arrived in this country, and five of them have died at New Haven. The court will sit again next January, when the trial will go on.

These poor colored people were stolen from Africa last spring, and were brought to Havana, were they were sold to be slaves in Cuba. A man named John Ferry, who was born in Africa, went up to see them, and could talk with them a little. At last a young man named James Covey, a native of Africa, who came here in the English Brig Buzzard, went up to New Haven. The poor Africans were overjoyed to see James, for he could talk their language very well. They jumped, and danced, and sung, and hugged him, to show how glad they were.

Since then, several gentlemen have tried to teach the Africans how to read, &c. They have learned a great many things. When the weather was mild they were permitted to go out of doors sometimes and play, but since the weather has been cold their clothes are too thin for them to take exercise in the open air.
CAPTIVES OF THE AMISTAD.

MR. PORTER.—

While in your city the other day, I visited the jail, and spent an hour or two with the Africans. While sitting in their school room, a little incident occurred, which interested me very much, at the time, and which I think will be interesting to your readers, as throwing light upon their character.

One of the teachers asked a division of some five or six, whom he was instructing, if they would like to go to Havana. 

"Havana," each repeated. "Yes," replied the teacher. "No, no," burst from every tongue, accompanied with a most decided shake of the head, and shrug of the shoulders, their countenances at the same time assuming an expression of the deepest anxiety. One of them, at the same time raising his head, drew his hand across his throat, indicating the fate they feared. Another laid his arms across another at the wrists, each other at the wrists, exclaiming "Havana, Pipi, Pipi," i. e. Ruiz. Another declared by signs, that their legs were secured; and the sick, of which there have been six or eight at a time, have been kept in a small room ten or twelve feet square. Furthermore, some benevolent gentlemen have offered to furnish them with better clothing, but the Marshal has refused to permit this to be done; and clothes that have been given to some of them have been forcibly taken away.

Dr. Hooker thinks that the clothing furnished them has been amply sufficient, because they have not been accustomed to much clothing and they frequently throw off what they have, and from the general fact that the natives of warm climates usually endure a cold climate, the first winter, better even than persons accustomed to a cold climate. We do not wonder at all that they are inclined to throw off their clothing, for not only is the heat of the rooms at times excessive, but some of their garments fit so very tight that they could not be worn with comfort, even by persons accustomed to wear clothes. As it is now decided that they are to remain here through the winter, we think they must be very much more hardy than the natives of New England, if under any system of management they can pass the season safely without woolen garments, or without opportunity for exercise. If individuals choose to give them clothes we do not see what harm can be done by it, even if they should refuse to wear them.

Certainly, it can not be considered unreasonable that some concern should have been felt on the subject.

I am told, that not unfrequently similar incidents occur. As the teachers enter their room in the morning, many come to shake hands, and greet them with a joyful "good morning," and as they leave at night they go away with the warm hearted "good by," accompanied with the same outward expression.

There are among them some noble-looking, noble-spirited men, to subdue whom would be no easy task. Cinqua, Fulii, Grabaung, Kim-be, slaves? Ah, yes, it may be, obedient slaves! No, never—at least so it seems to me.

The thought must distress every friend of humanity, that these poor children of Africa may possibly be surrendered to their pretended owners. If such an event takes place, and they are doomed to slavery, who can tell their sufferings? Will not revenge be sweet to the Spaniards? Will not Montez and Ruiz remember the Amistad, the prosecution, the jail, the disgrace?

O, let it never be, nor let them be sent back to Havana for execution. But if it must be, let Christians, let the genius of humanity and liberty, let the protecting angel of our country, let us all sit down mourning in sackcloth and ashes. Yet rather, let us know, that Cinqua, Grabaung, Mergroo, one, all, lie by the side of Kaperi and his companions, sleeping on in quiet, till the day of judgment—Christians, remember, when you pray, for these sons and daughters of abused, bleeding Africa.

November 24, 1839.
THE AFRICANS OF THE AMISTAD.
No. IV.—Ann. Law.

Question 1. Besides Lieut. Gedney, who else have preferred claims against the Africans, and what are the foundations of such claims?

Answer. First, Don Jose Ruiz and Don Pedro Montez, of the Island of Cuba, as owners, alleging that they purchased them in Havana, and on the strength of this purchase they are justly and legally entitled to them as their slaves. Second, Don Anjil Caligron de la Barca, Minister Plenipotentiary from Spain at the Court of Washington, in behalf of the owners, subjects of the Queen whom he represents, alleging that by the terms of the Treaty between the United States and Spain, the Africans ought to be surrendered to the Spanish authorities, and that they purchased them in Havana, and on the strength of this purchase they are justly and legally entitled to them as their slaves. And third, the District Attorney of the United States for the District of Connecticut, in behalf of the United States, asking the Court to make an order to enable the President of the United States to send them back to Africa, pursuant to certain provisions of the laws of the U. States, if it should appear that they had been illegally imported into the United States.

Question 2. What are the terms of the Treaty between the United States and Spain, under which the Spanish Minister claims a delivery of the Africans?

Answer. The sixth and ninth sections or articles thereof, cover the whole ground of the claim, and are as follows:—"Art. 6. Each party shall endeavor, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens and subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects, which may have been taken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects." "Art. 9. All ships and merchandise of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietors, as soon as due and sufficient proof shall be made concerning the same.

Question 3. What are the provisions of the laws of the U. States, on whose authority the District Attorney asks that the Africans be sent back to Africa?

Answer. It is provided by statute that the President of the United States be and he is hereby authorized to make such regulations and arrangements as he may deem expedient, for the safe keeping, support and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of colour, as may be so delivered and brought within their jurisdiction: that is, taken by armed vessels of the U. States, cruising for slaves, and delivered to the Marshal of the District. And to appoint a proper person or persons, residing upon the Coast of Africa, as agents or agents, for receiving the negroes, mulattoes, or persons of colour delivered from on board vessels seized in the prosecution of the slave trade, by commanders of the United States' armed vessels. And this is the only statute on which the District Attorney founds his claim for the United States.

Question 4. But notwithstanding these claims have been interposed by the Spaniards, their Minister, and the U. States District Attorney, what has the Court to do with them—what question or issue is before the Court touching such claims?
Nobody knows what will be done with these interesting strangers. The Spaniards are very angry because they are not allowed to take them away to Cuba, and there try them, and put them to death. Some people here wish the President would give them up, and we do not know but he will. Let us hope it will not be so, and pray God to take care of them. When they have learned our language, and have been taught the lessons of the gospel, there will be no harm in their going back to Africa if they choose. Perhaps we shall tell you more about them some other time.

**Captives of the Amistad.**

As the day of trial draws near, we are happy to see the attention of the public papers turned once more to the case of these unfortunate men. We copy, for the purpose of keeping the case alive, the following brief exposition:

**From the Journal of Commerce, Dec. 12th.**

**THE AFRICANS OF THE AMISTAD.**

**Question 1.**—Is it not clear that the Africans now confined in New Haven and awaiting the decision of the District Court of the United States for the State of Connecticut, are fugitives from slavery in the island of Cuba, a Spanish possession?

**Answer.**—The Grand Jury at the late Circuit Court of the United States for the State of Connecticut, found on inquiry under the direction of the Court and so presented, "that a Spanish vessel, built in Cuba, called the Amistad, duly and legally licensed to carry on the coasting trade, sailed from Havana on the 28th Jan. 1839, commanded by Ramon Perez, for the port of Guatemala, in the island of Cuba, having on board a cargo of sundry articles of merchandise, two Spanish citizens as passengers, with 53 negroes, purchased by them as Lusonados, that is, not natives of Cuba in the city of Havana, with regular permission for the Spaniards, negroes, and merchandise—that about four days after sailing, when three or four leagues from Cuba and forty from Havana, the negroes rose upon and killed the master and one of the crew of the vessel, and took the command and charge of the same, and wounded and injured the two Spanish passengers—that on the 26th of August last, the said schooner Amistad was found in the waters near the East end of Long Island, within one mile of the shore, in possession of the negroes aforesaid, from whom she was captured by the United States barks, brought into the port of New London, in the district of Connecticut, where the said negroes were apprehended by the Marshal of this District, in whose custody they now are. That while said vessel was so in possession of said negroes, the boxes and trunks of goods were broken open by them, and some of the goods appropriated to their own use."

**Question 2.**—If the Africans are fugitives from slavery in any other country than the United States, whether by and with the consent of their masters or otherwise, are they legally or rightfully held in custody by the United States Marshals for the State of Connecticut, and is there any power by which they can again be reduced to that condition?

**Answer.**—No—and no power is there for such purpose, unless it be conferred by some constitutional provision, act of congress, or treaty stipulation.

**Question 3.**—But is not the same authority to pursue and capture fugitive slaves from other countries, granted to citizens thereof in some way, either by the constitution, acts of congress, or treaties, as is granted to our own citizens of the slave States?

**Answer.**—Let all whom it may concern, examine these questions and find out.

**QUERE.**
A SHREW'D REPLY.—Last Sabbath, one of the gentlemen engaged in instructing the Africans, endeavoring to impress them with the nature and obligation of an oath, asked Cinque if he knew what would be done to him if he should not speak the truth under oath. He answered, "God would punish him; and then he asked in his turn, what would be done to the people here if they should give him up to Spaniards?"
From the New Haven Record.

OUR GOVERNMENT AND THE CAPTURED AFRICANS.

The opinion has been expressed of late by different portions of the public press, that the Africans of the Amistad will probably be delivered up to their owners on the demand of the Spanish minister. It is apparent that this can not be done lawfully except through the decision of our courts of justice. Accordingly, at the last session of the District Court at Hartford, a bill was filed by the District Attorney, claiming the Africans on behalf of the United States, to be delivered up in fulfillment of the treaty with Spain. The matter is in the hands of the Courts, and there alone is it to be decided, and from them we hope for a favorable decision. We feel confident, that unless the judges themselves feel themselves to be the treaty and the established laws of this land to give them up, the will, as they ought to do, even in all doubtful cases, incline to the sides of humanity and of natural justice. The judge, who, should pursue any other course, would not only bring upon himself the guilt of betraying innocent blood, and bring dishonor upon his country, but would invite the ignominy of the public.

Even more than this we think might reasonably be expected of our courts. Even if the treaty with Spain, strictly interpreted, should require the captives to be given up, yet no treaty can bind an act in itself unlawful. As no individual, so no nation is morally bound by a promise to do an act of injustice. Nor can any course be deemed to be better to be unjust to the Spaniards, than to be unjust to the Africans. If we must do wrong, it would be better to wrong the Spaniards of the property which they have received knowing it to be stolen, than to wrong the Africans of their own selves, and to hand them over to a death of torture, or to a life more bitter than death itself. If the treaty is not binding morally or legally, there is some power in the nation which is authorized to say so, and to refuse to fulfill it. These men were taken to Cuba by an act which is manifestly an outrageous violation of their natural rights, and which our own laws declare to be so in pronouncing the slave trade an act of piracy. How then can any treaty bind our courts to deliver them up? If the treaty is legally void so far as this case is concerned, the judiciary has power to set it aside. Were these captives Englishmen or Frenchmen, instead of Africans, and all the other circumstances of the case precisely the same as at present, no one can doubt that they would be delivered up in a moment. No treaty obligations could weigh a feather against their right to liberty. In such a case as this a man of plain common sense is as competent to decide what is just as the most learned lawyer in the land. If our constitution and the established laws under which we live make such a distinction; on account of the color of the skin, as will authorize our country to become the instrument of such manifest outrage upon injustice as is now asked of them, we say for our part, the sooner this constitution and these laws are changed the better.

There is one thing about this case on which we say without hesitation, the public ought before this to have expressed a decided opinion. An office of our navy—a man whose profession it is, and whose pride it is to be to protect the rights of the defenseless and to maintain unsullied the honor of his country—comes into court and claims compensation for services rendered, in assisting to reduce to slavery men who have as good a right to freedom as himself. Instead of suing for the price of such services, he ought to spring from him voluntarily, if not could have been, the fee. But when he does this, as we have reason to believe, for the very purpose of assisting the pretended owners in maintaining their claims, he brings deep disgrace upon our navy and upon our country. Should an officer of the British navy be guilty of such conduct, he would be cashiered at once, if not subjected to a more disgraceful punishment.

The Captive Africans.

Some of our friends may think we have already published essays and discussions enough respecting the captives of the Amistad. But the great importance of the case, both to the parties whose lives are in jeopardy, to the character of our country and to the cause of freedom and humanity, with the high probability that the question will yet have to be settled by the public voice, impel us to keep the subject up in our columns. The following elaborate and most conclusive exhibition of the question of surrender, was written for the National Intelligencer, and presented for publication under such circumstances as seem to have precluded a refusal; but it was cautiously stowed away on the first or outside page of the daily paper, and entirely left out from the tri-weekly (or country) paper, thus confining its perusal to the few who examine the outside page of a daily paper in the first days of the session of Congress. It has not been answered and cannot be.

From the National Intelligencer, Dec. 9.

GENTLEMEN: I ask, as a favor and as an act of justice, the publication of the following reply to the suggestions which have appeared in the Intelligencer in regard to the duties of the Executive in reference to the Africans of the Amistad.

Yours, respectfully,

A SUBSCRIBER.

THE AFRICANS OF THE AMISTAD.

MERRILL GILES & SEAGRAVE: I have noticed with surprise the expression of an opinion in the National Intelligencer that it is the duty of the Executive, under our treaty with Spain, to cause the Africans of the Amistad to be delivered up as property, to the Spanish claimants. As the case of these unfortunate persons—all of whom were, within the last eight months, feloniously kidnapped, in their native country—is now pending before us, that of the Government whose "power," by the Constitution, extends to all cases in law and equity arising under the Constitution, the laws of the United States, and treaties made under their authority, it seems to me to be a departure from the course you have been accustomed to pursue in similar cases, to anticipate or decide, or to attempt to influence the result, by invoking the interference of the Executive with the appropriate functions of the Judiciary.

The 9th article of the Spanish treaty provided that all ships or merchandise, whatsoever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either State, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof.

No one will of course deny that this provision in the treaty is obligatory on our Government, in all cases which come within its language or spirit. But few, it is believed, will concur in the opinion that conflicting claims in regard to the proprietorship of property, or the still more sacred rights of personal liberty, are questions to be settled by the Executive, and not by the Judiciary.

The same treaty which contains the provision already cited, points, in its 20th article, to the "courts of justice" as the proper department of the Government to which resort is to be had by the citizens of either State. For the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages they may have...
The Africans of the Amistad.—We have received the following letter from a gentleman who is well acquainted with the character and circumstances of these unhappy foreigners.

We are happy to be able to communicate information respecting them which may be depended on, and to correct the false and injurious rumors which have been circulated.

NEW HAVEN, Oct. 31, 1839.

Mr. Editor—You are aware that within two or three weeks, a number of stories, calculated to produce an unfavorable impression with respect to the African captives, have been extensively circulated in the newspapers. Having taken some pains to inquire into their correctness, it may be interesting to your readers to know the results of my inquiries.

The first story that appeared was that Cinque confessed his business in Africa to have been the buying and selling of slaves, either as agent for others or on his own account. It was said that Cinque made the confession first to Antonio, the captain's slave, at Hartford, and again at New Haven to the interpreters from the Buzzard. The paragraph, entitled “The Biter Bit,” containing these alleged facts, has probably met the eye of most of your readers. Now, with respect to this whole story, allow me to assure you positively, that there is not the slightest foundation for it, except the wild and ungenerous charge of common fame. In the first place, the boy Antonio is unable to speak the language of Cinque's native country, and you may judge what a confession said to have been made to him amounts to. In the second place, the gentlemen who have spent most time with the Africans do not recollect of having heard such a statement as Cinque himself or any of the others, till the affair was made public.

No such fact appeared, they assure me, either in the formal examinations they have made or in the every day intercourse they have had with them. In the third place, Cinque himself positively denies the fact alleged. Last and strongest of all, the three interpreters, Ferry, Pratt and Covey, the only persons yet found who can talk with him, all agree in testifying, and that too with the utmost positiveness, that Cinque has never made any such confession to them, or said anything that could amount to it. In fact, it does not appear that he ever owned a slave, as was for a time the universal and in some cases the popular report.

These facts have been given to me by the gentlemen above alluded to, on whose veracity you are aware, the most implicit confidence may be placed.

Hardly know whether the story respecting the knives said to have been found in their possession is worthy of notice. It is nothing surprising that men whose time hangs so heavily on their hands should be fond of amusing themselves with cutting, nor will it be considered in this country much of a crime to be the owner of a jack knife. It was certainly improper that, under restraint as they were, any one should procure for them what in a moment of irritation might be the means of doing injury. It ought, however, to be mentioned to their credit, that thus far, they have uniformly manifested extraordinary mildness and kindness in their intercourse with each other and with strangers. A harsh word is rarely heard, and one of the gentlemen connected with the prison assured me, that much as he had been with them, he had never, in a single instance, seen any immoderate display of feeling among them. The simple facts, with regard to the knives, so far as I can learn, are, that one of the interpreters, a mere youth, who had been accustomed to buy gingerbread and toys for them, at the request of the captives, bought a few jack knives for them; a few also were brought by the city boys and by casual visitors. Indeed, the noise made about this trifling affair would excite a smile, were it not the consequences of every unfavorable impression with respect to these injured men too serious to allow of it.

You have all learned to observe that a strenuous effort is made in many quarters to represent all that is felt, said and done in their behalf as the offspring of abolition and agitation. As if, to sympathize with the oppressed, against the oppressor, and to struggle against the death against the African slave trade, was not the birthright of New England, of America, and of humanity itself?

I have made some inquiries today with regard to the examination made by Professor Gibbs, and learn that the evidence obtained is as full and complete as the best friend of the Africans could desire. The perfect coincidence of testimony of nearly thirty of the captives with respect to the circumstances of their leaving Africa, examined separately and without opportunity of concert, establishes the great fact that they have been transported from that country within the six months, beyond the possibility of doubt. No matter how feeble their idea of an oath, or how great their disposition to testify falsely represented to be, the concurrence of their testimony is evidence which cannot be thrust out of the way.

Indeed this is considered to be so well established, that with the evidence now existing, they must have been liberated at once on the writ of habeas corpus at Hartford. As it is, the day of their deliverance is certainly at hand.

The arrest of Ruiz and Montez has excited some feeling here, and more, I should judge, from the papers, in New York. It has been extensively supposed to proceed from a desire to persecute the Spaniards, and they have artfully given circulation to the idea by allowing themselves to be placed in confinement for a redress of the injuries they sustained. Whether men who could buy human beings whom they knew to be just torn from their homes in Africa, in defiance of the laws of their own country, of the laws of nations, and of humanity, do not deserve punishment, and whether such punishment can be rightfully called persecution, are questions which scarcely require an answer. In point of fact, however, I cannot learn that any intention of bringing them to deserved punishment has been entertained for a moment by the congress for the Africans.—The process was a civil, not a criminal process, and was issued for the simple reason that in this way only can the trial by jury be obtained on the main question whether the blacks are freemen or slaves. Who will not wish the counsel abundant success in his efforts to restore these defenceless Africans to their homes and kindred? Allow me to say in conclusion that a good part of what is said in the papers about them is either utterly false, or so seriously incorrect as to be unworthy of credit. 

For the Evening Paladium.

NOTES ON THE CAPTURED AFRICANS OF THE AMISTAD.

1. Kimbo.

Kimbo, (a cricket, K. t. C.) was born at Maw-koo-bo, in the Mendi country, 31 months from Lombo-ko. He was a planter of rice.

His father was Su-na uka-ba-la, a gentleman, and was named Ma-yo. His mother was named Bau. His parents lived at Maw-koo-bo. His King, ka-pawi-di (muddy water, J. C.) lived at Maw-koo-bo; but afterwards removed to Go-la-hung, in the Mendi country.

After his parents' death, his King ka-pawi-di took him for a slave, and gave him to his son Bara, residing in the Bulom-country, who sold him to Su-ma-na, a Bulom man, who carried him to Lombo-ko, and sold him to Be-le-wo, (great whites, K. t. C.) as a slave to a Spaniard. He lived with Ka-pwi-di only a short time, with Ban-ga 4 days, with Su-ma-na 21 months, at Lombo-ko 3 nights. He left Maw-koo-bo about a year ago.

He has heard of the river Se-wa.

Remark 1. This Go-la-hung is different from the Ga-la-hung where Su-ma-na was born, and also from Go-la-hung, the birth-place of James Covey the interpreter.

2. In the deposition of Kimbo, Maw-koo-bo is said to be in Se-wa-wa-ma, i.e. beyond the river Se-wa. The river Se-wa, according to Covey and Pratt, runs from the Mendi into the Bulom-country.

3. The three villages, Lom-bo-ko, Te-lu-ko, and Kuma-shu, are all well known to James Covey. They are close to each other, in the Vai country, by the river Mo-a, near the sea, 4 days sail from Sierra Leone.

4. Kuma-shu was born at Go-la-hung, in Bum-be, in the Mendi country. He was a planter of rice, not a soldier.

His father, named Go-ba-no, was born at Ko-ya, in the Ku-qi-country, and removed to Go-la-hung in the Mendi country. His mother, named Ma-li-li, was born at Yaw-ni, in the Tim-na ni-country, and removed to Go-la-hung. His name, Kungo, reared at Go-la-hung.

He was taken by Le-koo-li, a Mendi, who sold him to Ban-da-bait, a Mendi, who sold him to Kish-kum-a, a Tim-na ni, who sold him to Bi-ia-na-mi-ka, a Bulom man, for tobacco, who sold him to a Spaniard at Lombo-ko. He lived with Le-koo-li 2 days, with Ban-da-bait 5 days, with Kish-kuma 3 months, with Bi-ia-na-mi-ka 1 night, at Lombo-ko 2 months. He knew the river Te-ya, in the Mendi country.

He has been in Te-ya-wa-ma, i.e., beyond river Te-ya. In coming from the Mendi country, he crossed the river Se-wa in the Bulom country. He did not know river Kimbo.

He learned Tim-na ni from his mother, who was a Tim-na ni. He learned Bulom from many Bulom people at Go-la-hung. He readily recognizes the Tim-na ni and Bulom words and phrases, given in Winterbottom's Account of Sierra Leone.

It was Shu-ma, who spoke over the corpse of Tau. It was Shu-ma, who spoke over the corpse of Tau.

Remark 1. This Go-la-hung is different from the Go-la-hung mentioned by Kimbo, and from Go-la-hung, the birth-place of James Covey.

2. The river Te-ya, according to Covey and Pratt, joins the river Se-wa.

3. NZIPA-ED.

Nzima-nu (a water-stick, from ndza or ndzhe, water, and u-ku, alogu, or ngi-ku, a stick or tree, J. C.) was born at Fumi-dun, in San-don, in the Koa-ko-country.

His father was named Fu-li, and lived at Fumi. His mother, named Ma-bo, lived at Go-bo-ba, in San-don, and removed to Fumi-dun. His king Ban-wa-li lived at Fumi-dun.
Funeral of Kaperi—A Native of Africa.

We were present at the funeral of another of the captured Africans. The services were quite interesting, even affecting. Kaperi, the deceased, had been more or less sick ever since his arrival here, and expired on Wednesday evening. He was buried on Thursday at 11 o'clock. The funeral solemnities customary with us, were observed with every degree of simplicity proper for the occasion. The Africans were ranged on benches round the room they usually occupy, in one corner of which was the body of the deceased. The center of the room was filled by strangers.—Mr. Day, who superintends their instruction, and appears to possess their confidence, stood at one side of the room, and through the interpreter said to them in substance, "Kaperi is dead. His body is still, and will be laid in the ground. The soul of Kaperi is alive. It will never die. It will go to another place and live for ever. Our souls will never die. They will live after our bodies are dead and cold. The Bible tells us how our souls may go to the good place. You must learn to read the Bible and pray to God; then, when your bodies die, God will take your souls to the good place and make them happy forever." Then they were requested to join in prayer, when they placed themselves in a posture of devotion, and responded quite insensibly to a brief, simple, and appropriate prayer by Mr. Day, which was doubtless interpreted to them in successive sentences as before. This part of the ceremony was quite affecting, made so by the solemnity of their countenances, by their fervent responses, by the appropriateness of the thoughts conveyed to their minds in the prayer, and by the circumstances of the case. Their countenances were grave through the whole ceremony—we thought, sorrowful. We envied not the feelings of those who see in these dependent and innocent captives nothing but an occasion for mirth, or suspicion, or fear, or what is still worse, of reproach for kindness rendered them.

After the prayer, the corpse was conveyed by four of them to a wagon, and they walked by its side to the grave, followed by all their companions, two by two. The procession was filled by others present, and all walked quietly to the grave to lay the dead by the side of the three who had already found a resting place among us, and within ground consecrated by the ashes of the lamented Amauty.

Rev. Mr. Bacon read a hymn at the grave, which many present united in singing, remarking as he did so, "that one object of these exercises was possible, to exhibit to these benighted strangers the difference between a Christian and a heathen burial." His prayer, which closed the exercises, was suited to impress on every enlightened mind present the reflection, that our distinguished elevation in the scale of being, for which we were indebted to the Bible, would if misused, be a reason in the day of judgment for the heathen to rise up and condemn us.

[From the Journal of Commerce.]

Letter from John Quincy Adams, respecting the captured Africans of the Amistad.

Quincy, 19th November, 1839.

[Extract.]

Dear sir,—The restoration of fugitive or rebellious slaves never can be claimed under any general stipulation for the restoration of property. The Treaty of Peace concluded at Ghent did not provide that the British forces should evacuate all places in the United States without carrying away slaves or other property. Here, in the first place, was no delivery up. The stipulation only was that they should not carry away, and in the second place, although slaves are recognized as property, yet it is property of a peculiar character, which would not be included under the general denomination, and was therefore specially named. Had they not been specially named, Great Britain never would have listened for a moment to a claim of indemnity for carrying them away.

The Africans of the Amistad were cast upon our coast in a condition perhaps as calamitous as could befall human beings; not by their own will—not with any intention hostile or predatory on their part, not even by the act of God as in the case of shipwreck, but by their own ignorance of navigation, and the deception of one of their oppressors whom they had overpowered, and whose life they had spared to enable them by his knowledge of navigation to reach their native land. They were victims of the African Slave Trade, recently imported into the Island of Cuba, in gross violation of the laws of the Island of Spain; and by acts of which our own laws have made piracy—punishable with death. They had vindicated their natural right to liberty, by conspiracy, instruction, homicide and the capture of the ship in which they were embarked—and of her cargo. This act of homicide and capture were accomplished by the two Cuban Spaniards embarked with them in the ship, murderer and piracy—and they were claimed by the same two Cuban Spaniards, accessories after the fact to the slave-trade piracy by which they had been brought from Africa to Cuba, as their property, because they had bought them from the slave-traders. They knew nothing of the Constitution, laws or language of the country upon which they were thus thrown, and accused as pirates and murderers, claimed as slaves of the very men who were their captors, they were deprived of eyes of the faculty of speech in their own defence. This condition was 'calamitous'; it claimed from the humanity of a civilized nation compassion; it claimed from the brotherly love of a Christian land sympathy; it claimed from a Republican profession of reverence for the rights of man justice—and what have we done? A naval officer of the United States, seizes them, their family, and carries them with them; tramples on the territorial jurisdiction of the State of New York, by seizing, disarming and arming on board their ship, without warrant of arrest, several of them whom he found on board; receives their captives; admits the claim of the two captives to the fifty masters as their slave; and claims the salvage for restoring them to their masters. They are then brought before a Court of the United States, at once upon the charge of piracy and murder, upon a claim to them as slaves, and upon a claim against their pretended masters for salvage, by kidnapping them again into slavery. The Chief Judge decided that the United States District Court had the right to try piracies committed in foreign vessels; that he thereupon cannot try them for piracy or murder, but that the District Court may try whether they are slaves or not; and as it is doubted whether the trial would be held in Connecticut or New York, it must take time to ascertain in which the trial shall be held. The meantime they are held as slaves to settle the issue. Is this compassion? Is it sympathy? Is it justice? But here the case now stands.

Yours truly,

J. Q. ADAMS.
Ba was born at Ga-ma, in Dzha-e we. He was a planter of rice.

His king, named Ba-nt, resided at Ga-ma.

He had committed no crime, but he was seized by Ga-ngau-ka, an African, who sold him to a Gallina Vai man, who sold him to Be-le-wa, (great whiskers), i.e. to a Spaniard.

He was a planter of rice.

His father was Fang. His mother Ta-ha. His parents lived at Ko-na-bu. His king named Yiae was residing at Ko-na-bu.

He was taken for a slave by Ma-ya, (not the owner of Fa-ban-na), for crim. con. with his wife. Mow-maw sold both him and his master Ma-ya, and made them slaves. Mo-maw sold him to Ka-e-li, (same name, but different person from the owner of Fa-ban-na) who carried him to Lum-bo-ko, and sold him to a Spaniard.

He knew Fang at Gilugh. There is a river in his country, named Wa-ko, which runs from Gissi, passes through Mendi, and enters into the Konno country, (not into the Vai or Gallina country, J. C.)

Kale, (bone, J. C.) was born at Dzhi-mi in Ga-ma, in the Mendi country. He was a planter of rice.

His king named Ta-mu, resided at Dzhi-mi. He was caught by Dzhi-mu, when going to buy rice, who sold him to Ba, (not his fellow prisoner) who sold him to Be-le-wa, i.e. to a Spaniard.

There is a river in his country called Mebo.

Ba-gna, (grand, B. J. C.) when young called Sa or Sa-ti, a Konno name, was born at Da-guana, in the Konno country, the native country of Ndu-dana. He was a planter of rice.

His father Uza lived at A-ha, in the Konno country. His mother Man-din also at A-ha. His parents removed to Du-guana, where he was born.

His name was Da-ga lived at Du-gauana.

He was caught by Yung-ya, who sold him to Fa-ni, who sold him to Be-le-wa, i.e. to a Spaniard, at Lum-bbo-ko.

There is a river named Mo-si in his country, which runs into the Mendi country.

He did not know Yami-mo-ni, as a fellow slave under Yung-ya; nor Mo-ru and Be-re, as fellow slaves under Fani.

He can converse with Sa in Kon-no.

Rem. There is a town called Da-ga in Gis-si, J. F.

Rem. 2. Da-ga is a Gis-si name, J. F.

25. FA DZHINNA.

Fa-dzhinna, (fa stein, J. C.) was born at Tum-boolu, a town in Bom-baali, in the Mendi country. He was a planter of rice.

The name of his king is not known.

He was made a slave by Ta-mu at Tum-boolu, for crim. con. with his wife. Ta-mu sold him to Du-a-la-dzhe-ni, a Mendi, who carried him to Lum-bo-ko; and sold himself to Li-lo, a Spaniard, the same who bought Gil-la-ba-ru or Gra-izung.

He has been at Tung-geha in Bom-baali, to buy clothes, where he saw Gil-la-ba-ru.

In going to Lum-bo-ko, he passed through the Vai country, to Lum-bo-ko in the Vai country.

The Ta-mu mentioned above was not the master of Fulu-wulu and Taumka.

No river in his country.

Rem. There is a Dum-bo-ko in Gis-si, J. F.

27. YAM-MO-NI.

A Mendi. He died at New Haven, Nov. 4th, 1839.

29. FA BAN-NA.

Fa-ban-na was born at Dozha-e-we-fulu, in Dzha-e we, in the Mendi country, where Gil-la-ba-ru was born. He was a planter of rice.

His king Ba-wu-baw and Gil-la-ba-ru's king Ba-wu-baw were the same person.

His village was surrounded by soldiers, and he was taken by Fa-ha, who sold him to Ma-ya, (different from Ma-ya, owner of Shule,) who sold him to Kas-e-li, (different from Kas-e-li, Shule's master,) who sold him to a Spaniard at Lum-boo-ko.

30. THE-KA-MA.

Taumka, (a learner,) was born at Sun-ga-ra in the Mendi country. He was a planter of rice.

