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APR 30, 1840
WEST



Department of State
Washington 30th April 1840

W. S. Holabird Esqr
U. S. Attorney, Dist. of Connecticut
Sir,

Application has been made to this Department by the Counsel for the Africans, in the case of the Amistad, for instructions to you, to admit as authentic, at the trial of the case before the Circuit Court, the copies offered as evidence in behalf of the Africans, at the former trial of the same case before the District Court, of the decree of the King of Spain of 1817, the ordinance of the Queen of the 2^d Nov. 1838, and the Treaty between Spain and Great Britain of 1817, in relation to the suppression of the Slave trade in the Spanish possessions -

The President is of opinion that, inasmuch as all matters relating to judicial proceedings appertain exclusively to a Department of the Government entirely distinct from, and independent of, that over which he presides, he has no right whatever to interpose in the manner desired of you.

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Copy letter from the
Secretary of State
30 August 1840

He has no doubt, however, of the au-
-thenticity of the Copies of the documents re-
-ferred to, which have been presented at
the former trial by the Counsel of the
Africans, and he has accordingly in-
-structed me to say that he does not
see any necessity for denying it, provi-
-ded there is an understanding on the part
of those gentlemen that they are to extend
to you the same or corresponding admissions
Should you have occasion to offer, on the
part of the United States, evidence drawn
from papers of a similar character. You
will not fail to remember, however, that
those documents are not considered as
relevant or competent evidence in the case
pending, as the questions arising under
them, according to the opinion of the Attorney
General, belong to the tribunals of Spain, to
decide, & not to those of the United States.

It is only, in the event of a decision
by the Court that such evidence is proper
and competent that the suggestion, now
made, will be for your consideration.

I am, Sir,

Your Obedient Servant
(Signed) John Forsyth