

Dartmouth Sept. 16. 1839

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Lewis Gassan Esq

Dear Sir - In respect to the 29

Africans, had I not seen that able counsel had been engaged, it is not improbable that I should have attended the trial. As things are now circumstanced I presume there can be no doubt of their release. I have looked into the questions, and made several publications in the papers. It is too clear to admit of an argument that our Courts have no jurisdiction over them. And if the facts are correctly stated in the papers, these Africans, in asserting their liberty, have done no more than they had a lawful right to do, in self defence, in the defence of their natural rights - and no more than Christians would have done under similar circumstances. The G. Jury will not probably find a Bill - but if they should the State Jury will acquit, or not agree. The only question, of a serious nature, that will probably arise, will be, whether they shall be surrendered to the Spanish authorities, or a foreign claimant. Our Courts have no legal authority to make such surrender, nor has the President of the U. States. Should the latter, to gratify the Slaveholding powers of our Union, undertake to make such surrender, it would be an unlawful as well as unjust





exercise of power, and being unlawful  
the citizens of the free states would be fully  
justified in repelling unlawful force by  
force - however deeply to be regretted  
such an occurrence might be. The President  
would have as much right to surrender 50  
Englishmen, cast upon our shores, to Spain  
as then 50 Africans. And who would doubt  
that we should have a lawful right to  
resist such attempt, repelling force by force;  
in the case of Englishmen or Frenchmen  
These Africans cannot be surrendered up to Spain  
should there be such a plan or attempt, provided  
our government can get reasonable notice. They  
would rally for their lawful protection from  
all quarters of the free states. I am the last  
person, who would justify a lawless mob.  
These Africans cannot be surrendered, unless  
by a lawless mob, to Spain. Such a lawless force  
or mob, I would repel by lawful & necessary  
force - provided our Courts & the President  
should portend in the dust all law & justice.  
I think however that they will not & that they  
do not make such attempt. I have been  
in the practice of law since 1811, and hence



had too much experience to advise to un-  
lawful measures.

Measures should be adopted to restore these unhappy  
Africans to their freedom & their country. This is  
our duty - and all that justice requires of the  
people of the free states. They were taken from  
their country unlawfully & piratically. The captors  
I think, were pirates & that Ponce is a partaker  
of the crime - "particeps criminis" - Therefore  
he ought not to be immediately seized as a  
pirate, and examined. Then let the Spanish  
authorities demand his surrender to be tried  
as a pirate under the laws of Spain,  
provided any law can be found to justify

this agreement in surrendering him? I  
but in respect to that wretch and his companions  
I give no specific opinion, except that somewhere  
they ought both to be lawfully executed, after a  
fair trial.

I have thus volunteered my humble opinion in  
respect to the Africans. I feel confident that it  
coincides with almost the unanimous opinion  
of the free states of our Union. Public feeling  
is all alive, everywhere, in respect to their liber-  
ation, and they will be peaceably liberated, without  
any doubt. The intense anxiety I feel, in con-  
juncture with others, induces me to address this private  
letter to you - to solicit you to take <sup>or help up, good for</sup> courage on their  
behalf - knowing that you are doing what you can.  
Yours very respectfully  
Wm. Lloyd Garrison





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