His king Gnam-be resides at Sun-ga-ra. He was taken for nothing. Mo mo sold him to Ta-mu. He lived at Ye-sa in the Bul-lom country with his master Ta-mu. His fellow slaves under Ta-mu were Fie and Fuji-wulu. Ta-mu sold the three to Luiz at Lum-boo-ko.
6. GNA-KWOI.

Gna-kwoi, a Ba-la dialect second born, G.) was born at Kong-gola-hung, not in Mendi country, nor in Gisi country, but the largest town in the Bal country, back of Bandi, as they speak a peculiar language which is not Mendi, nor Bandi, nor Gisi. He was a planter of rice.

His father Ba-a lived at Kong-gola-hung. His mother was dead. His king Ka-po-koli lived at Kong-gola-hung.

When going to the country of Gola (when they speak neither Ba-la, nor Mendi, nor Gisi, nor Vai) to buy clothes, he was taken by Daw-bi-a, a Gola man, who sold him to Mo-nio, a Vai man, whose brother Kondo carried him to Mo-ra, a town in the Vai country, and sold him to a Spaniard named Pe-li. He lived with Daw-bi-a 6 days, with Mo-nio 10 days, with Pe-li 6 days. He saw his father one year ago at Kong-gola-hung.

Kong-gola-hung is situated on a river called by Daw-bi-a Za-li-bo, and in Men-di Kal-ko-ra, and which runs to the Ban-di country. He calls himself Ba-la, i.e., a Ba-la man, but has learned Mendi since he was a slave.

He has two front teeth filed or rather chipped with a knife.

8. Pu-li-wa. - Pu-li (son, F., J. C.) called by his fellow prisoners Pu-li wa (great Pu-li) to distinguish him from Pu-li-wa lu, (little Pu-li) was born at Mo-no, (different from Ma-nil, where Sing-he was born) at town in the Mendi country. He was a planter of rice.

His father was named Ma-ban-du, his mother Ma-ji. His king, named Te-ko, resided at Ma-no.

His town was surrounded by soldiers. Some were killed, and the rest taken prisoners. He taken by Kwa-hin-ke, (macaque, J. C.) who sold him to Moi-win-de, who carried him to Li-mo-ko, and sold him to Luiz or Luisi.

He has heard of Burg-be, but he has not been there. He passed through the Vai country coming to Li-mo-ko.

It was this Pu-li who instituted the suit against Seguros Ruiz and Monerez.

10. P-te. - Pu-te or Bi-a calls himselfa Timma-ni, and the father of Pu-li wu-ku.

The interpreters could not understand him. He knows only the numerals in Men-di.

He speaks, according to James Coveney, the Timma-ni spoken back of Bul-lom.

He recognizes with great readiness the Timma-ni words and phrases contained in Winterbottom's Account of Sierra Leone. He and his son seemed overjoyed to find an American who could articulate the sounds of their native tongue.

Pte has a remarkably pleasant countenance. His hands are whitened by scents from gun powder.

11. Pu-gaww-ni. - Pu-gaww-ni (English bird, i.e., a duck) was born at Te-baw, in San-do, between Men-di and Kon-no. He was a planter of rice.

His king, named Bum-ba, resided at Daino and at Te-baw.

Hir mother's brother sold him to an African for a coat, who sold him to Dzha-le-be, who sold him to Le-wa, (great whiskers) i.e., to a Spaniard.

There is a little fresh water stream in his country, called Pe-le.

He has learned somewhat of the Kon-no language, either in his native district or at Li-mo-ko.

Remark. San-do is also the native district of Ndzhu-a-ku.

9. Ses-ki. - Ses-ki was born at Massa-kum, or Massa-ku, J. C.) in Ku-ni-ki, the Bandi country. He was a planter of rice.

He went to Bo-ga-lo-ga to trade. In passing from Massa-kum, he was successively passed through Bo-ga-lo-ga, Ku-ni gi, Fun-du, Ti-yen-ma, Bum-be, Sin-gi-ma, Mo-bo-ku, and Bul-lom. In Mo-bo-ku is a town called Beke-li.

The capital of Bul-lom is Ma-ni.

Although he is a Ban-di, he appears to have been able to talk in Men-di.

Remark. His name accords with that of Mohammed-sis-ses, a Mandingo, who has lately excited the attention of the British Association for the Promotion of Science.

14. Na-lam. - Ndam ma (to put on, J. C.) was born at Dzha-waw-ru, in Kon-dzhu, in the Men-di country, on the river Ma-le.

He was a planter of rice.

His king, Ban-gu, lived in Kon-dzhu.

He was taken by Gom-bu-ku, who sold him to Bu-ka, (a razor, J. C.) who lived at Wa-waw-ru, and sold him to Luisi.

Remark 1. There is a town named Kon-dzhu in Gis-si, J. C.

Remark 2. The river Ma-le is known to Coveney and Pratt.

15. Ka-play. - Ka-play (but read, J. C.), was a Men-di. He died at New Haven, Oct. 30, 1839. For an account of his funeral, see New Haven Record, Nov. 9.

16. Fu-li wu-ku. - Fu-li, or as the name has been written, Furic, (son, F., J. C.) called by his fellow prisoners Fu-li wu-ku, (little Fu-li) to distinguish him from Fu-li wa (great Fu-li) lived with his parents at Ma-sa-ke-li, in the Timma-ni country, near the Men-di country.

He is the son of Pu-te or Bi-a, mentioned before. His mother was called De-mawe.

He was taken at the same time with his father, by an African, who sold him to Tu-ma, a Bul-lom man, who sold him to Luisi, a Spaniard, at Li-mo-ko.

Tu-ma lived at Ye-sa in the Bul-lom country. Tsu-kwa-ma was his fellow captive at Ye-sa under Tu-ma. Tu-ma sold him, his father, and Tsu-kwa-ma, to Luisi, at Li-mo-ko.

Fu-li wu-ku talks Timma-ni; of course, also Men-di, from having been in that country. He does not talk Bul-lom.

He has a depression of the skull, from a wound in the forehead.


J. W. G.
We have witnessed with regret the eagerness with which reports have been caught up and published, unfavorable to the Africans confined in this city, and the disposition manifested to alienate from them the sympathy of the public, and even to enlist it in favor of Ruiz and Montez. We refer not to the marvellous fabrications which have filled the columns of Bennett's Herald, but to papers which are accounted respectable. A paragraph indited by the editor of the Hartford Courier has had considerable circulation, in which it is stated that the business of Cinquez was to conduct slaves from the interior to the coast, to supply the slave ships; and the authorities given are the boy Antonio, who understands no African language, and the editor of the New Haven Herald, who, the day after the interpreters Pratt and Covey arrived, was "informed that Cinquez acknowledged that he had sold slaves."

We are now able to state, on good authority, that the three interpreters, Ferry, Pratt and Covey, each of them, affirm positively, that Cinquez has told them no such thing, nor any thing like it; nor do the gentlemen who conducted the examinations with the two latter, and took minutes of all the answers, remember any such statement. Cinquez then said, as he says now, that he was the son of a chief, or head-man, and that he sometimes trafficked in merchandise. Pains have been taken again to examine Cinquez and several of the other prisoners in reference to this particular point. Cinquez denies ever having been engaged in the slave traffic, and the others deny any knowledge of his having been so engaged.

But suppose all that has been said to be true. Are not slavery and the slave trade the "peculiar institutions" of Africa, as well as of Cuba and a part of the United States? Is it a less crime for a poor benighted African to sell those who are slaves according to the laws and customs of the country, than for a high-born Spaniard, educated, as Ruiz had been, in Connecticut, to purchase men, just from the slave ship, knowing them to be the victims of that abominable traffic which the laws of his own and of every civilized country denomine as the vilest of crimes? Further: Can men who are not willing to speak at all severely of the slavery and the slave trade which are legalized in this country, say, as the abovementioned editors do, that an African slave-dealer can have no claim upon our humane sympathies? Really, we think there is "something morbid in the conduct of certain gentlemen." Must these little children and boys, who compose a large part of the whole, be cut off from the sympathy of the public, for the supposed crime of one of the number? There is no evidence that any of the number even possessed a slave in Africa. Mr. Tappan's supposed information to the contrary was obtained hasty, when the means of communication were very imperfect. If it were true, with what face can these editors impugn slave-holding, or slave-dealing even, as a crime—unless they have recently become abolitionists? At any rate, they ought not to be ignorant that the claim of these Africans on our interest and our effort in their behalf, does not rest at all on their personal character, but on the fact that they are victims of the accused slave trade, and as such cast in the providence of God upon us for protection.

Advantage has been taken of the prosecution of Montez and Ruiz, to make an impression unfavorable to the Africans and favorable to their oppressors. The act of instituting the suit has been eagerly and without waiting for inquiry, imputed to bad motives. Odium has been cast upon it as a measure of the abolitionists. Strange, that justice cannot be sought in a court of law for oppressed and imprisoned strangers among us, without incurring censure! Justly as these Spaniards deserve to suffer, the real object of the prosecution was, not to recover damages, but to bring before a jury the question of the right of these Africans to liberty.

The attempt has been made to discredit the testimony of the Africans. That their testimony is admissible in court, has been decided by Judge Inglis. That the main facts of their story are true, no one can doubt who is acquainted with the nature of the testimony and the manner in which it was taken. Not only are these facts altogether credible in themselves, but the Africans were examined separately, and cross-examined, and some of them examined not only though the interpreters, Pratt and Covey, but through Ferry, who uses a different language from them; and they all agree in testifying positively to these facts, and with every appearance of honesty and truth. It is the perfect coincidence of their separate testimony which gives it its strength.

The "dangerous weapons" which it was said, in a way to excite alarm and suspicion, the prisoners had obtained, were nothing but common jack-knives, some of which were brought them by the interpreters, inconsiderately, and without the knowledge of any one else, and others by boys who went in as visitors. It was very proper that the knives should be taken from them, but no one acquainted with the circumstances can suppose for a moment that they wanted them for any other purpose than their own amusement and convenience.

Those editors who do not choose to manifest any interest in favor of the Africans, ought at least to be careful not to mislead the public respecting the case.

The Africans are making encouraging progress in acquiring the English language under their instructors, and their interest in the matter continues unabated.

OBSERVER.

HARTFORD, SATURDAY, NOVEMBER 23.

THE AFRICANS OF THE AMISTAD.

The case of these captives came to trial before the United States Court for this District on Tuesday morning last. Isham and Brainard of New London appeared as Counsel for Lieutenant Gedney and others. Baldwin of New Haven for the Africans. Mr. Baldwin offered a plea of abatement, in behalf of his clients, alleging that this court has no jurisdiction of the subject matter, because

1. The Amistad, when boarded by the Washington, was within the admiralty jurisdiction of the Southern District of New York.

2. The prisoners were born Africans; were never in slavery, and were never domiciled in Cuba. Hence neither the Constitution nor laws of the U. S., nor the laws of nations, nor treaties with any foreign power, require our Courts to regard them as property. They stand before this Court precisely as Englishmen or the citizens of any other nation would, in similar circumstances.
38. K.o.b.
K.a.b.a. (play, J. C.) was born in Fula, in Dzh-a-e-ve, in the Mend-ri country. He was a planter of rice.

Does not know the name of his king.

Ya.wi sold him to a Spaniard at Lom-bo-ko.

Fa died at New Haven, Sept. 3, 1839.

40. T.u.a.
Tul, (a Bula-lom name, J. C.) died at New Haven, Sept. 11, 1839.

41. We-lu-waw.
We-lu-waw, (a Bandi name, J. C.) died at New Haven, Sept. 14, 1839.

42. S.b.o.o.
Sb.o.o was born at Ma-ni, (different from Ma-ni, where Fu-la-wa was born,) in Dza-ho-po-a, in the open land, in the Mend-ri country. He was a planter of rice, and not a soldier.

His father, Ba-na, lived at Mani. His mother is dead. His king, Ka-lun-bo, lived at Kaw-mendi, a town in Dza-ho-po-a, larger than Mani, in the Men-di country. He has been at Kaw-mendi.

There is a river in his country, called Bu-ga, which runs into the river Ma-ma-li, which he has not seen.

From Mani to Lom-bo-ko is fa.li pa, i.e. 10 runs or days.

He never owned slaves. He never sold any slaves to the Spaniards. No slave will be found who will say that he sold him, unless he tells a lie.

He never went to Lom-bo-ko, till he was carried there as a slave.

Ma.ya-gi.la-lo sold him to Ba.ma.dza, son of Sha-ka, king of Genda ma, in Ka-lun ndau-e-hung, i.e. in the Vai country. He has never seen Sha-ka, but has seen Ba.ma.dza, his son, at Gen-da ma. Ba.ma.dza carried him to Lom-bo-ko.

There was no other of his fellow-prisoners with him. He does not know the name of the Spaniard who bought him. He lived with Ma.ya-gi.la-lo 3 nights; with Ba.ma.dza one month; at Lom-bo-ko two months.

His father is living. Saw him about 2 years ago. He was living with his father at the time he was taken.

He has heard of Petro Bianco, who lived at Te.i-lu, near Lom-bo-ko (where James Covey has been, J. C.)

He had one wife only, and three children. His wife was named Ko.me. His children were (1) Ge-awau., (God,) a son; (2) Gu-na, a daughter; (3) Ma.gua, a little girl. He saw his wife and children two years ago.

Ndzha-gnwaw-ni, (water bird, N., J. C.) was born at Kem-be-ta, (Kem-be town) in Dzo.o-wa, (the same as Lo.o-wa, the country of Fang) in the Mend-ri country, close to Gis-si. He was a planter of rice.

His father, Kem-be, gave him to the town. His mother's name was Ngom-gbi-wa, (great fire, N., J. C.) Does not know the name of the king of Kem-be. He was not called Kem-be.

He was caught by Ma-den-gu, a Mend-ri, who carried him to Lom-bo-ko, and sold him to Luisi. No debt was owed by his father or uncle.

There is another town in Dzo.o-wa, called Yai-bai ma, where he has been.

He was acquainted with the river Ke-ya, which comes from Gis-si, and joins the Ma.wu-a. Also with the Ma.wu-a which joins the Moa; and with the Moa which comes from Gis-si, and runs to the Vai country.

Remark 1. There is a Dzo.o-wa in Gis-si, J. F.

Remark 2. The river Ke-ya is known to the interpreters Covey and Pratt.

35. Fang.
Fang, called also by his parents Kin-na, (man or male,) was born at Dzo-po-a-hu, (not close to Gis-si,) a town in Lo.o-wa, (the same as Dzo.o-wa, the country of Ndzha-gnwaw-ni) in the Mend-ri country. He was a planter of rice.

His father was named Baw-age. His mother Yan-di-wa. His parents lived at Dzo-po-a-hu. His father was king.

He was caught in the bushes by a Mend-ri named Fang, (different from Fang, the master of Ba-gna,) who carried him to Lom-bo-ko, and sold him to a Spaniard. He was slave to Fang less than a month, in Lom-bo-ko one month. He saw his father two years ago.

There is another town named Gi-hung where he knew Shu-le.

Remark. There is a Dzo-po-a-hu in Gis-si. J. F.

WEEKLY HERALD.
Saturday, October 19, 1839.

Extraordinary Arrest—Senor Ruiz and Montez in Jail at the suit of the Africans, set on by Lewis Tupper.

Yesterday morning, the two Spanish gentlemen, Senor Ruiz and Montez, who barely escaped with their lives—from the savages on board the schooner Amistad, were arrested and sent to jail, on certain affidavits, made by two of the Africans. The following are copies of these writs:

City of New York, ss. THE PEOPLE of the State of New York, to the SHERRIFF of the City and County of New York, GREETING:

WE COMMAND you, that you take JOSE or JOSEPH RUIZ, otherwise called PIN, alien and subject of the Queen of Spain, CAPTAIN, the said JOSE or JOSEPH RUIZ, otherwise called PIN, afore said, and bring him into the CITY Court of the City of New York at the City Hall, in the said City, on the Third Day of October, 1839, to answer unto FULLAH, an African of the Mend-ri tribe, in a plea of trespass and assault, for falsely apprehending and ill treating, and wounding the said plaintiff, to his damage two thousand dollars, and a piece of free property, and bringing the said plaintiff to the City Hall, in the said City, the first Monday of October, one thousand eight hundred and thirty-nine.

PER SEKAL.

THEODORE SEDGWICK, Jus.
C. A. CLINTON, Clerk.
This was admitted by Mr. Isham.

The plea further alleges that several of the Africans including Singbe were captured on Long Island, within the body of the state of New York; and hence in respect to them no admiralty Court has jurisdiction.

Mr. Isham opposed the reception by the Court of this plea, on the ground that the Africans cannot be parties in a case between the claimants for salvage and the owners Ruiz and Montez. The owners assert that these men are their property, and admit that Gedney & Co. rescued it. We take them on their own admission, and ask the Court to award the proper amount of salvage. We do not ask that the prisoners should be treated as property or sold. All we demand is, salvage from the owners for the service, which they admit we have rendered.

Mr. Baldwin replied, that the salvors had liberated these men as property; that if the Court allowed salvage on them, they must be delivered up to Ruiz and Montez as property; that therefore his clients have the greatest interest at stake in this suit, and have a right to appear.

The Court decided that the plea may be received; but that, at the present stage of the proceedings, the counsel for the Africans, cannot go into the merits of the case. They must confine themselves to the question of jurisdiction.

Witnesses were then examined in respect to the place of seizure. Capt. Green of Long Island deposed that at the time of seizure the Amistad was from twenty five to thirty rods from the shore; and that twenty two of the Africans were on shore.—Lient. Mead and Dr. Sharpe, officers of the Washington, with Capt. Mather, testified that the Amistad was about half a mile from land, in three and a half fathoms of water.

These proceedings occupied the whole of Tuesday. Many other questions were incidentally raised; these are the principal points.

Wednesday morning. Court opened.

After some further examination respecting the place of seizure; the Court was adjourned to sit in New Haven on the 7th of January next. The reason of this step is the sickness at New Haven of the interpreter, without whose aid, it is impossible to examine the Africans in regard to the number and names of those who were on shore at the time of the seizure. Their testimony, on this point is of importance in deciding the question of jurisdiction; which is now a preliminary point.

Our readers will see the importance of a decision of the United States Court in this District disclaiming jurisdiction in the case, on learning, that, in this event, the Africans can claim the protection of our State Courts, with a jury trial, in case an attempt should be made to remove them out of the State into New York, or out of the country.

Measures were taken, before the adjournment of the Court, to secure the testimony of Dr. Madden, a member of the Mixed Commission at Havana, who was present, and who expects to leave this country in the course of a fortnight.

For the Journal of Commerce.

THE AMISTAD.

In the Courier of yesterday, it is mentioned that the American slaves, liberated in Bermuda a few years since, will be paid for by the British government; and it is added—"This conduct of the British government puts to shame the conduct of our own authorities towards the Spaniards, in the case of the Amistad."

The two cases are as different as well can be. The American negroes were born slaves, and there was no doubt of the ownership. The negroes of the Amistad were stolen from Africa—smuggled into Cuba against the laws of Spain—and the Spanish claimants, Ruiz and Montez, have no more right to them than they would have to a stolen horse found in their possession.

I, for one, feel proud that our own authorities have made a most righteous decision.

AN AMERICAN.
From the Emancipator.

NEW HAVEN, January 7, 1840.

To the committee on behalf of the captured Africans:

On arriving here to-day, I found the U. S. District Court in session—Judge Judson. Jingga and about half a dozen more of his countrymen were in court, comfortably clad. Messrs. Staples, Baldwin and Sedgwick were present as counsel for the liberated men; Gen. Isham and Mr. Brainard, of New London, counsel for Lieut. Gedney, U. S. Navy; Gen. Ellsworth, counsel for Capt. Green, one of the libellants of Sag Harbor; Mr. Cleveland, of New London, counsel for two of the Spanish owners of property on board the schooner Amistad; and the U. S. District Attorney, under direction of the government of the U. S., counsel for the Spanish minister.

The court room was crowded.

Mr. Cleveland presented a claim, on behalf of his clients, praying that the goods might be given up on their giving bonds—the goods to be sold by order of court. The counsel for Lieut. Gedney moved the court to order the entire cargo sold for whom it might concern—disclaiming however, any desire to have the Africans sold.

The question was then argued whether the Africans might withdraw their plea to the jurisdiction of the court, on the ground that the seizure was not in the territorial jurisdiction of the court. The court decided they might, and put in any claim they chose. Their counsel then in a general answer, in which they claim that they are not property, and that this court has no jurisdiction over them as such. The marshals and deputy marshals were then called upon to prove the value of the schooner and her cargo, exclusive of the Africans. The Amistad was valued at one thousand dollars, and the cargo at four thousand dollars.

Charles Pratt's deposition was then offered by Mr. Baldwin. He is a native of Africa, one of the crew of H. M. B. Buzzard, which was lately in New York harbor, and a countryman, it is alleged, of the captured Africans. The deposition was rejected, among other reasons, on the ground that the parties were not duly notified.

The deposition of Dr. Madden, British superintendent of liberated Africans at Havana, and who was recently in this country, was read. He states he saw and conversed with the prisoners at the Amistad— that he learned before he left Havana, that they were Bozal negroes, that is, negroes recently brought into Havana—that they were brought there in violation of Spanish treaties and the laws of Spain, &c. The deposition was similar to that already published in the New York papers a month or two since.

Exceptions were taken by the counsel for Lieut. Gedney and the U. S. Attorney to some parts of Dr. Madden's deposition. The judge however was disposed, agreeably to the practice in our admiralty courts, to allow much latitude with regard to the admission of testimony.

Mr. S. Haley, of New London, was sworn to testify respecting the admissions of Ruiz to him, soon after the trial of the Amistad at that court. He was object to by the U. S. Attorney, who said that Ruiz and Montez had nothing to do with the question—no one appeared as counsel—and he appeared on the part of the Spanish minister. He was replied to by Baldwin and Staples. It might be asked, by what right does the U. S. Attorney appear here at all? For all essential purposes he appears as counsel for Ruiz and Montez, although the government direct the United States Attorney to appear on behalf of the Spanish minister, as a matter of executive courtesy, and as an excuse for supporting these Africans in case the question becomes a matter of state. And it may hereafter be discussed, what right the government has to the men for the purpose of giving them up, either as property or criminals. Gedney is in fact before the court. He claims salvage on the Africans, as well as the vessel and cargo for the purpose of valuation, it is said, that the amount of salvage may be increased. Ruiz and Montez are also claimants, and their admissions ought to be received in evidence. Gen. Isham inquired whether the declarations of Ruiz were to be received against the claim of Gedney? The United States Attorney comes here to preserve the faith of this government inviolate—to see that the Africans are delivered to the Spanish authorities if they are slaves, and if they are not, to have them sent to Africa, or elsewhere, should it turn out to be a state question. Ruiz and Montez are before the court—no matter whether they have counsel or not—as libellants, and therefore their testimony cannot be disallowed. The court said, the claim of Ruiz and Montez appears to be before the court. They sec up the right of property. Suppose they step aside, and the Spanish minister comes in—who for? For the owners, whoever they may be. For the present this is a mere question of property. We take the declarations of Ruiz and Montez as setting up claims of property. The Spanish minister appears here on behalf of the Spanish owners—aliens. He could not otherwise appear. The question may be put.

Mr. Haley testified that on board the U. S. B. Washington, he heard Ruiz, in answer to questions put to him by Mr. Janes, say that only one of the slaves could speak English, and he only a few words, which he must have learned on the coast of Africa; that, with the exception of Antonio, the captain's boy, none of them could speak Spanish, as they were just from Africa. Ruiz stated that he supposed the two Spanish sailors who escaped in a boat were killed until he arrived in this country. Ruiz, he said, spoke good English. Gen. Isham interrupting him, said, "Did you not know that he was educated in Connecticut?" Mr. Baldwin quickly replied, "He ought to have known better, if he was educated in Connecticut."

Mr. Dwight P. Janes, of New London, testified that he went up to the Washington, and put several questions to Ruiz. Can any of them speak English? "A few words." Can they speak Spanish? "Oh, no, they are just from Africa." Ruiz said that forty-eight or forty-nine of them belonged to him, and four to Montez; that the whole number on board was 60, viz., 53 slaves, 5 captain and crew, and 2 passengers; that the captain and cook were killed; that the cabin boy was saved; that their said rising took place in the night; three or four days out; that some of the negroes were wounded; and he supposed those who died on board the Amistad, lost their lives in consequence of drinking salt water. Mr. J. stated the condition of the vessel and cargo on their being brought into New London.

James Coney underwent a long and interesting examination. This young man is a native of Africa, of the Mendi tribe, was one of the crew of the Buzzard, and being subpoenaed by the U. States, was left here by that vessel. He was sold in Africa by a black man to a Spaniard, captured by an English man of war, taken into Sierra Leone, where he went to school, learned to read
and write, and speak the English language with considerable facility. He has acted as interpreter here. All the prisoners but three, are from his country, Mendi, and speak his language. When he first went into the prison here, they all talked to him, and appeared glad to see him because he spoke the same language. They have told James that they all came from Africa to Havana. They have Mendi names. Their names have meaning. Kail, means bone, &c. They speak of the same rivers, &c., that James knew in Africa. They all sailed from Lomboko, in Africa, to Havana. They talked with them by one, and they all say the same thing. James underwent a long and severe cross examination, and acquitted himself very well.

Professor Gibbs was sworn. The counsel for the Spaniard and Spanish minister, and Lieut. Gedney, after inquiring what the counsel for the Africans expected to prove by this witness, and being informed that they expected to prove by Mr. Gibbs, who is an eminent linguist, that James and the Africans speak the same language, the Mendi dialect, &c., objected to his competency as a witness. After a long argument the judge said he must take time to reflect upon the subject, and the court was adjourned to 9 o'clock to-morrow.

One of the gentlemen connected with the divinity school here, who has assisted in instructing Jingga and his comrades, informs me that they have made great progress in their studies; that they show, at least, as much eagerness to learn as white people; that they wished the money given them by visitors should be expended for books, &c., that most of their savage habits have been relinquished, and habits of civilized life acquired; that they appear to understand the reason of their detention in this country and to be grateful for the sympathy manifested for them. Jingga, one stormy morning, when the teacher did not come as usual to instruct them, assembled his comrades, and said he would pray with them and instruct them. He inquired also, on another occasion, "If America gives them up what will become of them?" What a providential circumstance that these strangers should have been cast upon the shores of a free state, and brought to this city! Let us earnestly pray that they may not be given up to the tender mercies of the cruel, but be liberated and Christianized in this land; professing to love and practice the principles of liberty.

Truly yours,

LEWIS TAPPAN.

THE EMANCIPATOR

THURSDAY, JANUARY 16, 1840.


To the Committee on behalf of the Captured Africans:

Upwards of eight hours have been spent in court to-day, without any great progress having been made. The extreme urbanity, and I may say the indecency of the judge, together with the large number of legal gentlemen employed as counsel, leads to much discussion, and delays the issue of the trial. Still, the proceedings of to-day have been unusually interesting, especially the examinations of the Chief of the Africans, Jingga, and two of his comrades. But I will not anticipate.

Mr. Baldwin stated the points which he expected to prove by Professor Gibbs, viz. that after conversing with the Africans he went on board the Buzzard, at New York, and found that one of the crew, James Covey, a native of Africa, spoke the same dialect, mentioned the same rivers, described the route from his native place to the coast as the Africans had, and that the maps corroborated his statements; also, that Covey stated that he was a Mendi, and on coming to New Haven, and seeing his countrymen in jail, he found nearly all of them were from the same district of country. The judge ruled that this was admissible. A man skilled in mechanics is competent to give his opinion of a machine, its power, &c. So, Prof. Gibbs, as a linguist, may be called on to give his opinion whether these men are Africans, whether they have been long from that country, &c. The value of the testimony must be judged of when his means of obtaining the knowledge comes under consideration.

Professor Gibbs proceeded to give his testimony, referring to voluminous notes in his hands. He said the terms Ladino and Bozel referred to the power of communicating language. The former term, means those who have been long enough in a Spanish territory to speak the Spanish language fluently. The term Bozel, means the exact opposite—mute—who is and is applied to the inhabitants of a Province, but little polished, just arrived at Madrid. Witness had spent much time in investigating the language of these captured Africans, and in ascertaining whether they were recently from Africa. He acquired his knowledge of the Mendi language from Covey and Pratt, the two young Africans from the Buzzard, and after making a table of numerals and obtaining the vocabulary, he was able to converse with the Africans in their language. The counsel for Gedney here objected to such testimony as irrelevant. Staples, in reply, said it is denied that these men are of the Mendi tribe, and we go into this evidence to prove that they are. The judge remarked that he was fully convinced that the men were recently from Africa, and it would be idle to deny it. He said this to save time. In consequence of the evidence of the Africans, they stated that they should not examine any of them to ascertain that they had recently come from Africa, but would introduce some of them to ascertain which of them were on shore when taken in the District of New York. Prof. Gibbs' testimony was, therefore, cut short after he had stated that the great body of these Africans spoke one language—several of them speaking two dialects. They speak the language of the books, and appear to understand the country as described in geographies.

Jingga was called as a witness. Covey also as an interpreter. Both were interrogated as to their knowledge of a Supreme Being, the obligations of an oath, and the penalty for false swearing. Covey said, he believed in a God, that this requires him to speak the truth, and that if he does not speak the truth he will be punished. Jingga also satisfied the Judge. Covey was sworn to interpret the oath to Jingga, and then to interpret correctly his testimony. Jingga was examined at great length. He gave his testimony in an unembarrassed manner, in a clear voice, with considerable natural gesticulation, while the most breathless attention was paid to what he said by the large audience. Gen. Eliot concluded the direct examination more especially that at the time of their capture by Lieut. Gedney, a large number of them were on shore on Long Island. He was on shore, and "plenty of them—can't count them." He gave the names of ten, and said he could not recollect the names of the others. They gave up to Capt. Green two guns, one broad built one hat. There were five of them there with Capt. G. Jingga told Capt. G. he might take the vessel and keep it, if he would send them to Sierra Leone. His conversation with Capt. G. was carried on by the aid of Burnash, who could speak a little English. They had taken on board part of their supply of water, and wished to go to Sierra Leone. They were three months coming from Africa to Havana, where they were kept the nights. They were three and a half months coming from Havana to this country. [He probably misunderstood the question.] The four children they met, for the first time, at Havana. All the rest came together from Africa, from a factory called Lomboko. The girls and boy are of the Mendi tribe also.

Cross examined by Gen. Isham. Came from Mendi. They were on the road where there was a fort, by his countrymen. He was not taken in battle. Did not sell himself to any one. He was taken to Lomboko, where he met the others for the first time. Those who took him—four men—had a gun and knives. Has three children in Africa. Has one wife. Never said he had two wives. Can't count the number of days after leaving Havana before the rising up and the vessel. On the question being put, who killed the captain? The counsel for Gedney said they had no objection to the inquiry, although it does not pertain...
Jingua said they knew nothing about any other commandant--but Pepe, (Ruiz.) The man who had charge of the schooner was killed. Then he and Pepe sailed the vessel. Witness told Pepe, after Ferri was killed, to take good care of the cargo. They soon found a box below, which they broke up for fire wood. It contained much such stuff of which they afterwards paid away for dogs, it. They wrapped up the money in duck, and tied it round their bodies. They afterwards gave the rest of the money to the white man in the boat. They took some cloths ashore in a trunk. No money in the trunk. The Brig fired a gun, and then they gave themselves up. Ferri came off from the Island in the Schooner's boat and four in the Brig's. They did not deposit any things after taking the schooner, but they got cold, and took some of the goods to make clothes of. Saw Pepe first at Havana, at the prison. When they first landed there, they were put in prison. They were not chanced. Pepe came and felt of them. [Jingua here described how Pepe felt of the Africans to ascertain if they were healthy and sound.] He then said that he would take them. The man who brought them from Africa was there with Pepe. They were chanced coming from Africa to Havana, hands and feet. [Jingua here described the manner in which they were packed on board the slaver.] They were chanced also on board the Amistad. They were kept short of provisions. They gave them half eat and half drink--one of the Africans was sick. The cook told them they were going to take them where they would eat. The cook could not speak the Meni language, but used some words which they could understand. Were beaten on board the schooner by one of the sailors. Pepe told the sailor to beat them. Gen. Iskam asked if Jingua did not beat the Africans after they had taken possession of the vessel. General asked the question, and the Judge did not see the relevancy of the inquiry; besides, the Judge might be given in evidence in this court if an action should be brought. Pepe was present, on shore, when they went on board the schooner at Havana. Four men were whipped by order of Pepe. No body struck witness, except the cook, who slapped him with a plantain. He was lying in the boat, and it was asked if Jingua said, very emphatically, "Oh, no, no." Pepe was present when the men were struck. When they had taken the schooner they put the Spaniards down in the hold and locked them down.

Grabraung, another of the Africans, was examined by the interpreter, after suitable inquiries by the court. Went on shore on Long Island. Knows captain Green. Plenty of men on board. He was examined at length, and his testimony confirmed much of Jingua's testimony.

The court announced its intention to take a recess for dinner. The District Attorney stated that he had just received a letter from Mr. Vega, the Spanish Consul at Boston, stating that he was sick and could not attend court.

As he was a very important witness he thought he could not proceed without him. Court took a recess.

Afternoon.

Mr. Haley had leave to explain that part of his testimony given yesterday, respecting his seeing Ruiz at Hartford. He did not see him there, but has often seen him at New London.

Cross-examination of Grabraung. Sailed from Lomboko. Don't know the name of the ship. Jingua came in the same ship. Met him at Lomboko. Never saw him before. Ten days or more before he was taken on board the slaver.

Don't know who killed the man on the Amistad, nor how long it was after he had left Havana. Pepe, (Ruiz) and Pedro (Monte) were put below, but not ironed. Pantaloons and shirt in trunk, but no donboulos, when they went ashore. Were going to Sierra Leone after they had got sufficient water. They did not go to sea previously, because they had not got water enough. Was on shore when the brig's boat came. Pepe himself went off in the Brig's boat. He gave his names. Knows Captain Green. Went to his house. Several white men came down to them. Remembers Jingua's whispering when all the men came around him. They all answered the signal. The white men then went after their arms. The Africans immediately sat down and gave up their arms. They made an agreement with Captain Green that he would take possession of the Amistad. Don't know where he was to go with her. They wanted him to take them to Sierra Leone. They were in want of nothing but water. Captain Green and them there was a ship of war out after them. Not withstanding this they wanted to go to sea—to Sierra Leone.

Fulito, another captured African, was examined on oath similarly to the preceding. Went on shore at Long Island. Was there when the officers of brig Washington took them. Repeated some of their names. Came from Lomboko. From Lomboko. Grabraung and the others could count 400 to 500 came in the same vessel. The little girls and boys came from Africa. Described how closely they were arranged on board, and how his wrists were chained. Three months from Africa to Havana. Ten nights at Havana. Kept in a village in one house. Had one plantain and two potatoes, and sometimes two plantains and one potato. He and others were whipped for stealing a hunk. A sailor whipped them by order of Pepe. The cook told them they would cut off their heads and eat them. He heard Pepe tell the sailor to whip them. Pepe gave the whip to the sailor and told him to whip them. The captain killed one of the Africans before they killed him. Jingua killed the cook. The cook was killed by the first. He was lying down in the boat. The cook was killed by an arm. The cook was killed because he said they were going to kill them. Don't know what. Don't know what. He was watched after he was killed. They killed the cook, but did not want to kill the captain, but as he killed one of their number they killed him. The man's name whom the captain killed was Duvo. Witness gave an account of Montez being cut in the head by a blow. The counsel for the African's— the claimants presented here—asked the interviewer, Covey, about the conversation he had with Jingua, as to the manner he was taken in Africa.

Witness stated the same at length from his notes. To the question, Did not Jingua tell you that he had been in the habit of going to Lomboko and, he was going again to kill a man! He replied, Jingua told me that he had never sold slaves, and that no slave would be found who says he was sold; unless he tells a lie, that he never went to Lomboko until there carried a slave.

Mr. Wilcox, U. S. Marshal, called by General Iskam to prove that Jingua told the interpreter, Covey, a different story. Objected to. The counsel on both sides discussed the matter at great length. Court decided that the evidence was inadmissible.

Isham asked James Covey if Jingua told him that he was taken in Africa. Witness said he told him that four men found him in the road—seized him—and took him to Lomboko. Jingua never told him that he had seized a man and killed him as a slave, and he never told Marchant what he did. Nor did Jingua tell him that he was seized because he owed a man a debt which he could not pay, or that he had been in the habit of taking negroes himself and selling them.

Mr. Ingersoll, clerk of the U. S. District Court, rose to make a suggestion, it appearing that he also appears on behalf of the libelants. The court said Mr. Wilcox would be allowed to state what Covey had stated to him when he first presented the African's. The Marshal proceeded to pay that he called Covey and Jingua aside, soon after the former arrived, and told him to ask Jingua how he came to be taken and sold. Covey asked him. Jingua replied that he owed a man two pounds, (holding up his fingers,) and to pay him he had taken two negroes and sold them; that one of them ran away and the man called upon him for one pound. He bought another negro and turned him out of clothing—that the clothing was turned over to another the captain of the ship. He knew the man called upon him to pay, and being unable to do so, he was seized and sold to pay the debt. Jingua said he came in a ship from Africa with 400 men and 200 women—that they were brought to Havana, landed at a village where the men were kept in one house and the women in another—that there Pepe came and bought him and the others that were with him, and that they were taken to the Havana and put on board the schooner, in which they came to this country. Mr. Wilcox stated also that they had plenty to eat on board the schooner, and good care was taken of them.
Mr. Baldwin said, in answer, that they have not impeached Covey's general character, but that they attempted to prove that he told the Marshal the same day a different story from his testimony in court. And then we offer to show that on or about the same day he told a similar story to that told in court, to others. Mr. S. then remarked upon the cases cited by Gen. Isham, stated what he knew the rules of practice in a court of practice of twenty years in Con. and the rules in courts in Con. and his law books, and concluded by saying that, according to his own eye, and according to the practice of Con., had recently recognized the rule he contended for.

The District Judge stated that the trial would be adjourned till the 10th. He repudiated that he owed a debt, paid two dimes to the interests of the claimants with great ability and earnest on bond with them. Montez came on board with the orths, Bernard, Cleveland, Ingeler, Ild and Hobbs. A quarter of an hour before the blacks were called. No one of the blacks were called. The captain was called with a machete, that is a long case, knife. He was struck in the forehead. He was standing at the time, very near to witness. Was thrown overboard the day he was killed. They took away his watch and his watch. Jingu took it. The cook was asleep at the time in the boat in the schooner. They had enough to eat, rice, plantains, crackers, and meat—no potatoes. They were two days from Havana before the captain was killed. They were not chained after leaving that place. The cook told the negroes they were going to Princep to kill them, and eat them. They did not come at the time around the cook to plague him, nor did they say it to them in a frolic. Oh, no, said Antoine, with a significant shrug of the shoulders. Don't know why the cook told them so. The Africans were doing nothing. They came near the cook as he was cooking. Don't know in what manner the cook said it. The cook spoke Spanish only. Did not see any of them whirled on board the schooner. As the negroes were about to enter, they hit him in the face, and the Negro Ruiz and Monte together. Ruiz was wounded in the head and arm. Jingu took command after the revolt with Burnham and Grabbaung. Ruiz and Monte were kept below, and I, too, said witness. Once Jingu took a knife and threatened their lives, and then threatened Burnham because he tried to interfere and save them. Jingu tied Ruiz to the anchor. Burnham was in the schooner's boat when the Africans were seized on Long Island, and was going from the shore to the schooner. There were eight in the boat, including himself. He gave the names of several of them. Others were on shore, say twenty. Jingu told him to go on shore. He (Jingu) had been on shore previously, with a big knife in his hand. Witness did not leave the boat to go ashore.

Examined by Mr. Baldwin. Witness went to the house on Long Island. Burnham talked a little English, and conversed with Capt. Green. All went ashore except Ruiz, Monte, the children and the sick. The cook made signs. Witness imitated the cook by drawing his hand across his face.
thorst] that he meant to kill them. Did not see the cockpit, as he was in the cabin with his master. The captain told him to get a basket of biscuit and throw it out to them, but they would not take it. His master then told him to throw the bread among them. They had each two plantains a day, and rice. Half were kept below, and half on deck, all they came from Senegal to Havana in a ship, La Focora. They were brought on board the schooner by Ruiz, who had two other men with him. Jingua came aboard six days after the schooner arrived at Havana. The schooner was accustomed to transport slaves. Ruiz had taken slaves in another vessel.

Afternoon—Cross-Examination Continued.

Occasionally, during the forenoon examination, Antoine answered in English, which he understood very imperfectly, and complained that the Portuguese gentleman, who had acted as interpreter, did not speak Spanish so that he could not understand the Colombian. Mr. Ribonero not being present, Mr. Dess, another Portuguese gentleman, was sworn as interpreter. He understood all the complaints, and in the counsel on both sides requested Mr. Sedgwick to interrogate the witness in the Spanish language. He consented to do so, but not as a sworn interpreter, which he considered inconsistent with his relation to the case as counsel for the claimants. The examination was not continued without difficulty. Jingua whipped Burnah for stealing water. Witness said there was plenty of water on board. Burnah wished to go back to Havana, but Jingua did not whip him for that, but for taking water. To the question, what was Jingua going to kill Burnah (the elder) for? witness replied, because Burnah spoke a great deal to Montez, and Jingua thought they would take him back to Havana, when he wished the schooner should follow the sun to Africa. To the question, did you not know that you did not know who killed the captain? Antoine replied that he did not say that. He had a private examination at New Haven, before the court sat at Hartford, Antoine stated that Jingua did not know who killed the captain, and at Hartford he swore that he did not know who killed the captain. Witness said he was on deck when the captain was killed. Jingua killed him with a long caned knife. He saw him strike the captain in the forehead. Heard a part of the talk in Spanish, and the rest in English, Long Island. The lamps were lighted at Havana on the shore where they had to go on board the schooner. [At Hartford, he swore positively that it was 4 o'clock, P. M.] The schooner made sail at 4 o'clock next day. Did not see any body strike Montez. He had a cut on the top of the head. Burnah was the friend of Montez when they wanted to kill him. Burnah said, "If you kill me, I shall kill you." Burnah said he did not wish to go to some land where they wanted to kill Montez. Jingo and Grabbasig took the money after the captain was killed. It was killed in the night, and they took the money in the morning. The money was in a trunk in the drawer of a table in the cabin.

Fourteen days after the rising, witness was tied up on the poop of the schooner for one day. Jingua had told him to come to the cabin, and he did not mind it. So he tied him up, and said, "You are tied up now, and no getting away."

The U. S. Attorney here offered two depositions, taken in the city of New York. First of John Ray, a mariner, on board brig Washington, at the taking of the Amistad relating facts respecting the seizure of the negroes—going from the shore to the schooner, &c. Second, of Geo. W. Dobson, the same, verifying the same facts, and the affair was three quarters of a mile from the shore, in three and a half fathoms of water.

The Attorney then put in the schooner's papers, that is, that portion of them that relates to this case, with a translation of them. 1. License of the Amistad, dated June 27th, 1839, to go from Havana to Princep, in which it was stated that he "must not take any board except those included in the license." 2. A Passage, which is directed to report himself, and on which endorsements are made. 3. A Permit to Pedro Montez, dated June 22d, 1839, to take the three girls. 4. A Permit to Ruiz, dated June 26th, 1839, licensing him to take forty-nine Ladinos, giving their Spanish names and stating that they were the property of Ruiz—with permission to pass to Princep by sea. 6. License to Montez to pass to Manantiales. 6. License to Ruiz to take negroes from Princep to Havana in the Amistad, on mercantile business. The Attorney said he had the original invoices of the cargo of the schooner, which he purposed to lay in.
to their freedom, as he believed, were restrained of their liberty—the case ought to be disposed of. If however it should be continued, no other witness ought to be admitted except Vega, and those who may be brought to impeach his testimony. The case is an appealable one also. After consulting with Mr. Staples stated that they were willing that the District Attorney should make a written statement of what Mr. Vega told him he could swear to, and it should be received as testimony. The Judge said, “That is fair,” — he came here to finish the case, and he intended to do it— even if he waited while Vega’s deposition was sent for. If the case had been postponed, he should make the rule suggested by Mr. Staples. The court directed that the case proceed.

Gen. Isham went on to state the circumstances of the arrest of Ruiz and Montez in New York, and said they might wish to examine Ruiz, and perhaps bring him here by a writ of Habeas Corpus. He expected to have met him here.

Mr. Staples—Examines Ruiz! does my learned friend seriously say he can bring in Ruiz to swear in the case! Will he be permitted to swear beyond what is in his mind, or dare it is all arranged to bring Ruiz here if possible. What his arrest at New York has to do with the matter under discussion, I cannot imagine. Mr. S. corrected Gen. Isham as to the facts respecting the arrest of Ruiz and Montez, and the case with which they could have corresponded some of the Spanish agents in New York, Boston, &c. Here some playful altercation took place between Gen. Isham and Mr. Staples, who were old mates, and fellow-students in Judge Daggett’s office. Gen. Isham thought his friend, who was so well acquainted with Baracoons, Spanish agents, &c.—Mr. Staples, interrupting, said he hoped that no one, who is here, is engaged in the slave trade accept as lawyers. A laugh.

Mr. Baldwin acquired of the court whether Charles Pratt’s deposition, offered on Tuesday, was rejected because the gentlemen at New London were not notified as to matters where there is no difference? If, said he, it shall be decided that the clients of the New London gentlemen (Gedney, &c.) have no legal claim for salvage, cannot Pratt’s deposition be made against Ruiz and Montez? The U.S. Attorney said he had no notice of the taking of the deposition of Pratt. He did not appear here to protest against Ruiz and Montez’s claim, nor did he appear in their behalf at all, and he objected to the deposition being read as against the United States. The court decided that the deposition might be read, omitting the parts which speak of Coveney, his representing the answer to Prof. Gibbs’s question, &c. Mr. Baldwin wrote to the Judge’s hands to mark the passages allowed to be used in evidence. Pratt stated that he was born at Sierra Leone. Has been on board the Buzzard four years. He is well acquainted with the coast of Africa. Has seen Pedro Blanco. Some of these captured Africans told him they saw Blanco at Lomboko. Believes from their appearance, language, actions, &c. &c. that they were recently from Africa, and he knows that they are Mendaris.

Some conversation took place between the counsel, and between the court and counsel, as to the order in which the counsel should argue the case. No precedent exists for such a novel case. It was at length decided that the counsel for the libellants should be heard first—then the counsel for all intermediate claimants—and lastly the counsel for the Africans. To-morrow, therefore, we may expect to hear the addresses of Messrs. Isham, Ellsworth, Holabird, Baldwin or Sedgwick and Staples—and perhaps another day may be taken to hear all the gentlemen engaged—that is two on behalf of each of the different libels and claims.

The court room has been crowded to-day also, many of the distinguished persons attending, officers of college, &c. Several of the Africans are in court when it is in session—alternating. The Judge is courteous and evidently exercises himself to understand the case, and give right decisions while he allows great latitude to counsel. The gentlemen engaged as counsel manage the interests of their clients with ability, and maintain respect for each other, intermingled with sentiments of the aflict wit for which the lawyers of this State are proverbial. An impression exists that the case stands well for the Africans. May we have occasion to say, at the termination of the trial, in the language of the Covenanters—

"The poor man and the indigent in mercy he shall spare;
He shall preserve alive the souls of those that need are.
Both from deceit and violence
Their souls shall be set free;
And in His sight right decisions
And their blood shall be put to death."

Very truly yours,
LEWIS TAPPAN

New Haven, Jan. 9, 1840.

Fourth Day.—Friday.

The Court has been in session to-day, in all, ten hours. The interest, instead of diminishing, increases. I almost envied the feelings of the venerable Judge Baldwin as he sat opposite his son-once the counsel for the Africans, and listened to his very learned, eloquent and imperious speech. The first thing to-day was the reading by the U.S. Attorney, of a statement of facts that are in possession of Antonio D. Vega, Esq., Spanish Consul at Boston, committed to writing by the U.S. Attorney under the agreement of yesterday, and to be received as testimony in the unavoidable absence of the witness.

"That he is a Spanish subject; that he resided in the Island of Cuba several years; that he knows the laws of that Island on the subject of slavery; that there was no law that was considered in force in the Island of Cuba, that prohibited the bringing in of African slaves; that the Court of Mixed Commissions had no jurisdiction in cases of capture where there was no legal claim for salvage; that newly imported African negroes were constantly brought to the Island and after landing were born of transferred from one owner to another without any interference by the local authorities, or the Mixed Commission, and were held by the owners and recognized as lawful property; that slavery was recognized in Cuba by all the laws that were considered in force there; that the native language of the slaves was kept up on some plantations for years; that the Baracoons are public masters and are authorized to give the names of slaves sold and bought; that the papers of right issued to the Africans are genuine, and are in the usual form; that it was not necessary to practice any fraud to obtain such papers from the proper officers of the government; that none of the papers of the Amisad signed by Martinez, of the Proposals to the government; that none of the papers of the Amisad signed by Martinez, of the Spanish law, allows the slave trade, and that the Courts of Spain do not permit such importations to be made from Africa."

Mr. D. P. Jones was again called. Witness said, he called on Mr. Vega in New London, and put several questions to him. He said the slave trade had been prohibited by Spain, in 1814, but he believed. He did not know what the penalty was for breaking the law. The slave trade was said to be piracy, or was prohibited, witness understood him to say.

Marshal Wilcox was afterwards called. He testified that he conversed with Mr. Vega at New London. Don’t recollect what he said of the laws of Cuba, but he said that if the Africans were sent back some of them might be executed for murder, but he thought they would not be held in slavery.

W. F. Brainard, Esq., Counsel for Lieut. Gedney, addressed the Court upwards of two hours, in a speech of much ingenuity. He gave a history of the appearance of the Amisad on the coast—the seizure by Gedney—the examination—the trial at Hartford—the authorities in support of his client’s claim, &c. He endeavored to excuse the U.S. Naval officers from blame in seizing and libelling the Amisad, cargo, and slaves. He contended that they were entitled to the highest rate of salvage—one half of vessel and cargo. That the salvage should be enhanced on account of the slaves, although his clients did not wish to have them sold to pay them. The niggers, he said, had a right to regain their liberty, but the Court cannot release them now. If the laws of Spain allow the slave trade, they are property and must be restored. If they are not property, they have been brought to Cuba in violation of Spanish law. In either case they ought to be sent to Cuba, the Spaniards may carry into effect their own laws. Attempted to show the absurdity of Captain Green’s claim for salvage.
Gove. Ellsworth followed, on behalf of Capt. Green, and spoke in his usual dignified and impressive manner, three quarters of an hour. He said, he ought to say in justice to himself, that it was not consonant to his feelings or his professional duty, to raise so much as his finger to any result involving the freedom or lives of the Africans. He left, he said, all these responsibilities to those who were bound by law to meet them and discharge them. If it becomes the duty of the court to place these Africans in a situation to become the subjects of salve, and under the protection of a safe convoy, a client had a right to participate in the salvage. He said, if the government should let these Africans go, his clients would be content. If they do not, he asked that they might participate in the cargo and vessel. He had no wish that any restraint should be imposed upon these men for the purpose of enriching money. Ruiz and Monteiz had gone out of court and answered their claim, because they did not dare to stand there to assert it. They left the matter to the U.S. Government. God grant, said he, that the government of this country, in this matter, may vindicate the honor of the government, and allow the claims of humanity.

W. C. Cleveland, Jr. Esq., counsel for Jose Antonio Tilleria, G. A. Aspe, and Isaac Lacey, owners of a portion of the merchandise, who had filed their claim and answers to the libel of Gedney and others, addressed the court towards an hour in an elegant manner. He said his clients had no interest in the Africans or vessel, but having shipped their property from one Spanish port to another in this unfortunate vessel, they had an interest in this question of salvage. He argued two questions—1. Are the libellants entitled to salvage? and 2. What amount? He denied that the naval officers of the United States were entitled to interest. If they had earned any thing, it belonged to the government in whose employment and pay they were in. What officers ever before presumed to make such a claim? What risk did Lieut. Gedney take? What danger did he and the others encounter? What, shall these naval officers, these representatives of our national defence, come here and claim the highest reward? They have no interest; they have no right! [laugh.] Are any of them within the hearing of my voice? If so, let the decree be pronounced, and published, with the reasons of that decree. Those poor, sick, dying Africans the occasion of danger to those officers!

The Judge said it was a new doctrine to him that officers of Government are not entitled, as Mr. Cleveland had asserted, to special statutory provision, and asked Mr. C. to furnish the authorities—which Mr. C. proceeded to do. The Court took a recess of half an hour for dinner.

Afternoon.

Theodore Seignou, Esq., addressed the court in behalf of the Africans, for an hour and a quarter. He was listened to with great attention, and acquitted himself with much ability. He began by stating the facts in the case, which lie in a narrow compass. He then alluded to the different parts of the world. The Africans intervene, he said, for their interests and ask their liberty. Lieut. Gedney claim the slaves, Ruiz and Monteiz also claim them as slaves, and now the Spanish Minister stands in their shoes. The U. States also claim them as men not entitled to their liberty. Mr. S. said he was glad to have the question of liberty agitated here, having always believed such a question could be safely agitated in New England. He was always so taught to believe. He said two or three governments were unwilling to cleave down the liberty of these men. Their cause would be hopeless if there was no greater power. But there was American law, and on this he relied for simple justice. He showed that Ruiz and Monteiz had no legal title to the Africans, and that their claim was founded in fraud. He referred to the papers of the Amistad, and said they would not be sufficient to prove a title in a judge or a house. He also referred to cases in the books, and to Spanish decrees, to show that the whole title of Ruiz and Monteiz vanished in view of them. He referred to the demand of the Spanish Minister as wholly illegal, and said there was no tribunal so suitable to Algiers that would deprive human beings of their liberty. No such proof as have been furnished here.

Mr. Hildreth, U.S. Attorney, followed. He spoke of the case as involving great and important questions. He had nothing to do with any thing but the question involved in the claim of the Government. He had nothing to do with the claims of salvage of the officers of the Washington, or Mr. Green. The question of the disposal of these people was one of deep and delicate interest to the government. The Spanish Minister claims that it is the duty of the government of the United States to surrender these men. Treaties must be fulfilled. This property—property because it is so considered by the laws of Spain—should be surrendered. We cannot go beyond the Spanish papers of the Amistad, and must respect them. We cannot show that they are contrary to the laws of Spain. The papers are prima facie evidence that the men are slaves; and it is better evidence that they were in possession of the Spaniards. Slavery is sanctioned by the law of nations, and if so, is in right in nations where no law exists to the contrary; and it is presumed that no Spanish law forbids the slave trade. He referred to Mr. Vega's testimony and concluded by arguing that if Ruiz and Monteiz had been engaged in an illegal traffic, it is the duty of this government to send the blacks to the Spanish authorities; and he claimed that the men should be held subject to such action as the government deemed proper.

R. H. Baldwin, Esq., for the Africans, addressed the court for nearly four hours, reviewing the whole ground and testimony, examining the papers, quoting treaties and the law of nations, commenting upon the course of Captain Gedney and his officers, the District Attorney and Spanish Minister. He trusted the court and Government would require to get rid of this embarrassing question, and that the Africans would be set at liberty.

Fifth Day—Saturday.

To the Committee, &c.

Mr. Staples occupied the whole of the forenoon of Saturday in the closing argument on behalf of the Africans. He went over an extensive field, and was listened to with great attention—the court room being crowded. Part of the time Judge Daggett sat on the bench, at the right hand of Judge Daggett sat at the left. To show the extraordinary interest felt in this trial here, I state that hundreds of persons remained in the court room at noon, during the recess of nearly two hours, for fear of losing their seats. This has been the case every day, though no other recess has been so long. There is but one sentiment prevailing here, I am told, among intelligent and conscientious persons as to the duty respecting the Africans. The public mind has been much enlightened by discussions in the court room this week. In the great sympathy is manifested towards the victims of oppression now in jail, awaiting the decision of the Judge. And now that the pleas are completed, the anxiety for this decision is very great.

People say, we cannot see how the Judge can do otherwise than dismiss the libel and release the Africans. May he be misled by wisdom from above to make a decision that will be honorable to him as a jurist, and honorable to the country in whose courts he has been called to sit as Judge. It was never an opportunity when a magistrate could more distinguish himself, or do good, by making a righteous decision.

Mr. Staples began by alluding to the great excitement of this novel case had produced in this city and country not only against all other civilized nations. It is a case he said, interesting to humanity, and one in which the principles of civil liberty are deeply connected. Providence seems to have thrown these Africans upon our shores designedly to bring out in behalf of the anti-slavery cause those who, though nominally against slavery, have yet winked at it because they have thought it a too delicate a subject to be agitated. He added that he had himself kept aloof from the subject as far as he could with propriety, but of late he had engaged his time and the feelings of his heart.

Mr. Staples examined the Constitution, the acts of Congress, some of the State laws, and some of the foreign laws to see what they say on the subject of slavery. In the Constitution of the United States, the terms slavery or slave, are not found. It was one great object with the framers of that instrument not to create right to slavery, but to let the matter, as it then existed, remain undisturbed. And it is doubtful whether any judge has a right to enforce slavery under the constitution. It was not intended that slavery should ever be extended in this country beyond the limits of the old thirteen States. Yet, see what has been done!

Mr. Staples alluded to the remark of Judge Thompson, of Hartford, that the courts of the United States must decide in the free States on the subject of slavery as they would in
Mr. S. thought this was incautiously said, and that the courts of the United States are bound by the common law of the State in which they sit, with the exceptions made in the Constitution. Slavery can claim nothing from the law of nations, for it is local—the laws of the slave States said Chief Jus. Williams, who added, it is entirely lex loci, and we have nothing to do with it. A Judge of the United States can act on the subject only in two ways; 1. To punish those concerned in the foreign slave trade. 2. To deliver up fugitives as provided for in the Constitution of the United States.

Mr. Staples alluded to the well known case of the Antelope, found in the books; said that no point was there decided; and he remarked, emphatically, that in that case the Attorney of the United States was not employed even in Georgia, where the trial was held, but the Government of the United States, on the contrary, threw its whole weight into the scale to have the slaves liberated. This case had been quoted here to prove that the United States Supreme Court declared that the slave trade was the law of nations—not so. They said it was not punishable, because the law of nations did not pronounce it piracy, and it could only be punished by those nations that had declared it piracy. What is the law of nations? It is the law of nature, and that is the law of God, and both are opposed to the atrocious traffic.

Mr. S. went into the inquiry, as to the claim of Lieut. Gedney and the other officers, &c., of the brig Washington. This was to be regulated by their duties and the manner in which they had discharged those duties. Gedney was an officer of the United States, paid by government, supported by its authority, and the States, and do what humanity required, under the order of government. No extra compensation was to be paid him unless it be done by special act of Congress. All the compensation an United States' officer can get, is from property rescued from an enemy's hands. Knows of no case where United States officers have set up a claim and succeeded. Gedney might have liberated the Spaniards from confinement and brought the vessel into port, but he had no right to libel. No law has been added to show that he had such right, nor can he sustain his claim one moment. Is Gedney to be rewarded for securing these free Africans forcibly, and reducing them again to slavery? And are those very Africans to be turned down for that service? For the honor of the American navy, it is to be hoped that the officers will not be allowed to aid in delivering men over to slavery. Many compliments have been paid to our naval officers for the aid they have rendered to foreigners, but never, until now, was a case set up by them for salvage for such services. They have been remunerated in a more honorable way. If Gedney's libel fails, and that seems inevitable, the jurisdiction appears to be divested of power.

The next inquiry is, can Ruiz and Montez sustain, and call upon this court to exercise jurisdiction over their claims and enforce them? Can these foreigners come here, and seek to enforce their claims to slaves? No matter even if they came by them honestly. Ruiz and Montez came here, in fact voluntarily—by deceiving the Africans. They cannot therefore, be entitled to enforce the laws of slavery. Suppose an Algerian Corsair thrown overboard in the Adriatic, Greeks or Turks on board, or any whom they have a right to enslave. Are our courts to be intrusted with enforcing the laws of Algerians over the Turks or Greeks themselves? Suppose the Amistad had never been risen upon, but had wrecked, and Gedney and Meade had gone and brought Africans in. Could the pretended owners of the slaves vote the case over to the United States? The recent case of the Spanish girl, Calista, decided by the Recorder of New York, on the authorities cited, clearly shows this. But what rights have Ruiz and Montez? It is agreed that these Africans have been recently brought from Africa. He said, agreed, because the case is so overwhelming; and the court has admitted it. They have committed a felony by the laws of the United States, and if such a law exists, they have no right to be free. No longer ago than November 1838, the Queen of Spain issued a decree requiring the Captain General of Cuba to enforce the laws against the slave trade.

The Spanish minister has procured these men to be libelled. What has he to do in the matter? He cannot appear to represent the property when the claimants appear themselves. This is a clear admiralty principle. The government of the U. S. also put in a claim. They first claimed that the President had a right to take these Africans and send them back to their native country—and since then they have claimed on behalf of the Spanish minister that the men be delivered up to Ruiz and Montez. The President has no right to send these men back to Africa. See Story's U. S. Laws, p. 1732. He can only send back such Africans as are brought here in vessels that have engaged in the slave trade. The President has no authority over them at all, unless it is given him by the treaty. Mr. S. contended that the word "merchandise" in the treaty, had no reference to human beings. After an able argument, of which the foregoing is a very imperfect sketch, he concluded by saying that these unfortunate beings, who have been carried to Africa long and illegally detained here in prison, may at once be set at liberty.

Afternoon session. Gen. Isham, counsel for Gedney and others, in a speech of nearly three hours, replied to the arguments of Gov. Ellsworth, Mr. Cleveland, and the counsel for the Africans. He complained of the insinuations made against the libellants, instigated probably by those who are behind the curtain, and who move the wires on this occasion. Had he known at the commencement, what his clients had been exposed to from the head, he would have shrunk from the case. Nearly all the counsel opposed to him, not even excepting the high-minded gentleman (Governor Ellsworth) had uttered slander he had not expected to hear from their lips. He was free to say, in the face of the Court, and to all who are so much opposed to him as he (Gen. Isham) had not been for the excitement produced by this case, he would not have opened his mouth for salvage. When he found that some were cast upon his clients, in newspapers, and in court too; he felt impelled to undertake for them. He felt excited himself. He had been compelled to hear three arguments on behalf of the Africans—to listen to all that had been said in the case, when the Judge's head became as whitened with age as his, he would find that such assaults would excite him also.

We are accused of claiming salvage in human flesh. He wished gentlemen would read the claims. We claim on the Amistad and cargo in the usual language. We were not to hide our official heads here because the abolitionists came upon us. We claimed legally. He showed the origin of the libel, and said, that as matters had turned out he was sorry Gedney &c. had ever fell in with the Amistad, although these officers have saved the lives of these unfortunate men, and two or more respectable females. They found the vessel in the hands of the blacks, who had murdered the captain and the cook, and who had robbed their masters, one of whom (Ruiz) was partly educated in this State and speaks English well. It makes the anti-slavery gentlemen smile, to think that these robbers have come here through blood and slaughter. The cries of Ruiz and Montez are lost in the sympathy felt for these black men. Even the cries of the old man (Montez) are not neglected. Gen. Isham here explained his views of the proceedings in this case before the Circuit Court. He said his friends here (the opposite counsel) have caught the spirit of liberty, and seem intent on carrying it to a very alarming extent. He read and commented upon the report of Judge Thompson's case, given in the case. He eulogized the late Judge Marshall, and alluded to some remarks quoted, on the other side, from Judge Story, apparently in contradiction, whom he described as a man who had grown so rapidly in modern times, that his dictum is almost considered law by the gentlemen.

Gen. Isham said, God forbid that he should wish to carry these men into bondage. His clients had nothing to do with that matter. It is a state question. He ridiculed the idea that Green—the Green—spoke with authority. Ruiz and Montez in New York—taunted Gov. Ellsworth for professing so much abhorrence of libelling human beings, and at the same time, drawing his libel so as to come in under the libel of his clients—and excited much mirth among the audience by describing Green's conduct with the Africans at the time he pretended to have them under convoy for Sierra Leone alias Sag Harbor.

The whole question turns ultimately on this—what disposition shall be made of these negroes? The court, said he, should hold them at present, or deliver them to the Marshal subject to the order of the government of the U. S.
We have been branded in public and private with a curse to send these men into hopeless bondage. We cannot do it. The disposition of them lies in the courts and in the government. He went in an argument to show that these men were property by the laws and customs of Spain, and accused the abolitionists of having put back emancipation, not for half a century only, as stated by Judge R. M. Sherman, but for a full century. He referred to Madden's deposition. Dr. M. allows that slavery exists in Cuba, and is sanctioned by law. Mr. Vega says the same. Is it not proved then that Ruiz and Montez had a legal right to these men? By usage slaves are bought and sold in Havana daily. He knew that these men are Bosal negroes, but it is clear that they were slaves according to Spanish law in Cuba.

He said these Africans ought not to have been examined in court. They were negroes, a race of men. He alluded to Governor Ellsworth's remark that Sierra Leone was a bright spot, and then to Mr. Bacon's statement that negro traders are educated there. Let these men go back to Africa, and they may probably become negro traders. He contended that the provisions in our treaty with Spain meets exactly such a case as this. He spoke of the rising on board the Amistad, and said he would make a bad slave, and should resist unto death. Still he would not rob the dead as did these Africans—these robbers who are idolized here, have professors to instruct them, &c. He hoped they would be given up to the government of the U. S. or the Spanish minister. Should they be given up, it is not for us, said he, to predict or inquire what will be done with them. If it should be found that they used only the means nature had given them, they ought not to be dealt hardly with; if they robbed their masters, destroyed property, &c., they might properly receive some punishment. Who is to have these men, said he, if the court takes its judicial hand from them? There is a strife here it would seem between the abolitionists and colonization societies which shall have them, and there is great excitement in the community it is said. They would be handed, he believed, in the hands of their counsel than in their own distracted country. We ask for justice, and are not to back out or be frowned from our duty on account of menace.

General Isham having concluded, the Judge said he should require some time to look over the voluminous documents in the case and the authorities referred to, but it was his determination to decide the case before he left the city. The court would therefore be adjourned to 9 o'clock Monday morning, when it would be further adjourned if he had not time previously to examine the subject so as to deliver his concurrence.

Mr. Baldwin's Plea.

Agreedly to promise, we now give, from the New Haven Palladium, the sketch of the learned and able argument by R. S. Baldwin, Esq., on behalf of the Africans of the Amistad, delivered before the United States District Court of Connecticut, at New Haven, on Friday, Jan. 10th, 1840.

SPEECH OF R. S. BALDWIN, ESQ.

Mr. BALDWIN stated that this case presented the most extraordinary combination of parties that any case within the scope of his knowledge had ever existed. On one side we see naval officers of the United States calling for the surrender of thirty or forty human chattels, and taken by pirates to Cuba; and on the other side, thirty or forty officers of the navy, without right or law, seized them and brought them before this Court, to have them again reduced to slavery. Now, first, are the property of their country, as merchantmen, as property of Rauz and Montez, in whose behalf the Attorney of the United States, after they have withdrawn, prosecuting their claims. Now, if they are not the property of these men, the jurisdiction of any Court over them is immediately removed. Where inequitable property is found upon the high seas, and brought before a Court of admiralty, the Court doubts not of cognizance of it—but when persons are found, there is no presumption of property. Every one is presumed to be clothed with the rights which God and Nature gave him, until the contrary be proved. What is property? It is the highest interest of any one can have in a thing. By the law of nature, property does not exist in men, because all are free and equal, and all are bound so to use their own as not to injure another; this right to property, however, exists by the laws of force and by that alone. These Africans were Spaniards or Englishmen, or as Americans who should be libelled under a suggestion that they are property, and in no other predilection. In each case the omnis procedit upon him who asserts the fact; and it must be proved in precisely the same way in the one case as in the other. The difference of color is a distinction in regard to the amount of proof required—and this proof must not be made in such a manner as would suffice in a case of ordinary character; but it must be so clear and convincing that a court can pronounce without any doubt or hesitation that services are due from one to another—that one is the master and the other the slave.

The counsel for Gedney here said, that the Court is bound to presume that the blacks are slaves until the contrary is proved—that by the common law of Cuba blacks are property, and consequently we are bound to suppose that all blacks coming from there are bona fide slaves. This is not the doctrine of any of the Courts of the United States. On the contrary, the Courts have always decided that he who claims that men are property, must prove the fact; prima facie the presumption is that all are free.

[The counsel then cited several cases to show that the burden of proving the fact rested on them who claimed human beings to be property.]

In the case of the Antiemupe, which has been cited, the United States espoused the cause of freedom, instead of now, siding with the oppressors, and striking at the foundations of human happiness and hope. The human dignity of man cannot be acknowledged by the courts to be property. What does that mean? Prof. Gibb shows the distinction between the terms Bosal and Irdimo. He says that it is not a negro transported to Cuba, and attempting to deceive English cruisers.
The in search of slaves. The Supreme Court has decided that a passport in common form, does not import that absolute
vety which it would, had the form been prescribed by the
Treaty. Now, if we look at these licenses we must come
to one of the two conclusions, either that a fraud was prac-
ticed by the Spanish Government, or upon it. It is not
necessary for us to contend that any fraud has been prac-
ticed by the Spanish Government.
We shall content ourselves with merely showing that deceit
has been practiced by the party which obtained the
passports.
How came these men slaves? Did the act of the felon
who kidnapped them, make them so? Does robbery confer
this right of property? Does the Spanish law authorize the
importation of slaves, or does it prohibit it? We have ex-
hibited the decree of the Government forbidding the
importation of any part of the Spanish dominions after
the year 1820, under severe penalties; but, says the
Attorney, in his zeal to reduce these Africans to slavery,
you must send to Madrid to get a certified copy of the
decree; nothing less than that can be read as evidence in
this court. Spain calls upon us to restore her property; and
we certainly have an interest in knowing what is the Spanish
law.
The decree has been promulgated by the House of
Representatives of the United States. It has been used in
the case of the Antelope, when the United States appeared
in behalf of the miserable victims of this atrocious
traffic.
Mr. B. then referred to another edict of 1837, enforcing
in stronger terms, the before mentioned law.
I wish no better authority than that of Dr. Madden, which
says that there is no law in Cuba authorizing the slave trade;
but the question of the claims of the United States in this
case, must do more than prove the existence of slaves in
Cuba; they must point out precisely the law authorizing
the introduction of slaves into that Island. Until they do this,
they can show no title to men, just imported from Africa.
Mr. Story, on the subject of recovery, says that we are
bound the United States have power to extend to the laws
of slavery of a foreign State.
If the agents of the Constitution, did not place themseh•s beneath the flag of our country,
and its civil law, it would not be contrary to the
laws of Spain recognizing slavery—that the slave trade was allowed
for a certain period there, and that account you are to
suppose that it is still in force. I deny the fact. The
ordinance of the King of Spain shows that it did not exist by
the common law, but that it was first allowed by an ordi-
inance. The answer is, that the war of 1812 had dissolved
the pretended authority, and that the power to suspend the
slave trade has been irrecoverably lost. Spain does not now
harbor slaves. While the act of Congress is to be considered
as declaratory of that fact, yet the United States have power
to give extension to the laws of slavery of a foreign State!

Would the people of this country, at the adoption of
the Constitution, have assented to a proposition like this? Long
before they had declared their views in regard to human
rights. They had published to the world that all men are
equal in the estimation of their Maker; and are endowed with
the inalienable rights of life and liberty. Averting such principles, can it be
supposed that the people would have granted by the
Constitution such powers as these? The State of New York,
where these men were found, declares that slavery does not
exist. The instant a man lands in the State, by statute,
with the exception before alluded to, he is free. (1st Vol.
New York, p. 62.) This is the law in the State of New York.
Mind Gedney found these unfortunate men. There
was no law in force there by which they could be held.
(Cited the opinion of the Recorder of New York, in Journal of
Com., in the case of the woman Calista.) A person brought
by his master from a foreign port, is free. Much more, then,
when men appear on that soil, not as slaves, but in the charac-
ter of freemen. These men not then free. Admit that
power exists in the Government of the United States, to
render justice. Would it be justice to apply the law of
force—the law of Cuba, to those who owe no allegiance to
that law? Then you must apply to the captive of an
Algerian corsair, the law prevalent at Algiers. There is no
statute prohibiting the importation of slaves, and his usage is not authorized
by the law. Which they have, under them, all the rights of a citizen of the United
States, all the rights of a united people. If a fugitive slave escapes from
a country where slavery was tolerated, and got on board a British
man-of-war, it was held that the owner, an Englishman
who resided in that country, could not recover damages against
the captain for harboring them. He argued the difference
between the case of the Antelope and the present case:
The former was that of a vessel, belonging to a foreign
nation recognizing the slave trade, which was unlawfully seiz-
ed while engaged in that trade and brought into this coun-
try. The court ordered the slaves to be restored. In this
case, these individuals came here voluntarily. He ceases
to be a slave in England on touching her soil, and there
is no law of that country sanctioning the detention in
slavery—so with these; they had got beyond the control of
their masters, and beyond any jurisdiction recognizing slave-
ry. I trust, therefore, we may, according to the principles
of the English Common Law, recognize them. For if the
experience of 1812 had dissolved the pretended authority,
and that the power to suspend the slave trade has been irrecoverably lost.
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force—the law of Cuba, to those who owe no allegiance to
that law? Then you must apply to the captive of an
Algerian corsair, the law prevalent at Algiers. There is no

alternative, if this principle holds. We have diplomatic relations with the Barbary powers; their agents are recognized by our Government. Then, if we are bound to deliver up these men—upon these same principles we are bound to deliver up a Spaniard, an Englishman, any of our own citizens, if he shall be cast with his Algerine master upon our shores. It is a maxim, that the law of comity does not apply to a case of this kind. The court (9th Eng. Com. Law Rep. p. 322) says: "We apply in any case where it calls on us to violate the laws of our own country, the law of nature, or the law of God. Is the slave trade not a violation of the laws of our country?—They declare the slave trade piracy! Is it not a violation of the law of nature?—Marshall has said it is the highest crime against humanity. Does it not violate the law of God?—Who will question it?"

Well might Mr. Justice Best use the language of triumph, when speaking of the English laws on this subject! And it can hardly be expected by the Government of the United States, much less by these confederates of the slavers of Cuba, that the Courts of this country will be governed by principles other than those of the common law.

The gentleman did consider this case to that of the Enterprise and Ecorce, vessels with slaves thrown on the coast of Bermuda. There is no resemblance in the cases. Those slaves arrived in possession of their masters, and were liberated by the active interposition of the British Courts. That is not this case. Were not these men free? Had they not achieved their own deliverance? We do not ask this Court to liberate them. Nobly have they freed themselves from the hands of this Government, so heavily laid upon them, to reduce them to slavery.

But it is claimed that if we are not bound by comity, our treaty with Spain obliges us to deliver them up, and that we must faithfully execute it, however painful the task; Is this case within the treaty?—The first section relied on by the gentleman is found in the 9th Art. of the treaty of this Government with Spain. [Art. read.]

This section applies only to cases of the capture of Spanish vessels by the vessels of other nations within the jurisdiction of the United States. All nations are bound to do this with nations with whom they are in amity; but it will be perceived by the decision in 7 Wh. 294, reported in 5 U. States condensed Rep. that it cannot apply to this case.

I pass on to the next clause of the Treaty under which this claim is made, which is found in the 9th Art. of the same treaty, to wit: "All ships and merchandise of what nature soever rescued from pirates or robbers shall be delivered to the custody of the masters of the port to which they are bound, or the nearest and restored to the true proprietors, as soon as due and sufficient proof shall be made concerning the property thereof."

It is clearly, claimed by the District Attorney, in his zeal to reduce these unfortunate men to slavery, that human beings were intended to be included by this term merchandise! That fugitive slaves, who have achieved their own deliverance, are to be considered as mere chattels, and we have bound ourselves, as the agents of the Spanish Government, to restore them to their masters! Does any body believe that an article in the treaty expressed in this language, would have been sanctioned by our Government?

We find a similar term in our treaty with Algiers. Does it make us auxiliary to the pirates of the Algerines? Are we bound by it to send back Spaniards, Italians, Englishmen, and Americans, who may have been enslaved by them and escaped upon our shores?

Such a construction is at war with the fundamental principles of our Government. Spain was our ally, and knew upon what principles our Government was founded. Did she suppose that when treaty was made, that we had abandoned them by inserting such a provision in our Treaty with her? In 1814, the United States solemnly bound itself with Great Britain to use all its efforts to put an end to this infamous traffic; yet by the treaty revised in 1819 with Spain we are called upon to make a provision to assist her in perpetuating it.

Every stipulation relating to slaves made by this Government mentions them by name. In the treaty with Great Britain of 1783, all officers and soldiers of the British army were to be delivered up to us. It has been remarked by one of the most accomplished diplomatists of the age, a late President of the United States, that there is no instance of a negotiation in which men were to be included as property, unless specially named as such. (On this point be referred to the opinion of Judge Drayton, in the Court of the U. States, reported in 5 Hall's Law Jour. 459.) The other departments of the Government of the United States are the Representatives of the whole people, and not of any part. They are to regard, not the feelings of the North or of the South, exclusively, but of the whole; and on this very principle, statesmen have been careful to mention expressly when they intended to designate this class. Unless such a construction is as now contended for is put by the whole United States as such, the Government will put no such construction. The Government of the United States does not arrogate to itself the right of saying that human beings are not property at the South, nor of saying they are property at the North.

This matter is left untouched, to be regulated by each State respectively. In the construction of Treaties, reference must be had to the great principles upon which our Government is founded. Suppose the case I have already put—an Algerine Corsair demands that a Spaniard be seized and delivered up. He says, I hold your bond; here is your treaty; this is my property; deliver him up! What would be the language addressed to him? True—we agree to deliver up property, under these circumstances, but we do not intend to recognise property in men! in our own citizens! or those of nations in amity with us! That which we regard as property—that which the law of the State, where it is found, and the universal usage of the whole civilized world regards as such, gives a construction to the word used in the Treaty, that alone we are bound to deliver up.

Have our Government bound themselves to deliver up fugitive slaves when they have been unwilling to deliver up fugitive criminals! and yet they do not lie justly bound by Treaty stipulations, and this is in but two cases—murder and forgery—as in our treaty with Great Britain. (3 Hall's Law Journal 153.) In 1793, Genet made demand of the Executive of the United States, for certain deserters from the French service. Mr. Jefferson, then Secretary of State, replied that there was no obligation on this country, or right to deliver them up, and the cause never arrived. Many thousands of persons are scattered through our country, charged with treason, fugitives from Russia, and other despotic countries of Europe. When our Government has been so cautious in regard to fugitive criminals; can it be presumed that the American people under the stipulation to deliver up property, have agreed to become agents of foreign governments; and that gallant army shall year after year, meet the efforts against our Country? If the Federalist was acting as a part of the country where the whole subject is held in utter abhorrence, they would lend their aid to the atrocious slavers of Spain! The Government of the United States cannot recognize slavery any further than it exists in the several States. It is not a duty that must be performed by the States Sovereignties alone. On this principle, Government acts with relation to fugitives from foreign justice. The States have the power to deliver them up. New York has exercised it. So has Vermont in the recent case of Holmes. It pertains to them and not to the Government of the United States, and having this power, the last mentioned States have passed statutes regarding it. But the Government of the United States, so far from having any such laws, has uniformly denied and disclaimed it. The people of Georgia do not consider it in accordance with the boasted chivalry of their sons to surrender to a foreigner his fugitive slaves—they may need like comity in return—but would the North consent—would the people of New England whose ancestors have shed their blood like water in the cause of human freedom, consent?

To give the construction contended for, would impose upon public officers duties revolting to human feeling, contrary to the fundamental principles of our government, and so settle principles of half our country. Recently, in the negotiations between our Government and Great Britain, Mr. Stevenson proposed to the British government to place fugitive slaves in temporary custody, under the charge of British soldiers. To this Lord Palmerton replied that the duty would be repugnant to the feelings of the officers and soldiers of the British army, and he doubted whether it could be induced to perform it. Such is the spirit of the British army, and God to a like spirit pervaded all
the officers of the American navy! [Here the speaker was interrupted by a burst of applause, which was immediately checked by the Court, and a caution given against expression of feeling by the spectators.] Mr. Baldwin proceeded—The clause in the treaty which we are considering, provides that the property to be delivered up, shall be that rescued from pirates. Who are the pirates in this case that had possession of this property, these Africans in possession of themselves!—property in possession of pirates! I care not for the property, properly so called; but I utterly deny that it was ever in the possession of pirates! What reason is there for calling these Africans pirates! Were they not the human genus, men at war with all mankind! It is a libel upon men who have achieved nobly their freedom! Even in the case of mutiny on board a government vessel, persons engaged in it in good faith, would not be pirates.—(273 Bee’s Advertiser.) Was it the object of the Africans on board the Amistad to rob all mankind or the vessels of any nation, or do any unlawful act, except so far as to enable them to escape from tyranny! Were they acting like pirates when purchasing a little water on Long Island to sustain life—or in taking some of the goods from the American government? to protect themselves from the inclemency of the weather! No!—we find them entirely harmless, except in reference to their one great object—that object a lawful one, which they had a right to pursue. Judge Thompson has already decided that they were not pirates. When they had captured the vessel and taken down the Spanish flag, they seemed to be under the jurisdiction of that government. They destroyed property on board the vessel than was necessary. If they supposed articles to waste, it shows neither crime or hostility to mankind. (Mr. B. was here stopped by the Court with the remark, that this question had been settled by the Circuit Court.) By what right (continued Mr. B.) did this naval officer restrain their liberty! The utmost he could rightfully do, was at the instance of the owners, to commercialize, to relieve them, and secure their property. For what purpose are they now held! Why did the officers seize these men and bring them into the jurisdiction of this Court! Not for punishment—your Honor has decided that point.—Not to enable our government to perform any treaty stipulation with Spain for their surrender as criminals. It was, then, for no lawful purpose.

But it is said that this Court must be governed by different rules, because the Spanish Minister has demanded them. On what ground does he undertake to interfere! What right has he to present himself before this tribunal, when the 30th article of the treaty provides that all persons belonging to the court which he represents shall have recourse to the Courts of our country to recover their property! There has never been an instance of a Spanish Minister undertaking to interfere with our Courts when the parties in interest were before them—but we find him coming in and asking this Court to do—and that is the justice which you are bound to do under the treaty! Ruiz and Montez had no thought to hide their heads since the fact came out that they had been confederating with these infamous slaves. But their claim is on record. Under these circumstances, the demand of the Spanish Minister is an insult! He knew Ruiz and Montez had a claim pending, and he should have supposed that our Courts would render the justice, independent of any extraneous influence. If the Court had found investigation that this was a causa fedeia, and yet had refused to surrender the property, then the minister might with propriety have asked of our government an indemnity; but while it was pending, for him to present himself before the court was an insult, and merits the reprehension of government and this tribunal.

Why is the United States here? Undoubtedly from courtesy to the Spanish Minister. Did they intend to prosecute these unfortunate individuals with the zeal of a party!—or merely to leave it on the files of the court to indicate a disposition to abide by the treaty! I cannot believe that the zeal on the part of the prosecuting officer, and the zeal on the part of the officers of the navy, is with the approbation of the government. I believe that the government will rejoice that these unfortunate individuals have here found friends to advocate their cause, and that their case has been presented to the Court in such a light, as to justify it in not delivering them up. I believe that the government are anxious to disabuse themselves of this perplexing question—and that they will rejoice that men, who have come into court, with a claim founded in turpitude, have failed, while these oppressed Africans have obtained evidence to establish the fact of their freedom beyond the possibility of a doubt. There is no sympathy between the people of the United States and the Spanish slaves. The North abhors them; the South despises them. They are held infamous by all sections of the country. There is no disposition in any part of the country to deliver up these men, unless the case showing that the law requires it, is fully made out. That case has not been made out; but the evidence before this court has satisfactorily established what they are and ought to be as God left them at their birth—free and independent! I close by remarking that I am sure this court, will be guided in its decision of this great question of personal liberty, by the glorious principles of the common law of England—and that your Honor will rejoice in the opportunity of applying to the case of these unfortunate Africans, those great principles of right and justice, which were proclaimed by our fathers as the basis of our institutions.

**DECISION OF THE COURT.**

His Honor, JUDGE JUDSON, has kindly permitted us to publish his very able Decision, in the case of the Africans, from his own manuscript.

**DISTRICT COURT OF THE U. S.**

**DISTRICT OF CONNECTICUT.**

Jan. 7, 1840.

Thos. R. Gedney and others. vs. The Schooner L’Amistad.

On the 28th of August, 1839, Lieut. Gedney, commanding the brig Washington, of the U. S. Navy, seized and brought into the port of New London, in this District, the schooner L’Amistad, with a cargo of goods, and 49 Africans, then claimed as slaves by Don Pedro Montez and Don José Ruiz, subjects of her Catholic Majesty the Queen of Spain—the said Montez and Ruiz also being on board the schooner. On the arrival of the schooner within this District, New London being the first port into which the schooner was brought after her seizure, a libel was filed here by Lieut. Gedney in behalf of the United States by the District Attorney:—first, claiming that the vessel, cargo and slaves be restored to the owners, being Spanish subjects—and, secondly, demanding that the negroes be delivered up to the President to be transported to Africa.

The Schooner L’Amistad, claiming salvage.

At a special District Court, held on the 19th of September, other libels were also filed in the following order:

That of Jose Ruiz.

That of Pedro Montez.

That of Henry Green and Peletiah Fordham.

A libel in behalf of the United States by the District Attorney:—first, claiming that the vessel, cargo and slaves be restored to the owners, being Spanish subjects—and, secondly, demanding that the negroes be delivered up to the President to be transported to Africa.

The Spanish Consul claiming Antonio.

And on the 19th day of November another libel was also filed, by the District Attorney, in favor of the United States, alleging that the Spanish Minister had, in pursuance of the treaty between the United States and Spain, demanded of the government of the United States the restoration of the schooner L’Amistad, her cargo, and the slaves on board for the owners thereof, being subjects of Spain.

The ordinary process of attachment issued, and the schooner, cargo, and Africans so alleged to be slaves were taken into custody by the Marshal of this District, for adjudication upon these various libels and claims.

At the District Court in November, a part of these Africans, by their counsel, filed a plea to the jurisdiction of this Court, alleging that they were born in Africa; that they were free; that they were seized within the territorial jurisdiction of the State of New York, claiming to be set at liberty.

This plea is now withdrawn, and an answer is filed alleging, substantially, as follows:—That Cinqueg, Banna 1st, Danma, Fawni 1st, Phuham, Connoma, Choday, Bumna 2d, Bash, Cebby, Poona, Kimbo, Peech, Baingva, Sash, Coeele, Parto, Mona, Naquopl, Quato, Jesse, Cons, Fawni 2d, Renna, Laumamee, Fajena, Jubybo, Fangnimah, Bowlo, Fawni, Gherkendl, Guhbo, Coore, Same, Kené, Majes, are all Africans, entitled to their freedom; that the said schooner was at anchor near Colldon Point, within the territorial jurisdiction of the State of New York, and that part of said Africans, as named in said plea and answer, were on shore on Long Island, within the jurisdictional limits of the State.
of New York; whereupon they say that this Court has no jurisdiction over their persons, and pray to be discharged.

Lieut. Godfrey now appeared for the cause, and put the case for his claim for damage, and Mr. Fordham appeared and pursue their claim for salvage. The District Attorney of Connecticut pursues the claims filed by him on behalf of the government of the United States, and in behalf of the Minister of Spain, for a restoration of the ship, cargo, and slaves, under the treaty between Spain and the United States.

In the discussion of this case there have been involved numerous questions of importance, requiring, as we have seen, industrious examination and patient deliberation. It has been my endeavor to afford ample time for this investigation; and the ability with which these questions have been discussed at the bar, must satisfy all, that every thing which talent and learning could accomplish, has been done.

It devolves upon the Court to dispose of these various and complicated questions, in such manner as will seem to be demanded by the laws of the land; and of the responsibility rests on me. That responsibility must be on me between Montauk and Colloden Point. Had the schooner party or claimant can be proved by the evidence, any known port or harbor. The place be demanded by the laws of the land and when discharged according to the dictates of my own been seized, within a port or harbor like any other.

government, into whose hands they have been put with their convenience or surrender to the officers in this country, where my decision may be both reviewed and, if wrong, corrected.

It is then of little importance to the persons in interest, what may be the determination of this Court. For a case like this will not and should not rest upon a single trial, without review before the Supreme Court, in whose decision all would be satisfied.

The case is not only important to those immediately interested, but there are involved principles important to the nation and the world. If a few months have elapsed since this cause has been pending, it has been owing to circumstances beyond my control, but this surely has produced no inconvenience or sufferings to those in custody. They have all been humanely treated; liberally fed and clothed by the government of whose hands they have been providentially cast. Whatever may be the final result of this case, so far, it may be safely said that no one step has been taken which could have been avoided.

I do not say that it is my wish to escape responsibilities which devolve upon me, neither would it be just to myself to say that I have not been deeply anxious to investigate this case and decide it according to its true merits.

The first question, to which my attention is called, is that of jurisdiction. Although the first plea has been withdrawn, yet the allegations in the present answer require an examination of the evidence with that view. If indeed the evidence does not show a case, of which the Court has cognizance by law, it will be my duty to confess it. In point of fact, where the ship Amistad seized? It will be recollected that at a former District Court, the Attorney for the United States was directed to examine this point, in company with the counsel on the other side; this has been done, and on a careful examination of the evidence, I find as matter of fact, that the schooner lay in three and a half fathom of water, where the tide ebbs and flows, nor less than half a mile from the shoal of Grays Point, five or six miles from Montauk; about 25 miles from Sag Harbor; 18 miles from New London, not in any known harbor, bay, river or port.

The jurisdiction of the District Court is wholly regulated by statute. By the laws of Congress, each District has exclusive jurisdiction over all seizures made within that District. A vessel seized in one District, cannot be carried into another for adjudication. Another branch of the statute provides that where the seizure is made, on the high seas, the vessel seized may be carried into any District in the United States, and must be tried where first carried in.

Was the Sch. L’Amistad seized on the high seas? The answer to the question depends on the legal significance of the term high seas, as used in the 'Judiciary act of 1789. Here we must look for guidance to other statutes, and other authorities. But we must not adopt the language of learned jurists who have gone before me, and yield my assent to determinations already made. To the former I can listen with respect, but to the latter I am bound to yield obedience, as to the settled law of the land.

Perhaps a more conclusive argument cannot be found than that of Mr. Webster, before the Supreme Court, in the case of the U. States vs. Bevins, (3 Wheat. 336) This is the language: “The common and obvious meaning of the expression High Seas, is also the true legal meaning. The expression describes the open ocean, where the dominion of the winds and the waters prevail, without check or control. Ports and Havens, on the other hand, were protected from fogs, in which protection and shelter are sought, from this turbulent dominion, within the inclosures and projections of the land. The high seas, and havens, instead of being of similar right, are always terms of opposition. The high seas, imports the uncontrolled and open ocean, without the虚构 terrae. Ports and havens are not parts of the high seas; they are within the bodies of land. This lucid exposition of the term high seas, accords with all the learned commentators, ancient and modern. It may be, that the place must be where the tide ebbs and flows, and the high seas extends to low water mark; but does not extend to harbors, ports, or rivers.

In this case the seizure was not made in any port, bay or river. There is scarcely an indentation on the coast between Montauk and Colloden Point. Had the schooner been seized within a port or harbor like Sag Harbor—Black Rock—Gardner's Bay, the aspect of the case would have been changed. But this was in fact made many miles from any known port or harbor. The place of seizure was therefore on the open ocean, where the dominion of the winds and waves prevail without check or control. That place near Montauk—that it was less than one mile from the shore, does not vary the legal result.

The well known position of Montauk adds conclusiveness to the argument. We all understand from childhood, that Montauk is a point of land projecting into the sea. The waters of the open ocean have been beating there for ages past, and must continue during all time to come. The waves of the Atlantic roll in constant encore, and, without a break, from the point where he L'Amistad lay when seized by the Washington.

This proposition does not rest on mere argument. It has been sanctioned by high judicial authority. Judge Story, eminent here, and elsewhere, as a Jurist, puts an end to all doubt or cavil, and compels me to hold cognizance of this case. The Sloop Abby, (1st of Mason, 360,) was determined by the Circuit Court in the 1st Circuit, and from that an opinion of Judge Story, as follows:

"I agree (says the learned Judge,) that the Court below had no jurisdiction of the case, if the seizure, on which the libel was founded, was in the port of Portland, for the judiciary act of 1789, ch. 20, S. 9, gives exclusive jurisdiction of all seizures made within any district, to the District Court of such District. Concurrent jurisdiction in the District Court is only, where the seizure is made within a Port or Harbor. But the objection here fails in point of fact. " The seizure of the Abby was first made about 5 miles off Cape Elizabeth, and was therefore, on the high seas, since all waters below the line of low water mark, on the sea coast, are comprehended within that description; and where the tide flows, the waters to high water mark, are also properly the high seas.

Will it be seriously urged, that because the L'Amistad had passed Montauk light, that she was not on the high seas? Suppose she had actually been 25 miles further to the N. W. in Long Island Sound—would Long Island on the S. Connecticut on the N. Gardner's Island, Fisher's Island, Plum Island and Rock Island to the East, would she have been even then, within the body of any other District? For all purposes of Admiralty any part of Long Island Sound is to be considered high seas. In the case of the Elizabeth, 1st Paine's Rep. page 10, it was held "that Long Island Sound does not belong to either Connecticut or New York nor to any District in either of those States." It has been urged as a matter of law, that the African shore at the time the vessel was seized cannot be subject to the admiralty power of the Connecticut District, nor any other admiralty jurisdiction. The only reply which need be given to this claim, is, that those on shore were there for a specific and a temporary object, to furnish the vessel, with water and provisions for the continuance of their voyage to Sierra Leone. They were still attached to the Schooner, in the same manner as those who continued with her. The case seems never to require any distinction of this sort, and none can be recognised.
2d. The Africans alleged to have been the slaves of Messrs. Ruiz and Montez.

1st. The claims to salvage for the vessel and goods, stands on ground, almost beyond question. The services rendered by Lieut. Gedney were not only highly praiseworthy. They were such as would entitle the seizes to their proper allowance. The vessel was at the mercy of the winds and waves. She was in the possession and under the command of those negroes, who were utterly ignorant of the science of navigation—without law or order—without commission or any lawful authority, guided alone by their ignorance or caprice upon the coast of Africa, and yet without the possibility of conducting the vessel in safety for a single day.

The seizure under such circumstances, was meritorious, and will entitle the seizures to an adequate compensation, unless something shall be found in the case, to oust them of their right. In opposition to this claim, Pedro Montez and Ruiz, allege that they and others were a part of these goods, and the Minister of her Catholic Majesty in behalf of the owners of the schooner and the residue of the goods on board, alleges that the whole were owned by subjects of the Queen of Spain, and that under the Treaty between Spain and the U. States, a restoration, entire, should be decreed.

Where it may be remarked that Montez and Ruiz have ceased to prosecute their claims in person, and the Spanish Minister comes in the name of his government, basing himself on the treaty of 1795, for them and in their stead, claims the restoration entire of the vessel, the cargo and slaves. There are two articles in the Treaty of 1795, which have bearing on this question.

The 8th Art. “In case the subjects and inhabitants of either party, with their shipping, whether public or of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for taking of shelter and harbor, to retreat and enter into any of the rivers, bays, roads, or ports, belonging to the other party, they shall be received and treated with all humanity and enjoy all favors of protection and help, and shall be permitted to refresh, and provide themselves at reasonable rates, with victuals and all things needful, for the subsistence of their persons, or repair of their ships, and prosecution of their voyage; and they shall have no way be hindered from returning out of the said ports or roads, but may remove and depare, when and whether they please, without any let or hindrance.”

6th Art. “Each party shall endeavor, by all means in their power, to protect and defend all vessels, and other effects, belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects, which may have been taken from them, within the extent of their said jurisdiction, whether they and others may have taken the power whose effects have been possessed of said effect a.”

A treaty is binding upon the two Nations making it, and the same becomes a part of the laws of each country. It is to be expounded by the same rules of construction as are applied to other laws; and it becomes the duty of the Judicial Department, as well as that of the Executive, to carry them into effect. The fair and liberal construction of these two articles must be applied to the Schooner L’Amistad and the goods, for those are the effects of the subjects of Spain. And by effects, I understand their lawful property.

It was the duty of Lieut. Gedney, by all means in his power to protect and defend this vessel, and use all his efforts to recover and cause to be restored to their rightful owners. The schooner and her effects, because by an urgent necessity, provided for in the 8th Article, she had taken shelter in our waters, and now, at reasonable rates this vessel and her effects must be restored to their rightful owners.

That it cannot be supposed, that in case of a demand for a restoration, a literal construction should be given to this treaty. Suppose the hull of a vessel coming in like this had been so far damaged, that without immediate repairs she could not be kept above water, and these repairs were made, cannot the material men (as they are called) label the vessel "sunk"?  Court of Admiralty here and recover these repairs?
Certainly. It must be, as the treaty provides, "at a reasonable rate." So in this case, the services in saving of this vessel must be compensated, "at a reasonable rate." The manner of doing this will be shown hereafter.

It results then, that the seizors are entitled to salvage. This lien is placed upon the vessel and her effects by the laws of all nations. It is founded on the broad principles of justice acknowledged by all, and the treaty stipulations is entered into with this lien, which can not be considered as inconsistent with the treaty. The decree will be, that the schooner and her effects be delivered up to the Spanish government, upon the payment, at a reasonable rate, for the services in saving this property from entire loss.

An appraisement will be ordered, and one-third of that amount and cost will be deemed just and reasonable.

2d. The next question is, can salvage be allowed upon the slaves?

There are insuperable objections to this portion of the claim. There is no foundation here laid for a decree in personam. The decree, if at all, must operate in rem. That is, the salvage must be considered as a lien upon the slaves themselves, and the amount to be decreed must be raised out of them, as out of their property.

Here then I find this claim hedged about by fixed and known laws, over which it would be impossible for me to leap. I have heretofore decided, in the very outset of this case, that these alleged slaves cannot be sold. There is no law of the U. States or of the State of Connecticut by which title can be given to them under any decree of this nature. I am confirmed in this opinion.

Can a decree be predicated upon a supposed valuation to be ascertained by an appraisal? There is no authority in this court to cause such an appraisal. Who can appoint these appraisers? Who can administer to them an oath? And above all, by what rule could their estimate be formed?

Are they to be estimated by their value in the District of Connecticut? That is not one cent. The laws which I am bound to administer can recognize no value in them. Can the negroes travel into other States or countries to seek their value? Surely not. If a decree should be made, it would be wholly nugatory, ineffectual and void. This the Court is never called upon to do. When a decree is made, it always presupposes that the Court making it possesses the power of enforcing it. This part of the claim, therefore, will be passed over.

Next comes the libel of Green and Fordham. This claim is rested upon the idea that they had taken possession of this vessel. The facts proved, will not sustain this claim. It appears in evidence, that these claimants found part of the negroes on shore, getting water and provisions. They traded with them and sold them two dogs, for a doubleloon each, and then agreed to be there in the morning and take the vessel to their place. This was the understanding of Capt. Green, but as the evidence now stands, it is not the understanding of the negroes. Their hearts were set on Sierra Leone, and nothing short of sailing towards the sun, would serve their purpose. They had killed the captain and cook, and went to Sierra Leone. They had perished their own lives for Sierra Leone, and still Sierra Leone was on the lips of Jingo. I think the actions of the white men on the beach, evinced that they so understood this determination at the time. Otherwise they would not have had occasion to come off their diggin's when they had resolved for them the doubleoons in hand. The result of the best examination which I have been able to bestow on this part of the case, is, that the libel of Messrs. Green and Fordham be dismissed.

The two great questions still remain to be settled. Shall these Africans, by a decree of this court, be delivered over to the Spanish government? Upon the demand of Her Majesty of Spain, as their property, in the fulfillment of the treaty, as he says, of treaty stipulations, solemnly entered into by this nation. These Africans come in person, as our law permits them to do, denying this right. They say that they are not the slaves of Spanish subjects—and are not amenable to Spanish laws.

We have also, the humanity of our own laws, ready to embrace them, provided we are not compelled by these treaty stipulations to deliver them up.

Upon the first of these questions, all absorbing as it is, I am called upon to pronounce an opinion. And what I have now to say applies to Jingo and others, who have filed their answer to the claim, on record, not including Antonio.

Shall these Africans be decreed to the Spanish Government?

What is the object of the demand made upon the President by the Spanish Minister? Not to have them transposed to Cuba for punishment, but because they are the property of Spanish subjects—their effects, or merchandise—their property. I begin here by finding certain facts which must necessarily be part of my decree, and upon which it must be based.

These are the facts that I find proved in this case. In Cuba there are three classes of negroes, well known and distinguished: Creoles, who were born within Spanish dominion; Ladi nos who have been domiciled in the island, or sufficiently so, that the laws of Spain have a name with them—or in other words, embracing those who owe Spain their allegiance; and lastly, Buzals, embracing all such as have but recently been imported from Africa.

The negroes now in question were all born in Africa—they were imported to Cuba by the slave traffic, about which Montez and Ruiz had nothing to do—they were put into a baracoon near Havana, and after remaining there a few days, were given to the schooner Amistad as their slaves, and put them on board for Guiana. Consequently, I find these negroes to be Buzals: they were so at the time of the shipment.

The demand of the Spanish government, is, for these Buzals to be restored to them, that Montez and Ruiz may have them as their property. To justify this demand, and require the government to restore them to Spain, these negroes must not only be property, but Spanish subjects must have a title to that property. In other words, Spanish subjects must own them—must come lawfully by them—they must have lawful right to hold them as their own. Suppose a slave should be demanded of us, by the Portuguese government, and it should appear in evidence that the slave in fact belonged to a citizen of South Carolina, we could not give him up to Portugal. Although he may be a slave the Portuguese have no title in him. They cannot demand, nor we surrender. The right of demand and the necessity of surrender rests on the title to the property. Property and title both are to be made out.

In all cases where property and title are proved to be in Spanish subjects, the Treaty is inviolate, and no claim will be made upon the property of other countries to recover the negroes.

The government of Spain, demand of us, under their treaty, a restoration of these negroes, and we ask them for their title. It is a very well settled principle, here and elsewhere, that the party demanding restoration, must show his title. If it be the probable title on his part. If the law, the Spanish claimants send to me their evidence or title. And what is that document. A deed—a bill of sale—a transfer? No. It is a permit—a license—a pass—signed by the Governor General of Cuba for Don Pedro Montez and Don Jose Ruiz to transport 54 Ladi nos to Guiana, and this is all. This embraces the whole evidence of property and title both.

To show that it is so, I shall be obliged to recur to the laws of Spain, as the same are here proved, because those laws make a part of the case itself. They are to be proved in the courts of the United States as matters of fact. This has been done on this inquiry, and this court is just as competent to judge of the effect of a foreign law, when thus proved, as of a law of the United States.
I find then as a matter of fact, that in one month of June, 1839, the law of Spain did prohibit under severe penalty the importation into Cuba of negroes from Africa. These negroes were imported in violation of that law, and be it remembered that the same law of Spain, such imported negroes are declared to be free in Spain. This accounts for the declaration of the Spanish Consul, that if these negroes should be returned to Cuba, some of the leaders might be punished, but none of them could be made slaves.

This declaration is in exact conformity with the law of Spain, so far as the matter of slavery is concerned. They could not be slaves there, because the law declares them free. They were Bocals, and not slaves. This declaration is from a government functionary of Spain. Why then should the law be doubted by me? I do not doubt it. I expressly find it to be such. If there has been any doubt, as to what the law of Spain is, I ask, would not the Spanish Minister, resident at Washington, have communicated the law to this government, so that it might have been respected?

We are bound to believe that the Minister of every foreign Country, brings with his laws of his sovereign, and is able, on the shortest notice, to make those laws known to us, when questions may arise. Between nations, it is not required that every matter of form should be strictly complied with. In the intercourse of friendly nations, the substance is all that is required. Why has not the Spanish Minister told us that a law exists, by which Bocals negroes are slaves in Cuba? Why has he not said to us that, with his claim? Ample time has been afforded. He knows that the burden of proof lies with him, and still withholds the law, if it does exist! How can he expect an American Court to decree that these negroes are property, while he omits to bring the evidence which makes them such. In reply it may be said they were in the possession of Spanish subjects. But possession is only one indication of property, and that has been rebutted by the proof that these are Bocals negroes, and cannot be made property, by any machinery of sale, or transportation.

This brings me to the question of title in Monteza, and Ruez, who now claim them through their government. They came to Cuba, in person, like the others, and then they came in the majesty of their Sovereign, in person, and if they do, they may stand aside, and put forward the shield of regal authority, as they do in this case. But this establishes no title to property. Suppose I admit that slaves are property, yet Monteza and Ruez must possess the title in themselves. They have not made proof of any property. They have not shown us the slave, or the bill of sale, or the bill of bill, or the bill of bill. Has there been sworn that he had the negroes when they were sold? They have not shown us from whom they received their title. It is the naked possession, which they rely. When the right is disputed it is not enough.

Suppose a gentleman in Mississippi hires a slave of his neighbor for one year, as a travelling servant, and while in Kentucky sells him! He had the possession, but he conveys no title, for it is the law of every country, in a civilized government, that a man, let have title before he can grant it to another. Were a gentleman of N. Haven, to rent me his house and give me the possession, and another person from Havana should come here and take a deed of that house from me, he would gain nothing by the grant in the simple reason I had no right to convey. This is so plain that the feeblest intellect cannot but see it.

How long must the Spanish Minister fill up this chasm in the law? He can fill it with water. Where is the Spanish Minister who can fill it up, and bring in a solid body? By thing else, except the Governor General's Power, this chasm has never been before covered, because now that official document is to serve the double purpose of proving property and title both; and yet when we look at it on again, and apply it to our judicial test, if the expression may be allowed, we find that instrument still is for Laxons and not for Bocals. It contains an unwarranted claim. The Governor General has not given a pass for these negroes! and, consequently, these Bocals stand on the dock of the L'Amistad without any pass whatsoever.

For a familiar illustration of this legal result, take if you please, a bale of goods, for we will now call them goods, and have it shipped and invoiced at Liverpool, as cotton prints—they are entered here as cotton prints, or smuggled in, and sold to an innocence purchaser, when it is discovered for the first time that "broad cloths" compose the package. These broad cloths may be taken from this innocuous purchaser, libelled and forfeited. Where is the remedy? The purchaser goes back to the seller, and he must take care of himself. Who sold these Bocals to Don Jose Bocals, and took his twenty thousand dollars from him? I know not, but if he does, there is his remedy. It is the sale of an article of goods to which he, the seller, had no title.

And suppose this seller has absconded, or refuses to return money, it may be a hard case for Mr. Ruiz, and yet caveat emptor is the well known maxim, and he must sit down with the loss, as many others do who are obliged to purchase must be vigilant in the investigation of the property he buys. If there had been vigilance in this case, Ruiz and Monteza might have saved all their property, and the imminent hazard of life; and this Court might have been relieved from very responsibility, which has been pressing it down for these four months. Why did they not ascertain that these negroes were Bocals? This has been the bottom of all their complicated sufferings, the tale of which will make the stoutest heart bleed. Why did they not ascertain that the law of Spain had declared these objects of their purchase slaves? The secret is told in a word. In Cuba it is the custom to buy such negroes, and ship them as Laxons or Creoles; and there respectable men have grown up under the influence of this custom; this practice against law. The subjects of a foreign government are presumed, however, to know what their own laws are, and when broken, they cannot come here and ask us to invade the rights of others, in justification of the breach of their own laws. This would not do, even there. Hence the Spanish Consul says this mode of 'hona fide' selling, is carried on without notice from the local authorities. Not that the act is lawful in itself, but only because the act is passed over. There is wealth and power on one side, and ignorance and weakness on the other. The law is the same there, as I pronounce it is here; but it is not well executed, no evidence that the law does not exist. Let a case be presented to the Courts in Spain, and the proof be made as it is here; and the result must inevitably be the same.

This may be too obvious to require illustration. No one can set up, in a court of justice, an illegal custom against positive law. One prime requisite of a custom is, that it shall be lawful. The Press-gang system in England is against positive law. Every British subject, by law, is secured in his liberty. It is their boast, yet when the minister wants a thousand men for the navy, the Press-gang is put in motion. They seize and confine men, and tear them away from their wives and children by force, and put them into servitude against their will! Oppose and confine! And who will not say that these Press-gangs are actually paid by British votes, for their illegal deprivations upon the sanctuary of home and liberty; and that they, directly or indirectly, from the treasury of the nation? It is a system, and has been for one hundred years, and yet, will any one claim that it is legal? Let the 'King's Bench' pass upon this question, and it will be adjudged against law. It may be recited at Parliament, and stilled in public opinion, while the emigrants are sent here to teach us what liberty is, yet that is slavery! degrading slavery, and can never, never legalize the custom.

Shall these Bocals be given up under the treaty? And if so, for what purpose? To have the question tried, whether they are slaves by the laws of Spain! The old Spanish law declares they are not slaves; it would be utterly useless then, to send them back to Cuba. It would only be a work of supererogation. If by their own laws, they cannot enslave them, then it follows of necessity, they cannot be demanded. When these facts are known by the Spanish Minister, he cannot but discover, that the subjects of his own government have no right to claim the property of Spain. His demand must be withdrawn. The very essence of his demand consists in the supposed Spanish right of property in the thing demanded. That being removed, by his own law, there can no longer be cause of complaint.

At all events, this cannot be expected at my hands, because the Supreme Court have always refused to surrender property, unless there was proof of title in the claimants. The same rule applies equally to foreign and domestic claimants. Title must be shown in the property claimed, as belonging to the claimant or it cannot be surrendered. The positions I have laid down here, are fully recognized in the Antelope Case in the Supreme Court, and its argument in the opinion of the Chief Justice, affords me full confidence that I am right.
The strongest case which can possibly be adduced for the surrender, is the La Jeune Eugenie in the 3d of March, 1819. There a French ship, engaged in the slave trade, was taken into the Massachusetts District and libeled. The French Government made a demand of the vessel, and she was surrendered by Judge Story. But in that case the property was adduced in French courts. They, themselves, were claimants against their own government, and both sides agreed that it was French property. The Judge did right in surrendering it. But there is a great distinction between the two cases. Here the right of property is not only the principal contest, but I find clearly that the right of property is not in any Spanish subject whatever. The cases then are nearly similar in principle. Had this case, as in that, found the right of property in the claimants, I should have gone the whole length and breadth of that decision, and restored the property.

This case is ample authority to that extent: and to show that I abide by the treaty, and that authority, I take another branch of the case. Antonio is demanded, and the proof from him is, that he is a Greek born, as he believes, in Spain; he was, at the time his master was murdered by Jinguia, a slave, so recognized and known by the laws of Spain. The property in him, was in Raymerr Perrera, a Spanish subject, at the time of his death on board the schooner, and now is in his legal heirs. Here is both property and right of property in Spanish subjects. I shall declare a restoration of this slave, under the treaty of 1785. For this likewise, I find authority in the cases adjudged by the Supreme Court, from which I have neither power nor inclination to depart.

The question remains: What disposition shall be made of these negroes by the government of the United States?

Thus is the law of Congress, passed the 3d of March, 1819, which renders it essential that all such Africans as these, should be transported, under the direction of the President of the United States, to Africa. The human and excellent provisions of this Act, characterize the period when it was adopted. Among the prominent provisions of Congress to ameliorate the condition of Africans brought away from their homes in this traffic, which is spoken of and believed to be odious, in this act of 1819. Considering the object embraced within these provisions, that the negroes must receive the most liberal and generous construction. Those technicalities of construction, which pertain to another class of acts, do not belong to this act. Those rules which govern courts in deciding on penal acts, are to find no place by the act of this statute. They must govern no mind employed in framing out the framers of this law. What is the spirit of that act? It is to return to the land of their nativity, all such Africans as may have been brought from hence wrongfully. This being the spirit of that act, I stop not in the mere forms of legislation. I do not wait to consider whether every letter and syllable of that act or the words, are followed by the officers of the law. When the spirit of goodness is hovering over us, just descending to bless, it is immaterial in what garments we are clad to receive the blessing.

I do not maintain this construction upon my own mere suggestion, but I shall be able to show, by a recent determination of the Supreme Court of the United States, that the doors were already opened, and the passage already provided, to send these men back to their own Africa. That if the aspirations of these unfortunate beings have not been heard to rise for Sierra Leone, the law of that country into which they have been cast, has provided the means, and already the Supreme Court have, in their profoundest wisdom, given a construction to that law which bids them God speed.

The 2d Sect. of the Act of March 3d, 1819, is as follows:

"That the President of the United States be and he is hereby authorized to make such regulation and arrangements as he may deem expedient, for the safe keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be delivered and brought within their jurisdiction; and to appoint a proper person or persons as agent or agents for receiving the negroes, &c. &c."

The 1st Section of the law of 1818, is left still in force, by the repealing clause of this act. Hence we must go to the law of 1818, and connecting it with the Act of 1819, ascertain whether these Africans are within the spirit of this superintending care.

This Act of 1818, provides "that from and after its passage, it shall not be lawful to import or bring in any manner whatsoever, into the United States, or territories thereof, from any foreign kingdom, place or country, any negro, mulatto, or person of color, with intent to hold any such negro as a slave, or to hold to service or labor any such negro as a slave."

We find these negroes here under circumstances most peculiar and complicated. It becomes necessary to go back to the period of their leaving Cuba, to ascertain whether they were brought in with an intent to hold to service, or to hold as slaves. How was the fact when they were put on board the L’Amistad? Was it not the intention of Don Montez to hold them as slaves—to hold them as negroes? Was it not the same with Don Jose Ruiz? Surely they both intended to hold these negroes as slaves. We are to presume that intention continued after leaving Cuba, down to the time the Captain was murdered. When did it change?—it might have been suspended during the suspension of their power over these negroes, but we do learn, from the evidence, that as soon as he came to Meade, and the business of the court appeared by their intentions were still the same.

And the records of this court show that their over claimed to hold these slaves. It is doing them no injustice to say, that they still intend to hold them as their slaves.

From whence were they brought? From a foreign country. Surely it cannot be necessary, that the slaves should have been brought direct from Africa. Their landing in Cuba, for a few days, can make no difference, as to the grand objects of this act.

I have before shown that Montez and Ruiz never had any lawful authority, even to put their Boreal negroes on the deck of the L’Amistad. The first step was illegal, and of necessity every subsequent step was equally so. The original shipment under a false passport was illegal, and that illegality continues with them anywhere, and when they come into the port of New London the same intentions are continued, by legal construction.

My attention is again turned to the phraseology of the act of 1818. "It shall not be lawful to import, or bring in any manner whatsoever, into the U.S. from any foreign country, any negro, with intent to hold him as a slave. No language more unqualified could have been adopted, and it would be as unlawful to bring into the U.S. in any manner whatever, any negro to hold as a slave."

The next section confines the acts there made unlawful, to the citizens, vessels, and places of the United States. Not so in the 1st section. The bringing in here with the intention to hold to service, any where, and in any place, is the broad language of the act.

It is by no means to be limited and confined by strict construction, when we are seeking the objects of the bounty and humanity of the government. For different would it be, I admit, if we were going on with a trial for the penalties imposed by this act. Then indeed, we should be hedged about by the unbinding rules of strict construction. Penal must not be construed strictly, but when there is, in the body of the same act, a bestowal of bounty, of protections, of guardianship, we reject with disdain these narrow rules. We rise above the technicalities and criticisms, which belong to punishment, and the criminal code, and adopt that construction which is more congenial with the objects of the law.

It is humbly conceived that these principles governed the Supreme Court of this Union, in the case of the United States vs. Preston. (3d Peters 57.) The marginal note of that case gives us the great principle of construction there adopted by the unanimous voice of the court.

The final condemnation of the persons on board the J. Joseph Seguidone took place in this case on the 13th of March, 1820, after Congress had passed the Act of March 1819, entitled an Act, in addition to an Act providing the slave trade, by the provisions of which persons "color brought in under any of the Acts prohibiting traffic in slaves, were to be delivered to the President of the United States, to be sent to Africa."

That vessel was seized in the waters of the United States, by the Collector of the port of New Orleans. The seizure was never made by any one of our government, but by the commission of the President. The act of 1819, strictly construed, would seem to limit the action of the President, to seizures made by armed vessels, under a special commission. But here, this vessel, the Joesse Seguida, came into our waters, under the plea of distress—she was never seized or touched by one of our armed vessels—but the Col-
The District Court for Connecticut has jurisdiction, the schooner having been taken possession of, in a legal sense, on the “high seas.”

That the libel of Thomas R. Gedney and others is properly filed in the District Court of Connecticut.

That the seizure is entitled to salvage, and an appraisement will be ordered, and one-third of the amount and cost will be decreed just and reasonable.

That Green and Fordham, of Sag Harbor, who claims to have taken original possession of vessel and cargo, cannot sustain their claim, and therefore that their libels be dismissed.

That Ruiz and Monroy, through the Spanish minister, have established no title to the Africans, as they were undoubtedly Bozal negroes, or negroes recently imported from Africa, in violation of the laws of Spain.

That the demand of restitution, to have the question tried in Cuba, made by the Spanish minister, cannot be complied with, as they have no laws and it is certain they cannot enslave these Africans, and therefore cannot properly demand them for trial.
7. That Antoine, being a creole, and legally a slave, and expressing a strong wish to be returned to Havana, restoration will be decreed under the Treaty of 1795.

8. That these Africans be delivered to the President of the United States, under the 2d Section of the act of March 3d, 1819, and the 1st Section of the law of 1818, still in force, to be transported to Africa, there to be delivered to the agents appointed to receive and conduct them home.

The court stands adjourned to meet at Hartford on the 23d inst., and meantime, the decree will not be entered, to give opportunity to the parties to appeal if they see fit.

I learn that the United States man-of-war Graumus has been off New Haven, or in the harbor, from Friday morning last until Monday. She had sealed orders, it is said. One of the pilots inquired of an officer of the Graumus, what her destination was. He said he did not know. Was this vessel ordered off New Haven by Government, in anticipation that the Judge would decree that the Africans were "merchants," and must consequently be surrendered to the Spanish minister? If so, as the quaker lady said to the agent of a fugitive slave, "they pray hath escaped thee."

Mr. D. Francis Bacon, said, at New Haven, we are informed that if the Africans should be sent to Liberia, and thence into the interior, they would be re-enslaved in less than sixty days. He remarked further, that if they should be sent to Sierra Leone they might reach their homes, but there was no chance for them otherwise. We hope that as the Government at Sierra Leone possesses special advantages for the protection of these Africans, they will, if sent to Africa at all, be sent to that district.

Mr. Griswold of the Theological School at New Haven, and one of the indefatigable young gentlemen who have daily attended to the instruction of the Africans, has long had a desire to be a foreign missionary. The Africans have expressed a strong desire that he should accompany them to their homes, and he is deliberating upon the subject. What an opening he would have in Mendi, to preach the gospel, introduced by Jingua and his comrades!

The Judge is certainly entitled to much credit for the impartiality with which he presided, and for his opinion and forthcoming decree, in many respects. It must be acknowledged, however, that his application of the law of 1818 to these Africans—the law never having contemplated such a case—will not give satisfaction to strict constructionists.

The Africans were either slaves or freemen, and it would seem that consistency required of the Judge to decree that they were freemen, and, as such, entitled to their immediate freedom. He doubtless acted—if not as a true interpreter of the law—as he thought would be for the welfare of the Africans. He went into the jail twice to see them, and they expressed to him, and to others, a desire to return to their native land.

In view of the whole matter, we have abundant cause to acknowledge the good hand of God in protecting and delivering these poor strangers, in answer to prayer.

Respectfully yours,

LEWIS TAPPAN.

A letter from the Rev. H. G. Ludlow to one of the editors of the Journal of Commerce, dated Jan. 13, gives the following particulars, which will be read with much interest:—

"If ever men were inspired to present with sunbeam clearness the claims of righteousness, to the mind of a Court, the Counsel of the poor Africans were thus assisted. Messrs. Staples and Sadgrove, of your city, and R. S. Baldwin of New Haven, 'with thoughts that breathed and words that burned,' stood up as their champions—and I speak not my own opinion only, but that of our community, who hung upon their lips spell-bound—when I say that for argumenta-

tion, and for eloquence too, their appeals to the Court were irresistible. At times the feelings of the audience were inexpressible and they showed their sympathy by external demonstrations of pleasure. The cause on the other side was conducted as well perhaps as its badness permitted.

The Judge decided the case this morning, and in a masterly manner—showing an enlightened head and a warm heart. I do hope his decision will be given to the public at full length.

It was my happy lot to communicate this decision to Cinquez and his companions, and the scene is indescribable. No sooner was it communicated, than with hearts overflowing with gratitude, they rose and fell down at my feet.

Words cannot express the joy they felt. They long to go back to their father-land. All of them but one belong to the Mendi tribe or nation. He sat still, not knowing what was meant; but through one of the others who can converse with him, our interpreter communicated the decision to him. He instantly prostrated himself at my feet and fell down, clapping his hands for gladness of heart.

I then prayed with them, after directing their thoughts to the Lord Jesus Christ as their Deliverer. They knelt, and followed the interpreter audibly, and with apparent devoutness."

"With a heart full of gratitude to God for this rich mercy, I am your friend,

H. G. LUDLOW.

Our own satisfaction would be greatly enhanced, in view of this result, could we see any security, or even any probability that these "redeemed captives" could be in part restored to "their own country." Many persons seem to think that if they are sent to Africa, they will be in their own land, whereas there is little doubt, if they should attempt to pass from Liberia, up the St. Paul's or up the Gallinas, or by any other route, to their homes, they would be seized by the kidnappers, and in less than a month might be again on their way to hated Havana—and to the gibbet. On this ground, we doubt the humanity or right of sending them to Africa—taking occasion from their ignorance, to send them into dangers which we see, and they do not.

The Amistad Case—Appended.

To the surprise of the friends of these poor Africans, and of many other persons, the District Attorney informed the Judge, at the adjourned District Court, 23d inst., at Hartford, that he had received instructions to appeal, in the name of the United States, from the decree of the District Judge relative to the Africans, and also from the allowance of salvage to Lieut. Gedney, &c. on the property represented by the Spanish minister. A portion of the goods being claimed by the Spanish owners individually, an appeal was also taken in their behalf from that part of the decree allowing salvage. The counsel for the Africans do not, at present, deem an appeal necessary, to raise the question relative to the disposition of the Africans by the court below.

The government of the United States, we learn, although willing the business should take the course pointed out by the District Judge, found that it would not do to sanction what they deem the erroneous principles of that decree, as they would be supposed to do by acquiescence.
Expenditures for the African Prisoners since November 4, 1839.

Joshua Leavitt, S. S. Jocelyn, Committee.
Lewis Tappan, Secretary.

New York, Feb. 6, 1840.

The Afiricans—The Hartford Patriot and Democrat states that "previous to the trial of the Africans of the Amistad, before the United States District Court at New Haven, Judge Jusdon presiding, Martin Van Buren addressed a letter to the Judge, recommending him, and urging him, to order the Africans to be taken back to Havana, in a government vessel, to be there sold as slaves—and that about the same time the United States schooner Grampus was ordered to New Haven to receive them." We do not know how much truth there may be in the fact stated in regard to the President, but we do know that the Grampus was here on a mysterious errand, and lay in our harbor, without any acknowledged object, until the decision of the Court. It was also understood that it was the wish of the Executive that the Africans should be given up to the Spanish authorities, and an appeal is now instituted with that view. It was said that the Grampus was provisioned for a cruise of twenty months, but after leaving our harbor, and lying off New London for a week or two, she returned to New York. This interference of the Executive with the judicial power savors a little too much of "the democracy" of Turkey. We doubt if Cinques, and Grabau, as Judge Jusdon promised, ever get to Africa—New Haven Herald.

The story may be true—but we doubt it. We do not believe that Mr. Van Buren would have interfered thus in a matter sub judice. And had he even been thus inclined, he is too old a fox thus to "come on" himself in such a question.
Signor Ruiz.—A writer in the Express says, that Signor Ruiz, who has been incarcerated in the Egyptian cat’sombs four months, after having been robbed and nearly murdered by the pirates of the Amistad, was arrested at the suit of Lewis Tappan. Really, it is time that the community should come to some understanding with Mr. Tappan. He is doing the greatest injury to the character and credit of this city in his fantastic state-daring, audacious, and bold. No stronger case of false imprisonment exists than this; none more cruel and unjust. Signor Ruiz sails from Havana according to law with his property, in a Spanish vessel; his negroes rise upon the crew, murder the captain and cook, rob the vessel, and nearly kill the owner. They are captured and brought in here; tried, liberated, and Tappan throws the owner in jail, on a pretended suit of false imprisonment of the Chief Pirate. Now, where is this to end? Before long, a citizen from the South will be arrested here and thrown into prison, on the oath of his servant, procured by the abolitionists. Unless the proper authorities move shortly in this affair of Signor Ruiz, inquire into his case, and liberate him, a public meeting ought to be called to take the matter in hand. Such proceedings would be admissible at in Turkey; why should they be tolerated here?

THE IMPRISONMENT OF RUIZ.

TO THE EDITORS OF THE EXPRESS.

Will you oblige one of your subscribers by noticing in your very valuable and wide circulated paper, the facts that may have come to your notice concerning the brutal incarceration of Signor Ruiz, of the Amistad, who has been confined and actually in our prison, having been confined since 17th of last October, about four months! Such a gross outrage, without the least possible cause, on a stranger, who should have received protection and hospitality from us, is a disgrace to our country. It was brought about by Lewis Tappan and his partizans, who had the audacity to arrest Mr. Ruiz in one of our streets, and who, not content with having robbed and plundered his property, mean to continue robbing him of his liberty, so much against his health and constitution, and his affairs at home.

Our authorities should immediately look into this, and should do something to help along this unfortunate and persecuted foreigner cast on our shores, and to punish Tappan and his followers, born to give us trouble, and to cause our character as hospitable and charitable people to be brought into question abroad, and at home.

By mentioning these facts, with any remarks of your own, you will greatly oblige many of the public, and of your subscribers, who feel for this unhappy young Spaniard.

"THE IMPRISONMENT OF RUIZ."

TO THE EDITORS OF THE EXPRESS.

In your paper of Tuesday is an article calling upon you to publish the facts that may come to your notice concerning the brutal incarceration of Signor Ruiz of the Amistad, and which had been so instrumental in arresting this person at the suit of the African Chief and his comrades. Really, in view of the well-authenticated facts that have already been extensively and repeatedly respecting Signor Ruiz, Don Ruiz, in connection with the captured Africans, your correspondent must be grossly ignorant of them or blinded by passion, and greatly in error with regard to the sources of sympathy in this enlightened community. The style of Ruiz, he characterizes, forsooth, as a "disgrace to our country," "gross outrage" on a stranger who should have received "protection and hospitality from us." He says further that Ruiz has been robbed and plundered of his property, and that it is intended to continue to rob him of his liberty also, to the great injury of his health, and constitution, and affairs at home! If this be so, your correspondent's virulent indignation is not misplaced, but if it be otherwise, it must be conceded that he has either been imposed upon, or attempts to impose upon your readers. Let us look into the "facts" which your correspondent professes a desire to see published.

It has been proved in court that Ruiz conspired with the infamous slaves who brought these unfortunate Africans from their native country to Havana for the purpose of selling them into slavery, contrary to the treaties and laws of Spain; that he, Ruiz, a man educated in the free State of Connecticut, undertook to purchase these Bozal negroes, knowing them to have been illegally and wretchedly imported; he purchased them for his uncle, a notorious slave-dealer, to be sold again on speculation; that (Ruiz) caused some of those unhappy men, who were going there as himself, to be secured on board the armed for the crime of stealing water to satisfy their thirst. It is also a matter of fact that whether the counsel for the Africans advised the arrest of Ruiz and Montez they received every accommodation the case deserved; that they went to prison voluntarily, when bail had been offered and accepted; that Ruiz has since declared his innocence of all

IMPRISONMENT OF SIGNOR RUIZ.

TO THE EDITORS OF THE EXPRESS.

I have read, with not a little astonishment, the letter of your correspondent that appeared in your paper of Wednesday, referring to another that was published on Tuesday. I care not who are the writers of them, but the former being entirely composed of falsehoods, I am called, in justice to Signor Ruiz and his uncle, to point them out, having known both personally for a long time, and more than this, I profess to be acquainted with their mercantile business. Your correspondent holds no right to state what he knows not, and what I know is a falsehood of the greater magnitude, he says that Ruiz's uncle is a notorious slave-dealer; but fortunately he is well known among the mercantile class of this community otherwise, and I, for one, am proud to say that he nor Ruiz ever have been, nor are engaged in the slave trade, and what they have done is what every American planter in Cuba, does every day, that is to buy slaves in the public market and take them to their estates. The next falsehood, and not the least of your correspondent, is in saying that Ruiz conspired with the seller of the negroes, to rob them of their liberty, but can a more monstrous thing be stated? Can such a thing be supposed for a moment, when the fact is known that Ruiz never saw the seller before the period referred to—and when it is known how slaves are bought in Cuba? Tappan himself would go into market and do as they do, in Charleston or New Orleans, and would not take the trouble to find out where or when the negroes were born. Reluctantly would it be to say more to show clearly the want of truth in the statement of your correspondent. Then he goes on to state that Ruiz conspired, or permitted the negroes to be conspired on board the Amistad for stealing water, &c. If we were permitted to judge by common sense in this particular case, for we cannot do it otherwise, I should certainly consider this statement as false as the rest. I know are, and as impossible to be supposed as any thing can be, for it is the possible that Ruiz should escape with his life from the hands of his slaves, after having treated
ictionary Vindex: "The most falsehood," says Vindex, "is in saying that Ruiz conspired with the color of the negroes, to rob them of their liberty." It was testified in court by Judge H. W. Lowry, who has been engaged in the case, that Ruiz did not know that the negroes had recently been set free by the court, and that the negroes were riding around the community, singing and dancing, and that Ruiz was aware of it.

Vindex next states that the negroes were set free by the court, and that Ruiz did not know that the negroes had recently been set free by the court, and that the negroes were riding around the community, singing and dancing, and that Ruiz was aware of it.

Vindex then goes on to say that Ruiz was caught in the act of consorting with the negroes, and that he was arrested. The negroes were then taken to court, and the case was tried. The negroes were convicted, and Ruiz was sentenced to hard labor for life. The negroes were later pardoned, and Ruiz was released.

Joseph Ruiz, in reply to Vindex, states that Vindex is wrong in his assertions. He says that Vindex is engaged in a campaign against the negroes, and that Vindex is trying to make Ruiz look bad. He says that Ruiz was not aware of the negroes' activities, and that he did not conspire with them. He also states that Vindex is trying to make Ruiz look bad, and that he is engaged in a campaign against the negroes.

Vindex also states that Ruiz was kidnapped by his own friends, and that he was forced to sign a confession. He says that Ruiz was not aware of the negroes' activities, and that he did not conspire with them. He also states that Vindex is trying to make Ruiz look bad, and that he is engaged in a campaign against the negroes.

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A CONTRAST.

What a contrast to the conduct of our own authorities in the case of Ruiz and Monter, is the course of the British government, in relation to the claim made by our government for the value of the slaves wrecked from American coasting slave ships at Bermuda, and liberated by English law! We learn from the American, that payment has been actually made for these slaves, and that the sum of £23,500 was voted for this purpose by the House of Commons, on the 5th of August, as Mr. Stevenson says, "without a division, and after little debate."

Lord Palmerston, however, in a letter of 2d May, announcing the purpose of the Cabinet to recommend such an appropriation, refers Mr. Stevenson "to the correspondence that has already passed between them on this subject, for the reasons which will prevent the British Government from admitting, either now or hereafter, any claim for compensation in respect to slaves thrown within British jurisdiction, after the period when slavery was abolished in the British dominions."

337. Signor Ruiz, the unoffending Spaniard, who was saved last autumn from the black mutineers of the Armistad, has now been incarcerated in our dungeons ever since the 17th of last October, at the pretended suit of his own slaves, who, by the way, cannot speak a word of any Christian language. We cannot express the detestation of the measureless brutality and malignity of those, to whom he is indebted for his unrighteous imprisonment at this iniquitous season. How much longer must the common sense of the people be insulted by the continuance of this infamous outrage?

Mr. Kirk had better cease his outpourings about missions in Honolulu and "farthest Ind," and turn his mild and benevolent regards to Centre street. Those glorious philanthropists, the abolitionists, may cease to weep over the terrible fate of little negro-children in warm climates, who are condemned to go without the luxury of red flannel waistcoats, and find food for sympathy somewhat nearer home. Let Mr. Lewis Tappan, Mr. Jocelyn and the rest bestir themselves in favor of the "General Bankrupt Law" and they will find a more prolific source for their Jeremias than the Africans of the Armistad.
SIGNOR RUIZ.

Two of our daily contemporaries complain of the imprisonment of this individual, during the last four months, in this city, upon aid of Lewis Tappan and others, for the false imprisonment of Cinque and others of the Amistad negroes. These papers pronounce this a "manifest impropriety,"" in violation of the public interest and hospitality due to "an unfortunate and persecuted foreigner, cast upon our shores."

They add that our authorities should investigate this case, and "punish Tappan and his followers:" and one of them intimates that unless the authorities move in the case, a public meeting should be called; in either event, the citizens should not act upon the case extra-judicially. But lest we should misunderstand our contemporaries, we quote its own language in the following extract:

SIGNOR RUIZ.—A writer in the Express says: that Signor Ruiz, who has been incarcerated in the Egyptian courtroom four months, after being robbed and falsely accused by the negroes of the Amistad, was arrested at the suit of Lewis Tappan. Really, it is time that the community should come to some understanding with Mr. Tappan. He is doing the greatest injury to the character and credit of this city in his frantic course—dashing, audacious, and bold.

No stronger case of false imprisonment exists than this: none more cruel and unjust. Signor Ruiz sailed from Havana according to law, with his property, in a Spanish vessel; his negroes arose upon the crew, murder the captain and cook, rob the vessel, and nearly kill the owner. They are captured and brought in here; tried, libeled, and Tappan throws the former in jail, on a pretense of false imprisonment of the Chief Pirate. Now, where is this to end? Before long, a citizen from the South will be arrested here and thrown into prison, on the oath of his servant, procured by the abolitionists. Unless the proper authorities move shortly in this affair of Signor Ruiz, inquire into his case, and liberate him, a public meeting ought to be called to take the matter in hand. Such proceedings would be scouted at in Turkey; why should they be tolerated here?

(Eve. Star.

To understand this subject correctly, let us examine it carefully and discuss it coolly. If the imprisonment of Signor Ruiz is illegal, he can find a remedy in a writ of habeas corpus; and should he be discharged on such writ, he has a remedy against Mr. Tappan, or any other plaintiff in the suit upon which he was arrested, in an action for false imprisonment. Why has he not taken this step? As he is a subject of Spain, and as a Spanish Minister resides near our seat of Federal government, and a Spanish Consul resides in our port, each of whom is to be supposed ordinarily faithful in official duty, this writ of habeas corpus, an exorbitant right, seems a little extraordinary. We can explain them upon one hypothesis only, which is that Ruiz has consulted counsel upon the subject, and has been informed that as he detained the Amistad negroes in violation of their own laws, the laws of Spain, and the laws of nations, he could not be discharged on habeas corpus, and must therefore await his trial upon Tappan's or Cinque's action for false imprisonment. The Star asks the "authorities" to move in the case. What authorities? Our municipal authorities, Mayor, Common Council, and others, have no jurisdiction over the case, and cannot move in it, excepting by issuing recommendations. The case belongs exclusively to the judicial court before which the action of Tappan or other plaintiff against Ruiz is pending, and to any court having power to bring up the defendant upon habeas corpus. So much for the authorities. A public meeting could do nothing but talk or Lynch, and we do not believe that our citizens are quite mad enough to violate their laws, for the forcible liberation of an individual now in the custody of these laws, and whom the courts, the interpreters and administrators of those laws have the means and the disposition to protect from oppression.

The Star is in error in saying that Ruiz sailed from Havana according to law. He violated the laws of Spain, by importing slaves from Africa into Spanish territory, and transporting them from one Spanish port to another. The negroes, in rising upon and killing the crew, to recover their own liberty, exercised a natural right, and did no more than our friend of the Star would have done, if captured by the Algerines; and therefore they are neither murderers nor pirates. The negroes were stolen from their own country by fraud and force, carried in slavery to a foreign country; and thus unlawfully deprived of the liberty which God gave them; and as the laws of New York provide a remedy for this injury, and as the laws of nations authorize a human being to prosecute a personal right in any country, a principle recognized by the laws of New York, the suit of Tappan or others against Ruiz, for false imprisonment, is substantial, and not pretended.

The Star asks, "Where is this to end?" We hope it will end in a better understanding of human rights, and in "providing new guards for their future security," as the Declaration of Independence says; for human rights are not very well secured, when God's rational, accountable beings can be forcibly carried from their own country, to be sold like cattle in the sharehouses of another, and human rights are not very well understood, when such outrages upon them are openly justified by editors of newspapers. The Star says that if this imprisonment of Ruiz is to be allowed, we shall soon see the citizens of the South arrested here, upon the oaths of their servants! And why not, if legal causes for such arrest exist? Our laws recognize no distinction between masters and servants, but aim at equal justice to all; and if any person, from the South or elsewhere, should be arrested upon any suit, our courts will furnish ample remedies. We have confidence enough in our laws and their administrators, to believe that no citizen of the South will be oppressed in our community; and in this we stand in very proud contrast with the Southern States, where mobs imprison, rob, and murder citizens of the free States, in defiance of all laws, State or Federal, upon mere suspicion of their being abolitionists.

How shall a public meeting "take the matter in hand?" If they should attempt to liberate Ruiz by force, the duty of the sheriff would be to arrest them, of the Grand Jury to indict them, of the criminal courts to try them, for an offence against the laws of the State; and if they should be too strong for the sheriff and his posse, the duty of the governor would be to call out the militia of this or other counties, and treat them to a little powder and ball, as a recipe for suppressing insurrection. The crime of resistance to such authorities would be treason, which is an awkward thing to meddle with.

The Star says that such proceedings would be scouted in Turkey. Doubtless they would, because the laws of Turkey recognize domestic slavery, and are otherwise defective in both theory and practice. It asks why they should be tolerated here? We answer, because our laws provide for the protection of all rights, and equal justice to all persons, and will hold both plaintiffs and defendants in this case responsible for their acts.

We interfere not here with any question of abolition or anti-abolition. Our object is merely to dispel erroneous impressions, which may be created by the hasty remarks of editors who feel, but do not reason upon the case. What a deal of fuss may be made about a very plain case, by editors who do not understand, or will not examine, the laws; and how easily the plain tales of lawyers can put them down!
The Captured Africans.

Inquiries are frequently made about the condition and prospects of the Africans. They were highly delighted at the idea of soon returning to their native land on being informed of the decision of the District Judge, but they are greatly disappointed now that they are informed, through the interpreter, that it is uncertain when they will be sent to Africa, if at all. In fact it is difficult to make them understand such apparent fickleness in our courts, and why they were informed that they were speedily to be sent home, when, soon after, they were told they are to remain here a long period, perhaps twelve moons. But, as they know that their instructors and friends are kind to them, and feel that they are receiving so many favors through their instrumentality, the Africans are disposed to acquiesce in what appears to them strange civilized conduct.

The Circuit Court, (composed of Judge Thompson of the Supreme Court of the United States, and Judge Judson of the District Court for Con.); will, it is said, sit at New Haven next April, when the testimony and pleadings must be repeated. It is not to be supposed that Judge Judson will materially change his opinion, so deliberately formed, nor that Judge Thompson, who is one of the most learned jurists in the country, will concur in the decision already pronounced. Even if he should it is not to be supposed that the Spanish minister will acquiesce in any decision, adverse to the Spanish claims, short of the decree of the highest judicial tribunal of the country. Presuming, therefore, that the judges composing the Circuit Court will differ in opinion, the cause will go up to the Supreme Court of the United States, which will sit in Washington, January, 1841, as a matter of course. Meanwhile, the Africans must be held in the custody of the Marshal for the District of Connecticut, and will receive instruction from their friends as hitherto. It is hoped, however, that the children will be placed in some private families.

It will be necessary to detain James Covan, the interpreter, and to employ still longer the two interpreters who have so assiduously taught Jingu and his comrades daily for a long time. In addition to the expenses attendant upon these objects, testimony and official papers must be obtained from Havana and London, and perhaps from Africa and Spain, thereby adding greatly to the expenses. The friends of the captured Africans will, therefore, perceive the necessity of placing additional funds in the hands of the committee, whose actual disbursements, thus far, are published in today's Emancipator. There is now a fair prospect that the Africans will be taught to read and speak the English language, and will not every Christian pray that they may be brought to a saving knowledge of the Saviour of Sinners! Then, should they be liberated at length, as we cannot but trust they will be, the way will be opened for their return to their kindred and homes, accompanied by an American missionary, who will go with them to preach Jesus Christ and him crucified in the heart of Africa. What delightful anticipations are these to the philanthropist and Christian!

Ruiz.

When this individual first arrived on our shores, the public press introduced him to notice as Don Jose Ruiz, a man who had been risen upon by a cargo of slaves which he had purchased, and was taking to his plantation near Porto Principe. The letters that he wrote at once to his agents and correspondents in New York, Boston, and elsewhere, were duly chronicled in those papers which regard "property as evidence of merit." The strongest sympathies were expressed for his misfortunes and sufferings, and it would seem that nothing was wanting to make him the "lion" of the day wherever he should go. The ambassador of his country espoused his cause, and it was well understood that the Government of the United States, sustained by the leading presses and statesmen, of both political parties, was ready to render him every aid and in replacing him in the condition he was before his misfortune. The idea that he was himself a wrong-doer, or that those whom he had decayed within the reach of our republican mercy, had any rights adverse to him which could be maintained in our courts, seemed too absurd for a moment's consideration in those quarters. And when, after a careful consideration of the whole ground, the highly respectable and responsible counsel for the Africans advised and commenced a suit against this most unfortunate "Spanish gentleman," and the judge ordered bail to be taken in a thousand dollars, folks cried out in amazement at the rashness of the proceeding. It was therefore a most obvious piece of policy in Ruiz, to place himself in a position to wrench signal vengeance on those who had subjected him to the infamous outrage of answering his late slaves in a free court, and on a footing of equal rights and equal justice. Accordingly, he declined the offer of his friend, Mr. Granpa, to become his bail, with a view, as it was well understood, to gain a heavier verdict, in damages for false imprisonment, against those who were concerned in commencing the action; or of claiming a proportionate responsibility of the U. S. Government for his detention and sufferings.

It is entirely understood, that when a high functionary, who had sympathized with him as a victim of persecution, inquired why he remained in custody, Ruiz answered: "For reasons of State." It is needless to add, that the gentleman's sympathy experienced a sudden chill, and that he did not proceed to offer his services in the way of relief.

Judge Judson's decision, however, has broken up this beautiful scheme of retribution. It has been found by the Court, after a full hearing, that Ruiz never had any right to hold those men as slaves, that he bought them knowing they were Africans, brought in defiance of law, and that, consequently, there was not only probable good but good ground for the suits commenced in this city; and, therefore, the glowing visions of smart-money to be exacted from Lewis Tappan and the Committee and Counsel, have all vanished into thin air.

Under these circumstances, it becomes necessary to report to some new expedient, which shall either bully down the friends of the Africans, or at least afford a decent cover for a pretext. Accordingly, at the beginning of last week, editorial paragraphs appeared in about all the faithful newspapers of the city, the Star, Express, Times, Courier and Enquirer, Signal, &c., all bearing a remarkable resemblance, but yet sufficiently distinct to serve the purpose of an independent testimony against the inhuman persecutions of this most injured men. These publications have called out the following explanation.

To the Editor of the New York American:

I have observed in the newspapers within a few days past, several articles in relation to the imprisonment of Senor Ruiz, in which very bitter complaints are made of its injustice and oppressiveness.

The imprisonment must be assumed to be just, for it was sanctioned in the usual way, by a Judge's order. The amount of bail required was only $250—a sum certainly not inadequate, if the defendant was to be detained at all. It is well enough understood that Senor Ruiz is a man of large property, able to deposit the amount required, if he were disposed to do so, and that many persons have offered to become bail for him. His imprisonment, therefore, is, to a certain extent, voluntary, as submission to it is put by himself on the ground of principle.

But, however that may be, the accounts allude to the impropriety of his imprisonment are exaggerated. Where a defendant does not give bail, the sheriff may keep him in close custody until the end of the suit; but if the sheriff is
RUIZ.

The following article, which came to our notice after we had written what appeared in our last paper, is so forcibly in spirit and so excellent in argument, that we cannot withhold it from our readers. The writer of it, we doubt not, is Russell Jarvis, Esq., whose admirable essays in behalf of Law and Liberty have led us to expect with so much satisfaction from the Philadelphia papers. It may be mentioned in passing, that the inflammatory attempts of Ruiz and his confederates to arrest the course of justice by an appeal to popular prejudice to arouse popular fury against the Courts, the Council and the Committee, have most signally failed. and the Express of Wednesday had the pleasure of announcing that Mr. Ruiz had at length succeeded in obtaining satisfactory bail and was set at liberty. We think the Senate entitled to great commiseration from the party by whom he has been maligned and defamed into the endurance of four months’ imprisonment for nothing. Let his fate be a warning to all slaveholders and slave traders how they risk any thing upon the opinions or the assertions of the venal pro-slavery press of this city, when they undertake to make it appear that the sympathies of the community and the predilections of our courts are now all enlisted on the side of slavery. Poor Ruiz believed what they said, and you see the result. After lying four months in jail “for reasons of State,” he finds that in this country, reasons of law and justice are paramount to all political considerations, and he has been obliged to do at last, what he might as well have done before and give bonds to answer in court to his late slaves, to meet them as fellow men on the equal platform of the Common Law, and answer for his treatment according to the verdict of an impartial jury! Woful humiliation! Who can tell but that, as the Star says, “Before long, a citizen of the South will be arrested here and thrown into prison, on the oath of his servants, procured by the abolitionists” — it would be shocking indeed, and yet we would not go so far as to say that no such thing can happen, unless some new and more effectual means can be employed to annihilate these ever-meddling abolitionists! As for Mr. Ruiz, we would suggest that Mr. Noah should get him a benefit at the theatre, or a public dinner, as the only solace his friends can now afford for the indignities to which their counsel has subjected him. His Royal Sovereign, too, should take his friends into gracious consideration; if as they were voluntarily endured, “for reasons of State,” she should make him some appropriate recompense. Perhaps she may think proper to make him a real Don, and appoint him her ambassador, and send him to drive his coach of state through Pearl and Wall and Nassau and Centre streets, to show Lewis Tappan, and Judge Ingraham and Counsellor, and the Anti-Slavery Committee, and the Mayor, her royal contempt for their presumption in taking the side of law and justice against a negro-trading “Spanish gentleman” from Cuba!

From the Evening Tattler, Feb. 8.

SIGNOR RUIZ.

Two of our daily contemporaries complain of the imprisonment of this individual, during the last four months, in this city, upon suit of Lewis Tappan and others, for an alleged imprisonment of Cinqua and others of the Amistad negroes. These papers pronounce this a “brutal incarceration,” in violation of the protection and hospitality due to “an unfortunate and persecuted foreigner, cast upon our shores.” They add that our authorities should investigate this case, and “with the consent of the followers,” and one of them intimates that unless the authorities move in the case, a public meeting should be called; in other words, the citizens should take the case extra judicially. But lest we should misunderstand our contemporaries, we quote its own language in the following extract:

“SIGNOR RUIZ,—A writer in the Express says: that Signor Ruiz, who has been incarcerated in the Egyptian catacombs four months, after having been robbed and nearly murdered by the pirates of the Amistad, was arrested at the suit of Lewis Tappan. Really, it is time that the community should come to some understanding with Mr. Tappan. He is doing the greatest injury to the character and credit of this city in his fanatic course—daring, audacious, and bold. No stronger case of false imprisonment exists than this; none more crying. And Signor Ruiz is set free from Havana according to the law with his property, in a Spanish vessel; his negroes, rise upon the crew, murder the captain and cook, rob the vessel, and nearly kill the owner. They are captured and brought in here; tried, liberated, and Tappan throws the owner in jail, on a pretended suit of false imprisonment of the chief pirate. Now, where is this to end? Before long, a citizen from the South will be arrested here and thrown into prison, on the oath of his servant, procured by the abolitionists. Unless the proper authorities move promptly in this affair of Signor Ruiz, inquire into his case, and liberate him, a public meeting ought to be called to take the matter in hand. Such proceedings would be scouted at in Turkey; why should they be tolerated here?”—E. C. Star.

The Star understands this subject correctly, let us examine it carefully and dispose of it coolly. The imprisonment of Signor Ruiz is to be regarded as a robbery of habeas corpus, and should be discharged upon sufficient evidence. He has a remedy against Mr. Tappan, or any other plaintiff in the suit upon which he was arrested, in an action for false imprisonment. Why has he not taken this step! As he is a citizen of Spain, and as a Spanish Minister resides near our seat of Federal government, and a Spanish Consul resides in our port, each of whom is to be supposed sincerely faithful in quiet duty, this patient imprisonment of four months, and this omission to apply for a habeas corpus, a writ always granted of right, seems a little extraordinary. We can explain them upon one hypothesis only, which is that Ruiz has consulted counsel upon the subject, and has been informed that as he detained the Amistad negroes in violation of their own laws, the laws of Spain and the laws of nations, he could not be discharged on habeas corpus, and must therefore await his trial upon Tappan’s or Cinqua’s action for false imprisonment. The Star asks the authorities to move in the case. What authorities? Our municipal authorities, Mayor, Common Council, and others have no jurisdiction over the case, and cannot move in it, excepting by issuing recommendations. These cases belong exclusively to the judicial court before which the action of Tappan or other plaintiff against Ruiz is pending, and to any court having power to bring up the defendant upon habeas corpus. So much for the authorities. A public meeting could do nothing but talk or talk; and we do not believe that our citizens are quite mad enough to violate their laws, for the forcible liberation of an individual now in the custody of his own laws, and whom the courts, the interpreters and administrators of those laws have the means and the disposition to protect from oppression.

The Star in error in saying that Ruiz sailed from Havana according to law. He violated the laws of Spain, by importing slaves from Africa into Spanish territory, and transporting them from one Spanish port to another. The negroes, in rising upon and killing the crew, recovered their own liberty, exercised a natural right, and did more than our friend of the Star would have done, if captured by the Algeciras; and therefore they are neither murderers nor pirates. The negroes were stolen from their own country by force and force, carried in slavery to a foreign country, and thus unlawfully deprived of the liberty which God gave them; and as the laws of New York provide a remedy for this injury, and as the laws of nations authorize a human being to prosecute a personal right in any country, a principle recognized by the laws of New York, the suit of Tappan and others against Ruiz, for false imprisonment, is substantial, and not pretended.

The Star asks, “Where is this to end?” We hope it will end in a better understanding of human rights, and in providing new guard for their future security,” as the Declaration of Independence says; for human rights are not well secured, when God’s rational, accommodating species can be forcibly carried from their own country, to be sold, like cattle in the shambles of another; and human rights are not very well understood, when such outrages upon them can be openly justified by editors of newspapers. The Star says that if this imprisonment of Ruiz is to be allowed, we shall soon see the citizens of the South arrested here, upon the oaths of their servants! And why not? If not, for such arrest not, is not it possible that the laws of nations authorize a human being to prosecute a personal right in any country, a principle recognized by the laws of New York, the suit of Tappan and others against Ruiz, for false imprisonment, is substantial, and not pretended.

The Star asks, “Where is this to end?” We doubt we will end in a better understanding of human rights, and in providing new guard for their future security,” as the Declaration of Independence says; for human rights are not very well secured, when God’s rational, accommodating species can be forcibly carried from their own country, to be sold, like cattle in the shambles of another; and human rights are not very well understood, when such outrages upon them can be openly justified by editors of newspapers. We have confidence enough in our laws and their administrators, to believe that no citizen of the South will be oppressed in this community; and in this state in very proud contrast with the southern states, where imprisonment, rob, beat and murder citizens of the free states, in defiance of all laws, State or Federal, upon mere suspicion, of their being abolitionists.
Talk to these men about returning to Havana if you wish to disturb and distress them; to kill every smile, silence every tongue, fill their hearts with deepest anxiety, extinguish all interest in learning and in every thing good, and you have done your work effectually.

They say, drawing their hand across their throat, "me, Havana go—learn Merica—no, no," i.e. If we are soon to be sent back to Havana, where we shall all have our throats cut: we do not wish to learn to read. Is it strange! The teacher endeavored to pacify and relieve them, as much as he could, by telling them, that they should not take them, and that he thought they would not be sent thither; that he and all their friends were doing what they could to prevent it, &c. &c. They seemed quieted in some measure, and left the room saying—"Good night—thank you—thank you—good, good," shaking hands as usual.

The succeeding day I visited them again, and had the pleasure of witnessing a scene very different from that of the preceding. Jinguia sat upon a bench, a circle of some six or eight were seated near him upon the floor, all with their books, and deeply engaged in reading. Ba-te, the half brother of Jinguia, was occupying a chair, probably acting as pro tempore teacher, being one of the best readers among them. As we entered the room the teacher paused, and looking around, exclaimed, "you don't go—good, good." All looked up, and with a burst of grateful emotion from every heart, they grasped the proffered hand of one they esteemed a friend.

I see I am making a long story of what you, and your readers will, perhaps, call a short subject—but I do wish that the feelings and character of these so-called "animals" might be known. How long must these men thus be confined! This subject to the most distressing fears! How long would they be, if they had first seen the grass grow, and heard the birds sing on a little island a little nearer the North Pole, and nearer the free land of their birth! Permit me to add, that the little girls are now separated from the men, and are dressed in a neat and comely manner. The men have good coats and pantaloons, and whatever ground may have existed for previous complaints, we think that now the friends of the captives will be satisfied in the disposition manifested, and arrangements made by the jailor and family for their welfare.

New Haven.

Yours, &c.,

B. E.

EMAN.

ANECDOTES OF THE CAPTURED AFRICANS.

A gentleman, who has frequently visited these unfortunate persons in the prison at New Haven, communicates the following particulars:

I was at the jail when the teacher came to commence his exercises with them in the afternoon. While ascending the stairs, and approaching their rooms, a stillness was remarked, so very uncommon, as to occasion some surprise. Entering, we found Jinguia laying upon his back, apparently asleep—others in like position awake, some sitting upon the benches, some upon the floor—all silent or speaking few words, these so low as not to be heard by us. We noticed particularly a man spirited, active, intelligent, deeply interested in learning, of an exceedingly amiable disposition; he was occupying a chair near the stove, apparently absorbed in deep, serious thought. The teacher paused a moment upon the threshold, and then said in a tone of cheerfulness, "Good afternoon. How do you do?"

All raised their eyes, and smiling even in their sadness, replied in turn, "Good afternoon Mr. ——" at the same time extending their hands. The sight of their friend seemed to give them pleasure, but the smile was clearly the manifestation of a momentary impression, while a deeper, more permanent feeling, of distressing anxiety oppressed the heart. How to account for such a state of things, we knew not then. The teacher took some six or eight of them into his room for instructions; there some subject appeared to call away their thoughts, and with the utmost difficulty was the ordinary interest awakened.

At the close of the exercise, Jinguia stated a fact that threw light upon the matter. His language was something like this, "Miss Polly," said he, addressing the teacher, "man say, Jinguia, Kim-ma, Kale, Fa-bun-na, all, Havana go." In answer to the question what he meant—he replied again in nearly the same words. Upon further investigation, I learned from another of the teachers that some human creature, a captain of a vessel I believe, but not a slave it is to be hoped, had visited them that morning in company with the jailor, manifesting no sympathy for them, and throwing out remarks like these—"This is great business—teaching these niggers—might as well teach monkeys—I suppose they will establish a college, when they get back to Africa," &c.

True, the captives could not understand these expressions but they could, and did understand, from the conduct and air of the man, that they had no favor to expect from him; and from the few words the meaning of which they did know, among which was doubleness, Havana, they concluded that their return was the subject of conversation, and that the man present was fitted to do the deed. This was the cause of the deep gloom that seemed to enshroud them all. Jinguia had probably laid himself down to meditate upon his situation and prospects. Sleep, the friend of the poor and wretched, came and closed his eyes, drawing the curtain of oblivion over the past, and sweeping away forebodings of the future.

Did these homes continue more the breeding them to play at loggias with them? Whole years.
The Amistad Prisoners.

Judge Thompson has decided the only question at present before him, viz: whether the district court can take cognizance of the subject matter that grows out of this case—in the affirmative; consequently the motion on the habeas corpus has been denied. The true question was, simply as to the right of the district court of Connecticut to take cognizance of the matter, and the low cunning of that arch-hypocrite, Lewis Tappan, has therefore failed of its intended effect. The abolitionists sought to elicit a discussion on the abstract subject of slavery in the district court, but Judge Thompson could only hear the matter discussed as one of constitutional law, and as a righteous judge he deliberated and decided. We hope the day is far distant when fanaticism will be permitted to invade the sanctuary of our courts. The other questions involved in this case remain for argument and decision at the sitting of the court in November, and in the meantime the prisoners will be made as comfortable as circumstances will admit in the gaol at Hartford. We perceive the abolitionists are at work with these simple creatures, determined, if possible, to make fanatics of them—they have made them a rare show long enough—and Lewis Tappan, who has become a penny-a-liner, is giving daily reports of the progress they make in their pantomimic exercises. If Lewis would only repeat to them the prayer he delivered in the session of the Broadway tabernacle on the night of his expulsion for contumacy, lying and slandering, the performances would be unique. That was one of the best specimens of impious impudence on record. By the way, we should like very much to see published a statement of the receipts and outgoings from the "sympathy" fund, that we may ascertain how much this same Lewis has drawn; and we should like, too, to know whether he is indemnified for the consequences of his slander on Lieut. Gedney. As he has such an insatiable love of notoriety, he may himself oblige us by publishing a reply under his own sign manual.

Important Movement in England.

It will be seen by the following article from the British Emancipator, of Nov. 13, that the British Cabinet have determined to interfere in regard to the Captives of the Amistad, Lord Palmerston having already referred the question to his law adviser as to "the mode" in which that interference could be "most properly and most effectually exercised." This will be a new difficulty in the way of our National Administration, perhaps quite as troublesome as the Bermuda cases, or even the N. E. Boundary.

On Saturday last a deputation from the British and Foreign Anti-Slavery Society waited, by appointment, on Lord Palmerston, to convey to his lordship the sentiments of that body respecting the recognition of Texas, and the treatment of the Africans captured in the Amistad. The deputation, consisting of the Secretary, Mr. Tredgold, with Messrs. Sebold, Stacey, Beaumont, and Hinton, were most courteously received. His lordship professed his unwillingness to do any thing by which the influence of Great Britain could become accessory to the extension or perpetuation of slavery, and his desire to give to the moral aspect of the recognition of Texas, which it was the special object of this deputation to press on his attention, the fullest consideration. The noble lord further stated that he had referred the case of the captured Africans to the Queen's Advocate, for his opinion as to the mode in which the interference of the British Government might be most properly and most effectually exercised."
The Africans of the Amistad—Resumed.

NO. VI.

Question 1. What are the precise propositions of points of law, applicable to the case of the Africans, that have been raised and urged in the foregoing queries?

Answer. FIRST: Conceding that the Africans are slaves, they are fugitives from slavery in the Island of Cuba, a Spanish possession—and such being the fact, no law of the land can restrain them of their liberty—the Constitution of the United States, laws of Congress, and treaties, making no provisions for such persons, and providing only for such as are escaped from one State into another. Second: Conceding still further that they may not be fugitives from slavery, but slaves brought here by their own foreign masters—in such case there is no law in this country, or in England, by which they can be held in restraint of their liberty, and by operation of law they are emancipated the moment they set foot on American or English soil. Third: The statute of the United States steps in and forbids the holding for a moment, as a slave, any person brought from a foreign kingdom or place, under heavy penalties. Fourth: There being now no law by which to continue the Africans in servitude; but, on the contrary, a law prohibiting their being held as slaves, the process by which they are held as property, operates a false imprisonment upon them. Fifth: The common law writ of Habeas Corpus is adequate to their case, when emanating from the proper court. Sixth: Articles sixth and ninth of the treaty with Spain cannot, by any fair and legitimate construction, apply to the Africans, considering the manner of their introduction and the character of the claim to them. Seventh: Their case is not such as comes within the provisions of the United States' statutes authorizing the President of the United States to send them back to Africa.

Question 2. Why are not the Federal Courts the proper tribunals, in which to adjudicate the case of the Africans of the Amistad?

Answer. Because all the proceedings in their case in these courts, are based on a claim of property—they are included in the marshall's inventory of the property or cargo charged with salvage—the question of the liberty of men is mixed up with one of salvage on ship and cargo, where there is no necessity for the same, and with which the friends of the Africans have nothing to do, and from which it is their duty to separate the case of the men in prison, if a separation can be had—a thing from the first easily attained, in the opinion of some who have given the subject consideration: as the case now stands and has stood, obstacles to a right and speedy disposition of the matter, must continue to exist; and while the unnatural and cunningly continued alliance of the two questions is suffered to remain, there will continue to be an imprisonment of the Africans, because an appeal on the one question of salvage alone, were there none on any other, would operate on the other question of liberty, as is already seen on reference to the late decision made at New Haven; for, although pronounced free by the Judge of the District Court, they are yet prisoners, as slaves, in the land of the free, the State of Connecticut, whose constitution, laws and judicial decisions, abhor slavery.

Question 3. Before what judicial tribunal, then, should the case of the Africans be brought, in order to give them a speedy decision of the same?

Answer. Before any one of the Courts of Record in the State of Connecticut, in term; or, before any judge thereof in vacation of term: the judicial power of the State of Connecticut, is abundantly adequate to the right disposi-
THE AMISTAD PRISONERS

The Africans, who have for some weeks past excited so much sympathy amongst the ladies of Connecticut and other eastern states, and merited sentimentality amongst certain old ladies in breaks of not only those states but of New York also, have been reconveyed to New Haven to await the ultimate decision of the court in November next. Jinguia was separated from the rest, and was despatched by the New Haven stage, seated by the side of the driver, who placed the reins in Jinguia's hands whenever he alighted, and no boy ever received them with more ardent gratification. He seemed delighted at the confidence reposed in him, and for the moment felt as free as his situation seemed to indicate. The whole of these Africans are now comfortably domiciled in convenient apartments of the hotel adjoining the jail, where they are fed and caressed daily by hundreds of visitors, whose curiosity is not in the least diminished. Jinguia, the Othello of the party, according to Lewis Tappan, it is pretty well ascertained, has been long engaged in the trade of bartering away his countrymen to the slave ships, and was at last himself made captive by Shars, another African slave dealer, for a failure on the part of Jinguia in a promised supply of negroes to complete a cargo. This may or may not be retributive justice; but at all events it is a fact which Lewis Tappan, with the dishonesty which characterizes all his addresses to the public, takes especial care to keep from the public eye, and for the good and valid reason that it might damage the interests of the "sympathy fund," from which Lewis Tappan can draw so liberally the means to gratify his love of notoriety.

We perceive that Signors Ruiz and Montes have published a narrative of their voyage and of the circumstances attending the piracy and murder on board the Amistad, in the Noticia de Ambos Mundos. The narrative commences with the sailing of the schooner from the port of Havana on the 28th June, bound for Guanaja, Princeipe, and terminates with their arrival at New London on 28th of August, but we cannot discover any facts in their recital that have not already been given to the public. We are disposed to view this publication as injudicious; for it is evident that, while they give to the public nothing new, there is an attempt to conceal some things to which the public feel entitled. So long as these gentlemen were silent, he public had no right to call upon them to go into the narrative of their own acts; but as they have volunteered a statement, it may be expected that they will not merely confine themselves to such facts as lend to fatten guile on the Africans. Signors Ruiz and Montes are studiously silent on the subject of the recent capture of the Africans; but it cannot be concealed that this is a circumstance that may elucidate the whole affair.

The narrative of the Africans themselves, may be expected soon to appear, for we are informed that at length two interpreters have been found who can communicate with them in their native tongue. John Ferry, the Kosti, who has acted as interpreter, hitherto could converse with them a little; but the two men included to are natives of the same tribe with the captives. They belong to the crew of the British brig Hazard, lying in this harbor, which vessel has long cruised on the coast of Africa. The captives exhibited unbounded pleasure at seeing and hearing two of their own countrymen, who could talk in their language, and they left their breakfast, at which they were seated when these men were introduced, and literally dragged the interpreters into the room, crowding round them, talking and shouting, and hugging each other in a transport of joy. If the narrative is given to the world as it will be, by the Africans by these interpreters, we may expect an interesting document; but if it is to pass through the hands of Lewis Tappan, the acting member of the self-constituted committee, it will be perfectly worthless, for truth will be made to give place to the "embellishments" of this modern Munchehausen. Lewis Tappan is wholly and essentially treacherous and deceitful; he has been branded as a wily falsifier of facts and as a common slanderer by the church with which he has connected himself since his apostacy from Humanitarianism; he has been convicted more recently of deceit, and falsehood, and slander, by his friend Garrison; he has likewise been proved equally guilty of the testimony of Professor Beecher, and a long list of other credible witnesses: and for his conduct on Tappan, Gedney, and other valiant officers on the United States Navy, he will be convicted and punished at no distant day. With the mass of evidence which we have before us, of this man's character, we repeat our conviction, that if the narrative of the Africans is to pass through his hands, it will be only valuable as waste paper, and perfectly worthless as a history of the transaction to which so much of the public attention has been directed. Another month only will elapse before the whole case will be given to the world, and until that period arrives, we must exercise the cardinal virtue of patience.

The lost boy found.—The colored lad, Sydney 0. Francis, who was sold in Virginia for $150 by Dickinson, has been safely restored to his parents and friends at Worcester, where his father is a respectable shoemaker. Shearer has confessed since his arrest and imprisonment, that he has followed the business of kidnapping for a number of years, and is connected with a gang of villains, whose organization extends from New England to Virginia. A young man by the name of Turner, not yet twenty years of age, has been arrested, at Palmer, as an accomplice, and it is presumed that Wilkinson, the individual to whom the boy was sold by Shearer, is, in fact, one of the conspirators in this damnable business. Another colored lad, by the name of Hazzard, of Lunenburg, in Worcester county, was also stolen—by the same rascals, no doubt—but has been recovered in the vicinity of Richmond, Virginia, and the man in whose possession he was found, has been arrested, as an accomplice of the kidnappers.
For the Emancipator.

Amistad Case—Circuit Court.

NEW HAVEN, April 29, 1840.

To the Committee on behalf of the Africans,—

The appeal from the decree of the District Judge, in the case of Jiqua and others, on the part of the minister of Spain, by the District Attorney of the United States, came up to-day before Judges Thompson and Judson. S. P. Staples and R. S. Baldwin, Esqrs., appeared for the Africans, and Ralph I. Ingersoll and W. A. Holabird, Esqrs., for Spanish minister alias U. S. government. Mr. Baldwin read a motion on behalf of the Africans [the appellants] that the court would dismiss the appeal, because the U. States do not claim any interest in the appellants, and have no right, either by the law of nations, or by the Constitution or laws of the U. S., to prosecute claims to property in behalf of the subjects of Spain, much less to enforce the claim of the subject of a foreign government to the persons of the appellants as the slaves of such foreign subject, under the circumstances of the case.

Mr. B. proceeded to read such parts of the record of the court below as were connected with the motion. After wards, he addressed the court at considerable length. He said, the claim of the Africans is made by them severally, claiming to be free, each being a human being, and therefore having a right to appear in court to maintain his own rights. Mr. B. explained the nature of the several labels. Ruiz and Montez, although they had not appeared lately in court, had not withdrawn their claims. The District Court had dismissed their labels with cost. They acquiesced. The U. S. government then, on behalf of the Spanish minister, undertakes to volunteer to come in and appeal. Mr. B. argued that this functionary had no right to interfere. He can appear only in a representative character when the party in interest is not present to represent his own interest. And he does not appear in the cause. He represents his case to the President, and he directs an appeal for the Spanish minister. The U. States ought not to appear except to befriend the Africans. While others are claiming them as property, it would be fitting that this government should interpose and claim that they are human beings. In the case of the Antelope, the United States government did interfere, but it was as the friends of the Africans—to liberate and not to enslave. The United States have not the slightest interest in the case. They are prosecuting the appeal for the sole benefit of the Spaniards after a most righteous decision of the District Court. The Spanish minister had no right to ask anything of the Executive, except that Ruiz and Montez should have all the rights the treaty gave them. The act of the Executive, in making itself the appellant, is against the fundamental principles of our government. They cannot say that slavery has a lawful existence as between themselves and a foreign government. They cannot impose their hands even on a fugitive slave to aid a foreign government in holding him.—There is nothing in the treaty between Spain and the United States, authorising our Executive to appear in this case at all. Mr. B. argued that the word property, in the treaty of 1795, did not mean slave. He quoted J. Q. Adams and Judge Drayton in proof of it.

Mr. Holabird, District Attorney, said he had full instructions from the Government. It was their right and duty to appear and claim that the property should be restored to the true proprietors in pursuance of the treaty. The claim of the Spanish minister obliges this government to investigate the matter, in order that the treaty may be fulfilled. This doctrine prevailed in the claim made on Great Britain by this government, relative to the slaves at Bermuda. He referred to the correspondence lately laid before Congress, relative to the Comet, Encumbrum and Enterprize, and to the fact that the British government had yielded the point as to the two first, and made ample compensation. He said the motion had come up suddenly, and he was not prepared to say anything further.

Mr. Ingersoll went into an examination of the treaty, and argued that it stipulated for a more speedy issue of cases than could be had in courts of law. The treaty imposed duties upon the government. It must be enforced. If our government refused, the Spanish minister would point them to the correspondence with Great Britain. He alluded to Mr. Calhoun's resolutions, that had passed the Senate of the United States. (Judge Thompson said they would have little weight with him.) Mr. I. wished to read them. Mr. Staples objected. The court sustained the objection, but said they might be referred to in argument, but not as authority binding on the court. Mr. I. said the constitution is based in part upon the relation of master and servant. Congress sits where slavery is tolerated. Slavery, he said; was recognised in almost every feature of the constitution.—Who aided in forming this government? Slaveholders.—Who led your revolutionary armies? A slaveholder. Who framed the Declaration of Independence? A slaveholder. Who was the man called by eminence the Father of the Constitution? A slaveholder. Who was it that recently dignified and adorned the Supreme Court of the U. States? John Marshall—a slaveholder. Mr. I. argued at length that slavery is recognised by this government. The gentleman on the other side says the word property in the treaty does not mean slave. Who signed that treaty? Washington—a slaveholder. Did not he suppose that the word property meant slave property? Both of the contracting parties used words in a sense understood by both of them—and recognised property in persons as well as in things. Slavery exists here as well as in Spain. The twelve Judges in England have decided that slaves are included in the word merchandise. Slavery exists now in Connecticut, and is recognised by our laws. All cases previous to 1784 are still slaves.—He, when a boy, had seen a family of negroes sold in New Haven. And slaves might be taken now and sold on execution in the State of Connecticut.

Judge Thompson said the question was a new and unexpected one to him. He would examine it. Meantime he would state some difficulties that existed in his own mind in order that Mr. Ingersoll might remove them, although he did not mean to prejudge the case. The U. S. in the event have appealed, and no other party. The party who has a right to appeal must have an interest in the case. What is the interest then of the U. States? It would seem that they have no other interest than to be enabled to comply in good faith with the treaty. Now then, what is the impediment imposed by this decree of the District Judge to the United States carrying the treaty into effect? The court decreed that the Africans should be put into the hands of the Executive. What difficulty has the President in executing the treaty, if he has the property? [The Judge seemed to forget that the court below put the Africans into the hands of the President, not as property, but as men—to be returned to their native land.]

Mr. Ingersoll said that the President, if he receives these men, must execute the decree of the District Court, and cannot put them into the hands of Spain.

Judge Thompson said that according to the gentlemen's argument, if the President can execute the treaty under the
The court adjourned to to-morrow, 9 o'clock. It would seem that the appeal must be dismissed, and the decree of the District Court stand. This will have to decide the case finally in any event, for an appeal to the Supreme Court of the U. S. cannot lie when the amount of property in dispute is less than two thousand dollars. The appellees appear generally, and neither of them would be valued, even by the Spaniards, especially in these hard money times, so high as $2000.

Yours very truly.

Lewis Tappan.

For the Express.

DISPOSITION OF THE AMISTAD CASE.

New Haven, April 30th, 1849.

To the Committee on behalf of the Africans.

When I wrote yesterday, a strong belief was expressed that Judge Thompson would dismiss the appeal made by the Government of the U. S., on the demand of the Spanish Minister. He has not done so, however, as you will see by the following report of the proceedings in court to-day.

Allusion having been made yesterday, by Mr. Ingerson, to the vote of Mr. Baldwin's father, in Congress, some 35 years ago, against the instant abolition of slavery, Mr. B. took occasion, at the opening of the court, to explain the matter, in vindication of his father and the rest of the Connecticut delegation. The question was on a resolution that a system of gradual emancipation be adopted in the District of Columbia. Northern members voted against it, lest they should be accused, and justly too, of voting for slaves until the term had expired.

Mr. Ingerson said he would send for the Journal of Congress. He knew what the votes were, but he could not know the motives of the voters.

Judge Thompson proceeded to give the opinion of the court on the motion of yesterday, in substance as follows: The specific motion now before this court is on the application to dismiss this appeal on the ground that the United States having no interest or right in the subject matter of the appeal. It is not necessary to wait for journals of Congress—it is matter of notoriety that upon this subject of Slavery, there is a great diversity of opinion. But it is followed, however, that the Constitution embraces in its provisions this subject, which was a matter of compromise with its framers. Still the people of the Northern States entertain a different view of it from the Southern States, and the free States have been embarrassed with the subject from the beginning of the government. The constitution contemplates the rights of holding certain persons in slavery, and now, who are opposed to Slavery, have been obliged to preserve that Constitution, ought not to be the first to violate it. We should ascertain what its provisions are and carry them into effect. And it will not do to say that the union of master and slave do not exist in our courts. But this question is not at all involved in the present motion.

The true question is, should the Circuit Court enter the hearing of this case. It is said that it has been irregularly brought here. It must be confessed that the question is attended with much perplexity and difficulty. I felt embarrassed by it, but I have, after giving the subject as much attention as was possible since the adjournment of yesterday, come to the conclusion that it is inexpedient for the court to dismiss the appeal. I am to assume that the District Attorney is acting under the authority of the government of the United States. So far as the government has a right to intimate its intentions, it must be done through the District Attorney. Government has no right to dictate to the courts. But as, under the peculiar circumstances of the case—and as government have an interest in it, and they have a right to intimate or suggest to the District Attorney. The last claim made at the instance of the government is not included in the libel of Ruiz and Montez, and it seems to have been made because it was thought it might be useful in substantiating the subject, that the government is obliged, under the treaty, to restore them to the Spaniards.

I must consider, for the present, that these Africans are claimed to belong to Spanish subjects, and that this property is in the custody of the law and at the disposal of the courts of the United States. The case is not equitably situated from what it would have been had the Spanish minister in the first instance claimed the Africans under the treaty, but the subject of this, they were libelled by the captors, if you please to call them so, for salvage. Then, the President of the United States, as he had a right to do while the property is in the custody of the law, proceeds the inquiry to ascertain if he has been libelled. And then up under the treaty with Spain. The last claim
is a libel filed by order of the government, at the instance of the Spanish minister, to ascertain if this is property that ought to be restored by this government to the government of Spain. [See the counsel referring to the treaty of 1821, for precedents concerning the said property, and how the government of the United States can prosecute this for the purpose of ascertaining whether the Americans ought to be given up under the treaty. But, I say, the government of the United States should be satisfied that the law directing the government of the United States to give up these people to Spain is a just one, and one by which they can properly be relieved.]

The District Judge has made a decision, but there is a difference of opinion between the President and the District Judge as to what the Secretary of State should have been told by the Secretary of State, you have gone into our courts, and you are not satisfied with the decision of the District Judge, you can appeal to a higher court. But that is the situation in the case. The appeal has actually been made by either Ruiz and Montez or the Spanish minister. The true question, after all, is, have the government of the United States, at any time, established what they can properly, and make a suggestion that this case be carried up for further inquiry? I feel satisfied that if the government have a different opinion from the Judge, they have a right to a further examination of the question, and to direct another Judge, which the Executive can control the opinion of this court on the subject of entertaining this appeal. This court ought to sustain the appeal to enable the Supreme Court of the United States to determine the question. And this is the only way in which this whole subject can be disposed of most expeditiously. If I should dismiss the appeal on this motion, the District Attorney will appeal from my decision to the Supreme Court of the United States, and I shall be of opinion that my decision was erroneous, they will remand the case for further inquiry. In this way it would take probably two years instead of being decided in my judgment had. I therefore think it most expedient and best to, under all the circumstances of the case, that the appeal be entertained.

The facts ascertained before the District Court, with such further facts as may be proved, may go up together to the Supreme Court, who will decide upon the right of appeal and the rights of the case. This Court will hold a term next September, and the counsel on both sides previously agreeing to the case may be made up in due form. In this view of the case, it seems to me that it will be useless to take up a great deal of time. Without going into the merits of the case, or giving my opinion as to the points embraced in the opinion of the District Judge, I can say, in conclusion, concur with him, and the whole question go up to final decision to the Court above. The question, as it now stands, is between the government of the United States, being between the two governments, an affair that goes to the very heart of the treaty, and the United States Government, and, if the treaty was signed in good faith, that it be submitted to the highest judicial tribunal. At any rate it must go there under any circumstances whatever. I shall therefore continue the cause to the next term, when the counsel have time, and meantime the decree of the District Court will be affirmed. A statement of facts can be prepared by the counsel on both sides. The affinities can be entered at the next term.

Mr. Baldwin said he had received a letter from Mr. Forreth in which it is merely stated that the case is committed to the District Attorney, to see that the rights of the U. S. are protected. Mr. Helabird said he had no appeal. Mr. Baldwin requested the instructions might be some. Judge Thompson said he did not know Mr. Baldwin had a right to demand the reading of the instructions. He felt bound to receive the attorney's allegations that they are not in order and that the government of Spain, and the government of the United States, must decide respectively of the instructions. Judge T. said certainly — but being in doubt I can decide upon the suggestion of the executive.

It appears that the copy is not given up under the treaty. In 1821 President Monroe communicated certain facts to Congress relative to the slave trade, in which was a letter from Don Luis de la Cueva, who said that he had no doubt whatever that the copy of Wheaton's copy was in a correct case, but there was no necessity in deciding the point now, and he supposed the other side would not object to the correction of the copy. Mr. Staples and Mr. Forreth hold that the treaty is in the hands of the Department. Mr. Holbrook said he had no instructions to admit the copy in Wheaton. Judge T. said you will be prejudiced from making this appeal now, as it was waived in the Court below. The record did note show that any objection was made, and I shall not consider it. Mr. Ingersoll said there is a misunderstanding as to what took place in the District Court on the subject. The Court said in a copy of the United States in the court, and that the copy was in the appendix of Wheaton, but no admission was made as to its authenticity. Judge T. remarked it was found as a fact to which no objection was made. The Court will decide this sufficient if the record does not show that an objection was made. The facts must stand as found, but the cause is open to other evidence. Mr. Ingersoll said that the copy was not affixed to the record specifically, though the fact may have been found. The judge before the final decision, and supposed the copy was specifically alluded to. Let the whole finding be read. It appeared that the copy was not definitely named. The Judge said, if the counsel cannot agree as to the facts now, they may perhaps agree before the September term.

Mr. Staples addressed the court respecting the situation of the Africans — the danger that close confinement during the summer would be of serious injury to them. And it was desirable that the case be given at least at least let out on bail. Judge T. said, "They are not now before me at all. The appeal is not before the Circuit Court. It is postponed to next term, and is now before the District Court." Mr. Staples said, "The appeal is here." Judge T. said, "The cause is here, if the counsel so consent. The Africans cannot be appraised as property, but the course may require sufficient security; though I think there is a sufficient arrangement to be made at Washington between the Spanish minister and the Government. I should feel some difficulty in ordering them out on bail. It is a singular case, and one encompassed with difficulties. The Africans are not disqualified with their confinement; from what has been said, they have not been given up to be let out of prison. They are now in the custody of the law, and it is true the court can place them in a situation where they will be comfortable, and it is well that they are cruelly treated; although the court must, in this stage of the proceedings, consider them as property, as persons to whom no one has a claim." Mr. Staples asked, if they were Frenchmen, whether the court would not allow them to be let out on bail? "Certainly," said the Judge, "they would be released, not by the habeas corpus, but under the laws of the United States. These Africans must now stand in the place of any other Africans, and have been so held in custody, that however has instructions in the case may be, sitting here as a Judge, I must recognize that the laws of this country do admit the right of property in men."

The Court adjourned to the afternoon. Application was then made to the three girls and boy who had expressed a wish to be released from the prison — and it was stated that they had each declared that they should be glad to leave the prison and go into private families. J. Udall, secretary, that to respectable families in New Haven, had offered to re-
The Captives of the Amistad.

Mr. Lewis Tappan, on behalf of the Committee for the African Captives, has again gone to New Haven, to attend the trial before the U. S. Circuit Court, for the District of Connecticut—cheerfully making the sacrifice which every one knows must be involved in the absence of a merchant from his business at so critical a period as the present.

By the kindness of the Hon. S. M. Gates, we are put in possession of a copy of the correspondence on the subject, just communicated to Congress by the President, in compliance with a resolution offered by Mr. John Quincy Adams. It is a pamphlet of 60 pages, and contains, according to the declaration of Secretary Forsyth, all the correspondence on the subject, except some recent letters respecting testimony to be used at the present trial. To have communicated that, would doubtless have enabled the Africans to make use of it, and would have presented the Government of the republic as standing neutral in the great issue between liberty and slavery; a position too unnatural to be thought of. We have given the whole pamphlet a cursory perusal, and find in it new and most humiliating evidence of the eager desire of the Federal Executive, and all its functionaries, to subject those friendless negroes to the mercies of Cuban justice.

Mr. Calderon, the late Spanish minister, in his first application to the President, Sept. 6, speaks of the Amistad as "laden with sordid merchandize, AND with 53 negro slaves on board," and claims that the negroes should be "sent to be tried by the proper tribunal," under Spanish law, and that in the mean time, they be kept in safe custody, in order to prevent evasion." He says the alleged crimes, if unpunished, "will endanger the internal tranquillity of the island of Cuba, where the citizens of the United States not only carry on a considerable trade, but where they possess territorial properties which they cultivate, with the labor of AF RICAN slaves." He makes no claim of the negroes as property. Mr. Forsyth, in his reply, Sept. 23, asks for authentic documents or evidence of facts in the case, which it does not appear that the Spanish minister ever thought proper to furnish.

A letter of Chevalier de Argaiz, the present minister, dated Oct. 30, proposing a speedy surrender of the schooner as "well as her cargo," on the ground that they are damageable by delay, says such delivery is not "in any way connected with the principal question as yet remaining unsettled by the cabinet, relative to the negroes found on board." In a letter of Nov. 26, complaining of the delay of the trial, M. de Argaiz says, that "the public vengeance has not been satisfied, for it is recollected that the legation of Spain does not demand the delivery of slaves, but of ASSASSINS"—and "the dignity of the Spanish nation has thus been offended!"—See page 21.

Mr. Forsyth, in his reply, dated Dec. 12, "does not perceive the utility of combating" the Spaniard's arguments, and says that "such delay is not uncommon in the proceedings of governments desirous of taking equal justice as the guide of their actions," and avers with considerable spirit that it is by no means "such procrastination as it has been the lot of the U. S. frequency to encounter in their intercourse with the government of Spain." He however declares that the "sympathetic feeling" for Montes and Ruiz, which actuated Gen. Gedney to rescue them, "subsequently became as it were, national!" He also, (im pertinentiy, as it appears to us,) charges the suits of the Africans against Ruiz in this city, as a "repetitious detention," and says that "the wretched persons who can be shown to be parties to his imprisonments, are answerable to him by the laws of the country." And M.
Mr. Forsyth, in reply, Sept. 11, aver, in the face of the document, that the Spanish minister had claimed "the vessel, cargo, AND blacks, as Spanish property," and directs Mr. Attorney to "take care that no proceeding of your circuit court, or of any other judicial tribunal, places the vessel, cargo, or slaves, beyond the control of the Federal Executive." On Nov. 5, Mr. Holabird writes that, as a final decision was soon to be had, "if there is any action to be had on the part of the government, with reference to the blacks, it is important that we be informed, either officially or unofficially, before the session of the court." Nov. 14, he asks for leave to employ assistant counsel, as his health was feeble, and "if the matter is not disposed of by the Executive before our court sits, much is to be done." Yet, in the official opinion of the Attorney General, which is among the documents, and which we presume to be the article "confidentially communicated to the Spanish minister on the 19th of Nov.," that officer assumes, as the basis of his opinion, that the Amistad's "cargo consisted of merchandise and slaves," that the papers are to be considered as conclusively evidencing that these negroes were slaves, and "establishing a right of ownership to the negroes in question, in the persons in whose behalf the minister of Spain has made a demand," and that the only inquiry for the U. S. government is, "What is to be done with the vessel and cargo, the negroes being a part of the latter." He therefore advises that "the vessel and cargo should be restored entire," and thinks the proper course to be, "for the President of the United States to issue his order, directed to the marshal in whose custody the vessel and cargo are, to deliver them" to the Spanish minister.

It will be recollected that the trial in November was adjourned to January 10, in consequence of the sickness of Covey, a witness and interpreter. Jan. 6, Mr. Forsyth informs Mr. Holabird that the President has, agreeably to your suggestion, taken in connexion with the request of the Spanish minister, ordered a vessel to be in readiness to receive the negroes from the custody of the marshal as soon as their delivery shall have been ordered by the court. The memorandum from the Department of State to the Secretary of the Navy, dated January 2, directs "the vessel destined to convey the negroes of the Amistad to Cuba, to be ordered to anchor off the port of New Haven, as early as the 10th of January," and to "be in readiness to receive said negroes under "instructions to be hereafter transmitted," and "these orders should be given with special instructions that they are not to be communicated to any one." The U. S. schooner Grampus, Lieut. Paine, is ordered for this service by the Secretary of the Navy, and Secretary Forsyth directs him "to place himself in communication" with Mr. Holabird, "to whom corresponding instructions have been given," so that "he may receive the earliest information of the decision of the court, and advise with him as to the best mode of carrying it into effect."

Jan 11, Mr. Holabird writes by express to the Secretary of State, for the correction of an error in the direction of the Executive warrant for the delivery of the negroes, as "should the pretended friends of the negroes obtain a writ of habeas corpus, the marshal could not justify under that warrant." He also inquires whether "it is expected the Executive warrant will be executed by the marshal," in the event of decree by the court requiring him to release them, or in case of an appeal by the adverse party." In reply, Jan. 12, the Secretary says, "If the decision of the court is such as is anticipated, the order of the President is to be carried into execution, unless an appeal shall actually have been interposed. You are not to take it for GRANTED THAT IT WILL BE INTERPOSED!"

In other words, he was to take measures, if possible, to get the negroes on board the Grampus before there should be time to enter the appeal. That such was the design of all this arrangement, there can be no doubt on the mind of any reasonable person. The Secretary goes on, "And if, on the contrary, the decision of the court is different, you are to take out an appeal, and allow things to remain as they are until the appeal shall have been decided." On the 17th, the Secretary, having learned the decision of the court, specifically directs the Attorney to "take the necessary means to carry the case, by appeal, to the court of last resort."

In looking back over the history of this case, as now first developed in the pamphlet before us, we are amazed at the reckless eagerness displayed by our republican functionaries, to get their hands dipped in the blood of these injured and innocent Africans. And we shudder as we contemplate the numerous escapes so providentially effected for these strangers, from the most imminent perils, through the divine blessing upon the foresight, the promptness and the energy of the Committee and their excellent counsel. And this Committee are now proscribed and hunted down by the friends of the slave, because while occupied with such cares and labors, they have not seen fit to expend their energies in denouncing and persecuting their abolition brethren for not yielding due deference to a self-constituted and irresponsible "Grand Organ." We bless God that whatever may become of the Committee, the Africans have been saved so far, and we cannot but hope that the present exposure of the disposition of our Government, for which humanity is deeply indebted to the vigilance of John Quincy Adams, will arrest the attention of the people of the United States, and open their eyes to see the depths of infamy to which they are hastening through the subserviency of our rulers to the behests of slavery.

We respectfully ask the present respected conductor of the Pennsylvania Freeman to say whether he now thinks we did President Van Buren injustice in speaking of his known anxiety for the surrender of these Africans to the Spanish Government. And whether the cruelty of this manifest wish is not rendered doubly revolting by the attempt to hide the real character of the proceeding under the pretext that they are to be surrendered under the treaty, as property. And we ask a distinguished Senator of the United States, whose letter we lately saw, whether, on examining of this correspondence, he still believes that the President is anxious to have the Africans set at liberty. And we ask the people of Connecticut to judge of the impartiality and justice of the District Attorney, on whose "suggestion" the ingenious scheme was adopted by Secretary Forsyth, of hurrying the Africans on board of an armed schooner before there should be time for an appeal. As no such "suggestion" appears in the correspondence, and the Secretary says all the correspondence is communicated, we infer that Mr. Holabird must have taken a journey to Washington to settle this most humane device by personal conference with the cabinet. Justice will not sleep forever.
From the New Haven Herald.

EXTRAORDINARY PROCEEDINGS.

The American people will learn with astonishment, from the recent disclosure made in every administration, on the call of the House of Representatives, of their proceedings in relation to the Africans of the Amistad, that the District Attorney of the United States for the District of New York, was actually "designed by the President to put himself in communication with Ruiz and Montes," who were arrested on private suits for damages, brought by the victims of their oppression, Cinquez and others, before the State tribunals of New York, "and to offer them his advice, and his aid if necessary, as to any measure which it might be proper for them to take to obtain their release, and any indemnity to which, under our laws, they might be entitled for their arrest and detention." This offer to Ruiz, of the advice and assistance of the District Attorney, is declared by Mr. Forsyth, the Secretary of State, to be "a favor—an entirely gratuitous one—since it was not the province of the United States to interfere in a private litigation between subjects of a foreign State." Let it be remembered that in relation to the plaintiffs in the suit in which the President of the United States, REPRESENTING THE AMERICAN PEOPLE, is thus gratuitously offering aid to Ruiz and Montes, the following fact has been JUDICALLY FOUND by the District Court, viz:—"That they and each of them are natives of Africa, and were born free, and ever since have been, and STILL ARE FREE AND NOT SLAVES; that they were never domiciled in the Island of Cuba, or in the dominions of the Queen of Spain, or subject to the laws thereof; that they were kidnapped in their native country, and were, in violation of their own rights and of the laws of Spain prohibiting the African slave trade, imported into the Island of Cuba, about the 12th of June, 1839, and were there unlawfully held and transferred to Ruiz and Montes, and were, within 15 days after their arrival in the Island of Cuba, put on board of the Amistad, to be transported to some port in the Island of Cuba, and there unlawfully held as slaves." And yet the Government of the United States, the government pledged by the Treaty of Ghent "to use their best endeavors to promote the entire abolition of the slave trade," which is declared by the Treaty to be "irreconcilable with the principles of humanity and justice"—is volunteering its aid in behalf of the slave traders, and using its power and influence to rivet still more firmly the chains of their victims!!! And as if this was not enough to manifest the sympathy of the Government for the slave traders, the United States Schooner Grampus was actually despatched to New Haven, by order of the President, in anticipation of the decree of the District Judge, with a warrant to the Marshal to deliver up the Africans to Lieut. Paine, for the purpose of being transported in a national vessel to Cuba. This warrant was dated the 7th of Jan. 1840, and signed by the President himself.

MONIES REC'D FOR THE AMISTAD CAPTIVES.

The subscribers acknowledge the receipt of One Hundred Dollars from the lands of Charles Stuart, as the commencement of a new fund in aid of their unfortunate persons. And they take this opportunity to make a new appeal to the friends of humanity and the rights of man, to contribute the means of prosecuting the claims of Cinquez and his companions to liberty, in the courts of this country. Lewis Tappan is Treasurer of this fund, and monies can be sent to him at 122 Pearl st. or 131 Nassau st.

S. S. Jocelyn, Committee.

Joshua Leavitt, Lewis Tappan.

Also $10 from Mrs. Roger Minot Sherman, of Fairfield, Conn. From J. Lybrand, Esq. New Mexico, Wisconsin Territory, by J. G. Whittier, $10.

Notice of James Covey, the Interpreter.

The name of James Covey, the interpreter for the captured Africans of the Amistad, has appeared in our public prints, and deserves to be better known.

James C. is apparently about 19 years of age. He was born at Ben-de-ri, in the Men-die country, and thus became familiar with the Men-die language. His father was of Kon-no descent, and his mother Gis-si. The Men-die country is more commonly called Lo-go-ba, and the people Kos-sos. The Kos-sos are called Conedes, on Ashmun's map of Liberia. Gis-si, is called Kissi in books. Most of the Amistad captives are Men-die, or Kos-sos; a few of them are Kon-noa; and one of them has visited Gis-si. Our interpreter is thus allied to the captives in several ways.

Covey's parents removed, when he was very young, to Go-la-hung, in the same Men-die country. He was taken in the evening from his parents' house by Baw-kai, a Men-die, aided by two other persons, who carried him to the Bulom country, and sold him as a slave to Ba-yi-mi, king of the Buloms, who resided at Ma-ni. Ba-yi-mi sold him to Anglet, a Portuguese at Yile, close to Ma-ni, in the Bulom country, who carried him, and some 2 or 300 others, to Lom-bo-ko, for the purpose of being transported to America.

He lived with Baw-kai two days; with Ba-yi-mi, three years, being employed to plant rice for the wife of Ba-yi-mi, who treated him with great kindness; with Anglet two months, viz: one month at Te-ilo, and one month at Lom-bo-ko.

About four days out from Lom-bo-ko, the Portuguese slave-ship, with Covey on board, was taken by a British armed vessel, and carried to Sierra Leone. Covey thus obtained his freedom. He remained at this place five or six years, during which time he was taught in the schools of the Church Missionary Society, to read and write the English language, to repeat the Lord's Prayer, Creed, and Catechisms, and to understand the elementary principles of religion and morals.

The towns and rivers in the Men-die country which he speaks of, have been mentioned in an article in the American Journal of Science.

The towns in the Bulom country which he had visited, are Ma-ni, the largest; Hang-hu, Yi-le, Bama-ni and Ban-da-kaw, all on the river Se-wa. The king of Bulom, named Ba-yi-mi, or Yim-te-ke, is now dead, and has been succeeded by his son Ba-hai.

He speaks of Lom-bo-ko, Te-ilo, and Kuu-ma-shu, as separate islets in the Vai country, at the mouth of the river Mo-a, which is the Gallinas, or some adjacent river.

The towns in the colony of Sierra Leone, he mentions as just as they are found in our works on Geography.

His name, Covey, is formed from his original African name, Kaw-we-li, which signifies in Men-die, war road; i.e. a road dangerous to pass for fear of being taken captive. This circumstance exhibits, in a striking light, the unhappy state of his country, and reminds us of the unquiet times of the Hebrew Judges, when "the highways were uncrowded, and the travellers walked through by-ways."
His Christian name, James, was given him by Rev. J. W. Weeks, a Missionary of the Church Missionary Society at Sierra Leone, who was his instructor, and is remembered by him with gratitude and esteem.

At Sierra Leone, he entered on board the British brig of war, Beeck, in which he continued about a year; but, meeting with an injury, he was left in the hospital at Sierra Leone. After some months, he recovered and enlisted, Nov. 1838, as a sailor, on board the British brig of war Buzzard, commanded by Capt. Fitzgerald.

It was on board the Buzzard, in Oct. 1839, amidst twenty native Africans, that James C. was found by a gentleman who visited the vessel at the request of the Committee for the Amistad Africans. The kindness with which Capt. F. met the wishes of the Committee, and relinquished the services of Covey, deserves their warmest gratitude.

James was immediately brought to New Haven. It was a remarkable coincidence that he should speak the language of so many of the captives, and that he should have sailed from the same port or place in Africa, from which they had been brought as slaves.

Covey has been of great service to the Africans. Through him they have made known their wants. He has aided the instructors in their daily tasks; and above all, he has served as an interpreter, whenever, from Sabbath to Sabbath, the simple, but important truths of the Christian religion, were communicated to them by their religious teachers. His knowledge of the Mendi appeared at first to have been partially forgotten by disuse, but by intercourse with the prisoners, he has acquired all the facility which could be desired.

James is intelligent in matters which he may be fairly expected to know. His English is not the English of refined society, but has been formed in a mixed circle of seamen, partly Africans of different tribes, and partly uneducated Englishmen, with whom he has been conversant. He has no grammatical knowledge, either of English or of his native tongue. What he knows is rather instinctive, of the result of those secret laws which are operated alike on the African and the European mind. To converse freely with such a mind is attended with considerable difficulty.

The situation of Covey has been trying in several respects. He was left alone, though with his own consent, in a land of strangers, to be the organ of communication between the Africans of the Amistad and the judges who should decide their case. He has acted in our courts as interpreter for hours together, and has been subjected to the rude treatment, which, however, well disposed he may be, naturally arises from the warmth and zeal of the contending parties.

Though young, and exposed to the natural dangers of that period of life, he has sustained, so far as I can learn by careful inquiry, a fair moral character. He bears in the family of Mr. Bishop, a colored minister of the Methodist persuasion, who watches over him with paternal care. James is disposed to attend religious worship, and to read simple, but serious books.

The case of the Amistad is still pending. It remains for our higher courts to decide, whether native born Africans, who owe no allegiance to Spanish or American municipal law, except what is contracted in the soul air of the slave ship, the barracoons, and the county jail, shall be regarded as outlaws in the community of nations, and excluded from the benefits which the international laws of Christendom, are intended to secure, or whether, though aliens and foreigners, they shall be entitled to the common offices of humanity, and protected from the yoke of the oppressor from whom they had escaped. But whatever may be the result, James Covey will ever be remembered by the Africans of the Amistad with interest and affection.

**AMISTAD CASE—FREEMEN, AWAKE!**

On a resolution of Hon. J. Q. Adams, the President communicated the correspondence between the Secretary of State and the Spanish Minister, the Counsel of Ruiz and Montez, &c. &c. It is a remarkable pamphlet, being "Pub. Doc. No. 185." We learn that in half an hour after they were deposited in the Document Room at the Capitol, they had all disappeared! Members of Congress could not then supply themselves. Whether the whole edition was eagerly dispatched to their constituents, or were destroyed by slaveholding members, is not made clear. It is proposed to publish a second edition in this city, for the purpose of supplying members of Congress who could not obtain a copy for their own perusal or to send to a constituent. It is now in the press, and will be ready for sale on Tuesday next.

This pamphlet ought to be read by every man in the nation. It discloses a strike for despotism, that, when known to the freemen of the country, will do more to upset the present administration than all the hard cider on the continent. The government have attempted to OVERawe THE JUDICIARY in the most open and unprecedented manner for the purpose of having the poor Africans sent to Cuba to be hung! and this on the demand of the Spanish Minister.

Let the facts contained in this public document be extensively read and pondered by the people of the United States. The liberty and lives of 36 men and children, whose only crime is, they made a bold strike for liberty, are in peril, and what is more, the rights of man are jeopardized by a government that is doing all it can to aid in the murder of these THIRTY-SIX defenceless Africans. Freemen, awake!!
MR. ADAMS'S RESOLUTIONS.

Our readers will remember that the Hon. John Quincy Adams
submitted, May 25th, in the House of Representatives in the
Congress of the United States, some resolutions relating to the
Africans contained in the Amistad. Objections were made to receiving
the resolutions, and Mr. Adams moved to suspend the rules in order to
make the motion; but the House refused to suspend the rules, and Mr. Adams was not allowed to make this motion. The following are the resolutions:

Resolved, That the Circuit Court of the United States within the District of Connecticut, having decided that the Africans captured in the Amistad were not amenable to itself or any other Court of the United States for trial of the crimes of piracy and murder committed on the high seas, upon the charge of which against them they were then captured by Lieutenant Gedney, an executive officer in the service of the United States, and brought before the said Circuit Court, there exists within the United States no lawful authority to hold the said Africans in captivity within the said State of Connecticut; and all detention or imprisonment of their persons within the said State, without charge against them of any offence against the laws of the United States or of the said State, is unlawful, arbitrary, and oppressive.

Resolved, That the President of the United States possesses no lawful authority to detain, as captives or prisoners, the said Africans or any of them, or to authorize the detention or imprisonment of them or any of them by any officer or officers of the United States, whether civil or military, executive or judicial.

Resolved, That there exists no obligation, either in the law of nations or by any treaty stipulation between the United States and Spain, by which the President of the United States can be required or is authorized to cause the said Africans to be delivered up to the disposal of the Diplomatic Representative of Spain, or to any officer of any foreign Government in the United States.

Resolved, That the Committee on the Judiciary be instructed to inquire into the expediency of so far amending the laws of the United States for the punishment of crimes, as to confer upon the Courts of the United States, of the Union, full power to take cognizance of, try, and adjudicate, in conformity with the laws of nations, all charges against persons accused of the crimes of piracy and murder committed on the high seas in vessels and by subjects or citizens of any nation foreign to the United States, whenever any such person or persons charged with the commission of the said crimes, or either of them, may be found or lawfully brought within the jurisdiction of the United States.

Mr. Gallatin when U. S. Minister at the French court, in 1817, made application to that Government to have Lemolgot detained in prison at Vannes, and who was supposed to have participated in an act of piracy committed by him in the crew of the American schooner Plattsburg, on her voyage from Baltimore to the Levant, and was both to be sent to the United States for trial. After considerable correspondence with the Duke de Richelieu, Mr. Gallatin desired, as the French Minister, on behalf of his Government, refused to surrender Lemolgot, on the ground that no convention existed between France and the United States for the surrender of malefactors, and such persons could not be surrendered, except in cases where the American Government would engage to act with perfect reciprocity under analogous circumstances, which Mr. Gallatin informed him could not then legally be done. Mr. Adams is well acquainted with the facts in this case, as he was Secretary of State at the time. Our readers will not fail to observe that Mr. Adams, than whom no man on earth is probably better acquainted with the laws of nations and treaty stipulations, gives it as his deliberate opinion, in the above resolutions, that the Africans are held without any lawful authority whatever!

AFRICANS TAKEN IN THE AMISTAD.

This interesting group of thirty-six men and children remain in jail at New Haven, in custody of the Marshal for the District of Connecticut. They are treated kindly, and are indulged occasionally, with the opportunity of taking the air. Daily instruction is given them by some of the students in the Theological Seminary, and Divine service is held every Lord's day in the prison. The Africans have made satisfactory improvement in reading and speaking the English language, though, if they had been more separated their progress would have been more rapid. Their conduct is represented as having been exemplary; their pagan manners and habits have gradually given way to the manners and usages of civilized life; and hopes are entertained that they have some right apprehension of spiritual things. There are many persons who believe that a writ of Habeas Corpus would be granted before the Judges of the State Court to bring up the bodies of these unfortunate men, and that the Judges would not allow them to be taken to the United States for trial, but would have them discharged on the ground that they had been improperly detained. This is a species of habeas corpus, as the word is used in a legal sense, and courts of chancery have no jurisdiction in criminal cases. The case of the schooner Plattsburg, on her voyage from Baltimore to the Leeward Islands, was not necessary to forgive a word not found in the original permit, but the word "ladinos," thus showing that the word "ladinos" was used in a technical sense. In all this however, there is no necessity to suppose that the Africans are being illegally detained, for the word "ladinos" may be found in the original permit, but only with the word "negros" inserted in both the permit of Monte and Ruiz, is not in the original passport at all, but only "ladinos," thus showing that the word "ladinos" was used in a technical sense.

The Hon. John Quincy Adams, in answer to whose resolution the documents were communicated to Congress by the President of the United States, has since introduced resolutions in his place setting forth that the Africans are illegally detained. This point has also been ingeniously argued in the newspapers of this city, by a legal gentleman, who has distinguished himself, not only as an able but a successful advocate for the oppressed. He contends that the United States Courts never had legal possession of the Africans. It is generally allowed that they are held under color of law, as a matter of political expediency, to avoid on the one hand offending the Spanish government, and on the other to avoid displeasing the slave-holding States— at least until after the next Presidential election!
But it so happened that it was the District Court that was in session and not the Circuit Court; therefore the wily District Attorney, Mr. Holabird, sent an express back to Washington to have the warrant amended; telling the Secretary of State that the Marshal would not be able to justify under the order first sent. What blundering is this for the high officers of government! They thought to circumvent the friends of the poor Africans; but lo and behold, they found themselves in the vocative, owing to the righteous decision of a Connecticut judge. When the warrant was returned corrected, an appeal had been taken, the Africans were safe in prison; the Grampus returned as she went, and the Spanish minister, with the obsequious President Van Buren, had each a flea in his ear.

One word with regard to the supposed disappearance of "Pub. Doc. No. 185," from the Committee Room of the capitol. The small edition—250 copies we believe—printed, as usual, for members of Congress, were so suddenly taken up, that some of the members were unable to procure a duplicate copy, and therefore concluded that some knowing ones had got more than their share. But this has been satisfactorily explained. They were all taken away by members in about thirty minutes after being placed in the document room! We hope some one learned in the law will sift the opinion of Mr. Attorney General Grundy—that was advising the President to deliver up the Africans to the Spaniards—and inform the public what proportion of wheat there is to the chaff in this legal opinion. In conclusion, the whole history of this extraordinary case is one that will reflect no credit, we fear, upon either the judiciary or the executive branches of our government.

The George and the Africans.

Since making the remarks in Tuesday's paper, on the action of the Federal Government with reference to the Africans taken in the Amistad, additional facts have come to our knowledge that exhibit some of the officers of the government in no enviable light. In what purpose to be the original passport for the 49 negroes claimed as belonging to J. Ruiz, they are therein described as "negros Ladinos," which every one acquainted with the Spanish language, or the state of things on the island of Cuba, understands to mean "negros acclimated or long resident," in opposition to "negros bozales," which means "negros recently imported." In common parlance a LAdino means a native born negro, and a Bozal means an African just brought over. The terms Bozal and LAdino are nearly antithetical. The passport then, as published, authorized Mr. Ruiz to take from Havana to Princep 49 Ladino negroes; and it is evident that, under this passport 49 Bozal negroes were shipped. Mr. Ruiz may settle this matter with his own government—all we have to do is with our own. In "Pub. Doc. No. 185," containing the official correspondence, &c., communicated to Congress by President Van Buren, in consequence of the resolution of the Hon. John Quincy Adams, the original passport, as it is styled, is published with a translation. Now mark! The word "negros" is not in the original passport!! We have examined it in the District Clerk's office. Besides the words "negros Ladinos" are translated "SOUND NEGROES"—thus disguising the fact, that Ladinos were authorized to be shipped, and Bozals actually taken on board the Amistad!! Who ever heard of such frauds perpetrated in governmental documents, transmitted to Congress by a President of the United States? There was no accident in this matter—it was a cunningly devised fraud—as will appear from a similar translation in the same Pub Doc. The passport, published as the original, authorizing P. Montes to take the three little girls from Havana to Princep, refers to them in these words—"tres negras Ladinas"—which is, "three ladinos negroes." But how is this expression translated by the officers of our government? "Sound negro women!" But here too the word "negra" is interpolated—thus making it a double fraud! We hope the people will talk Spanish to such an administration as this. Were these frauds committed to aid the defence of Ruiz and Montes to the suits brought in this city by the Africans?

After Secretary Paulding, in obedience to the command of President Van Buren, had ordered the U. S. schooner Grampus off New Haven, to take the Africans on board for Cuba, before their counsel could interpose an appeal, the following carefully worded warrant was sent, post haste, from Washington to New Haven:

"The Marshal of the United States for the district of Connecticut will deliver over to Lieutenant John S. Payne, of the United States navy, and aid in conveying on board the schooner Grampus, under his command, all the Negroes, late of the Spanish schooner Amistad, in his custody, under process now pending before the Circuit Court of the United States for the district of Connecticut. For so doing, this order will be his warrant.

Given under my hand, at the city of Washington, this 7th day of January, A. D. 1840.

M. VAN BUREN.

By the President:

JOHN FORSYTH, Secretary of State."
AFRICANS OF THE AMISTAD.

The case of the unfortunate Africans of the Amistad engaged the attention of your Committee as soon as information was received of their having been brought into one of our ports. Prompt measures were taken to render their situation as comfortable as the circumstances of the case would allow, by assuring them that, though in a land of strangers speaking an unknown tongue, they were surrounded by friends who sympathized with them in their afflictions, and who were ready to do what might be done to effect their speedy liberation, and also by securing to them treatment due to MEN, created in the image of God, and entitled to the same privileges with persons of a more favored birth. In these efforts, much valuable assistance was rendered by a few benevolent individuals in New Haven. By the energetic measures of the committee on their behalf at New York, able legal counsel was early engaged for them, whose unwearying exertions to procure their liberty, at the several courts before which their case has been brought, deserve the sincere thanks and the approbation of the friends of freedom. Your Committee, soon after the decision of their case in September, appointed a committee of three to provide suitable instruction for them while held in confinement in our prisons. This has been furnished, and, by frequent opportunities, they have acquired some knowledge of the English language, and of the fundamental principles of the Christian religion.

A document, giving the whole correspondence with the departments of our government in reference to their case, has recently been published by order of Congress, at the suggestion of the Hon. John Quincy Adams. The edition at Washington having been disposed of while many were desiring to obtain it, another edition was published at New York last week, which we hope will be extensively circulated, as it reveals transactions of our government which should alarm all who value our free institutions and desire their perpetuation.

From the Connecticut Observer.

AFRICANS OF THE AMISTAD.

Dear Sir—I have been informed that a painting, called the "Africans of the Amistad," done by a Mr. Hewins of New Haven, is now soliciting the attention of the citizens of Hartford. Justice to the captives compels me to notice it.

In the first place; there is no resemblance, so far as I can discover, between Cinque and his companions in the jail, and these figures upon the canvas, except, it be, that both have black skins and crisped hair. I ought perhaps to except Kenomo, whose features are very singular, that it would be scarcely possible to confound him with another. His teeth have secured his identity. Some very faint resemblance may perhaps be recognized in Grabeau, possibly in Cinque.

Again: the representation of the massacre, for that is the name under which it first saw the light in New Haven, is so improbable, as to be little less than absurd. That the cook and Capt. of the Amistad were killed, and that no by some of the Africans, I have no doubt—that the painting is a faithful exhibition of that struggle for liberty and life, there is not the most distant probability.

Poor Kenomo—the so-called cannibal—is represented as about to bury his dagger in the bosom of the suffering Captain, the wrist of whose right hand he holds firmly grasped in his own left. Now, Sir, this is supremely ridiculous. Kenomo killing the Captain! I know that Mr. H. affirms that Kenomo was "active" in this affair. If so, I may add, that that was probably his "last effort," for a more cowardly, insensate, and I may say stupid creature I never saw than this same Kenomo.

The artist seems to have labored in his attempt to portray the cool malignity of Foo-li's heart in his countenance, and this expression, he assured me is a faithful index of his character. Now, Sir, this is false, utterly false, and abusive. Here I would ask the painter, if he would like in this manner to be introduced to the public?

Having spent some hours with these men each day for months, I venture to say I know them, and I know their dispositions certainly as well as one who has not spent one hour where I have twenty. If there is an affectionate, grateful, generous, noble, spirit among them, one who hates revenge, wrong, and blood, that one is this "malicious fellow," Foo-li.

Adamwa is painted, his head upon his breast, apparently engaged in prayer.—Veneration, Mr. H. says, is a distinguishing trait in his character. That he never prays I dare not say; that his Phrenological development of reverence is large, I am prepared neither to affirm, or deny; for I have never made the requisite investigation; he was engaged in his devotions at that hour is somewhat unlikely; a wound received in that affray, the scar of which still remains upon his temple, would lead us to conclude that he might have acted a part quite different. That he is more susceptible of religious impressions than the others I have not the least evidence; that he is far less so than Foo-li, I confidently affirm.

This painting admits of a much more lengthy notice, but I shall leave it here for the present.

In justice to Mr. H. I ought to notice perhaps his declara-
tion that sympathy for these imprisoned Africans moved him, while engaged on the paintings, and that to injure them or their cause is in no sense his design. I can only say, that, while I give him full credit for his sincerity and benevolence, if you please, I question most seriously the soundness of his judgment.

Concerning it as a work of art, though I am no connoisseur, I venture to suggest, that I think I have seen paintings to which the "Africans of the Amistad" is considerably inferior.

B. GRISWOLD.

New Haven, May 29, 1840.

REMARK.

The writer of the preceding communication is a member of the Theological School in New Haven, and has been employed or has employed himself in teaching the Africans of the Amistad. We have heard it said, that he expects to go on a foreign mission; and that, if Providence should open the way, by the liberation of these captives, he will accompany them to their native country. Not having seen the painting of which he speaks, we are unable to pronounce an opinion as to the correctness of his criticisms; but give them to the public in reliance on his better judgment.
From the Portsmouth Journal.

THE AMISTAD.

While learned jurists and judges are stretching their inventive genius to find what a variety of intricate legal questions can be raised in respect to the case of the surviving Africans now detained in prison, we would solicit the candor of the public to a few remarks on a common sense legal quibbles and speculations, whenever opposed to the immutable principles of justice, ought not to have the weight of a feather. The elaborate arguments of counsel seem to have the effect of filling the Court, convened to try these Africans, with doubts and embarrassment — what was plain and clear before, was involved in obscurity; and it be necessary to investigate the judicial decisions for centuries past to learn what simple justice now requires at our hands in respect to these foreigners.

We think not. We need not depart from common sense in order to decide the questions which are involved in their case. The circumstances under which they were cast upon our shores are truly extraordinary. Their story — the story of all who are committed upon their persons is short, and generally well understood. They were unlawfully and piratically forced from their native country, with the criminal intent on the part of their captors forever to deprive them of liberty. Shall we, who have often stained the battle-fields with the blood of our foes, to escape a less galling oppression, be deprived of that which these Africans were justified in taking life to escape a bondage worse than death? The Grand Jury of Connecticut, with the advice of the judicial tribunal, and the voice of freemen in every town, hamlet, village, and city of New England, have already declared that they are not guilty of any crime or offence cognizable under our laws. Why, then, do we demand, are they any laws which are not so narrow as to make it necessary to overlook the fact that the prisoners before the punishment of criminals in loathsome dungeons! And there, unacclimatized, to be detained, until perhaps death ends their sufferings! And for what? Is it because, like brave fellows they imitated our example in striking for liberty? While we applaud their courage and heroism, shall we treat them as felons? Is it because their words have not rung as loud as the story of their crime committed upon their persons? Let Tripoli answer. As we did then, so again do. Our floating batteries would batter down their castles, unless our men were surrendered. And shall we, a civilized nation, be shamefully guilty of conduct disgraceful to a heathen tribe, for no better reason than that we are powerful, and the African nations are weak and powerless! Shall we, the sons of liberty, now attempt to appease our conscience by the miserable, the degrading, and the contemptible subterfuge or legal quibble, that it is no concern of ours, because a certain Spanish Don, "a gentleman," to be sure, a Slave-dealer, the Vengeance of Pirates, holds a certain manuscript under the hand and seal of a pirate, the murder of one of the most of our men, and on the middle passage, by virtue of which a portion of the survivors were instantly converted from being fairly human flesh into goods and merchandise! We freely grant that any of our fellow citizens have the legal right to their opinions and to stifle their conceptions with that miserable subterfuge; but we have the same legal right to hold such opinions in unceasing detestation. It would be degrading to argue with such men a point of law in a land of Bibles, of liberty, and of law. Nor could a self-evident proposition be elucidated by argument. What admirable ingenuity did the Federal Judiciary evince! So far as the cargo of the Amistad is composed of human beings, as such beings they are guilty of no cognizable offence. But the Constitution and laws of the United States recognize this part of the cargo (the human flesh) as property! And as goods and chattels, the Federal Judiciary found in the plainest terms that it was the same, and as such (it not) they may be appraised (in dollars and cents) and bonded! Suppose that the Tripoli merchants had made the same nice legal distinctions, would it have stopped the thunder of our cannon? —

The learned Court, perhaps, hastily running into abolition questions — into the legal rights of the slaveholders of the United States to property in the persons of these Africans — would have overlooked the fact that the prisoners before the punishment of criminals in loathsome dungeons! And there, unacclimatized, to be detained, until perhaps death ends their sufferings! And for what? Is it because, like brave fellows they imitated our example in striking for liberty? While we applaud their courage and heroism, shall we treat them as felons? Is it because their words have not rung as loud as the story of their crime committed upon their persons? Let Tripoli answer. As we did then, so again do. Our floating batteries would batter down their castles, unless our men were surrendered. And shall we, a civilized nation, be shamefully guilty of conduct disgraceful to a heathen tribe, for no better reason than that we are powerful, and the African nations are weak and powerless! Shall we, the sons of liberty, now attempt to appease our conscience by the miserable, the degrading, and the contemptible subterfuge or legal quibble, that it is no concern of ours, because a certain Spanish Don, "a gentleman," to be sure, a Slave-dealer, the Vengeance of Pirates, holds a certain manuscript under the hand and seal of a pirate, the murder of one of the most of our men, and on the middle passage, by virtue of which a portion of the survivors were instantly converted from being fairly human flesh into goods and merchandise! We freely grant that any of our fellow citizens have the legal right to their opinions and to stifle their conceptions with that miserable subterfuge; but we have the same legal right to hold such opinions in unceasing detestation. It would be degrading to argue with such men a point of law in a land of Bibles, of liberty, and of law. Nor could a self-evident proposition be elucidated by argument. What admirable ingenuity did the Federal Judiciary evince! So far as the cargo of the Amistad is composed of human beings, as such beings they are guilty of no cognizable offence. But the Constitution and laws of the United States recognize this part of the cargo (the human flesh) as property! And as goods and chattels, the Federal Judiciary found in the plainest terms that it was the same, and as such (it not) they may be appraised (in dollars and cents) and bonded! Suppose that the Tripoli merchants had made the same nice legal distinctions, would it have stopped the thunder of our cannon? —

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The Armatst Case.—"It is more in sorrow than in anger" that I again resume this subject in reply to an editorial article in the last Register. In my former number I stated that, in my opinion, these poor Africans were as justly entitled as the crew of a vessel taken by pirates would be in raising on the piratical captain and crew; and, in the same manner, even to the taking of life, to regain their liberty; and now, no one would more seriously regret than myself to hear of a final decision condemning these guiltless human beings to be returned to Cuba, "into perpetual slavery, or perhaps to be executed for attempting to regain their rightful liberty." But is it not the part of wisdom to wait and see the end of this (to all concerned) vexed question, before we too freely condemn? Is not the President, in the disposition of the case, surrounded with difficulties? The deep feelings of the northern abolitionists against slavery; the equally intense feeling at the south against them, for, as they believe, improperly interfering with their domestic institutions; and then our amicable relations with Spain, which must be maintained at any sacrifice but that of principle,—all combine to render the situation of the President trying and delicate.

The Amistad case is a novel one,—one that could hardly have been anticipated when our treaty with Spain was ratified. As it is, it is the supreme law of the land, and if, unfortunately, on a full and fair investigation of the case, the Supreme Court of the United States decide that we are bound to give up the Africans to the Spanish authorities, how can we escape? The President's heart may bleed as freely and deeply as yours or mine, but he is sworn to execute the laws. If the majority of the people of these States were not mistaken when they elected him, his highest earthly ambition will be, at the close of his presidential services, to return to them our happy Union unimpaired.

There had been one decision in favor, and one against delivering up Jinguas and his fellow, and I can perceive no impropriety in the President's insisting that these should be passed upon by the highest tribunal known to our laws. Mr. Holabird, the district attorney, distinctly stated in his argument, that the claim of the Spanish minister obliges this government to investigate the matter, in order that the treaty may be fulfilled.

I would as readily as any one condemn the act of towing an armed vessel for the purpose of getting the Africans out of the reach of an appeal, if the decision had been against them, and they should have seen fit to have interposed one. They, as well as the Spanish minister, have an equal right to prosecute the case in our highest court. But I would ask, Did the President declare that to be one of the purposes for which the vessel was sent, or is it an inference of some opponent? A pamphlet is mentioned as having been brought out by a resolution of John Q. Adams, but whether it is a public document, ordered printed by Congress, or whether it is an electioneering article, containing only garbled extracts, we are not informed.

You can hardly appreciate the moral power of your paper. Its religious character, the purity of sentiment advocated, combine to give it a powerful influence. Articles in political papers are generally taken with grains of allowance; but when a religious paper speaks out, it is always supposed to be on full authority, and from the purest of motives. I know of no better reason why a President of the United States is not as fully entitled to the benefit of the Saviour's golden rule, as the humblest citizen of the republic. I am consoled in penning this, that, in that, we agree,—from the very respectful manner you noticed the President's visit to Utica last autumn, and more recently, your candid notice of his last message to Congress. It is a fair presumption that nothing unjust was intended.

Lairsville, May 10, 1849.

ANTHONY MORSELLI.