

The ~~circumstances~~ <sup>facts</sup> connected with this correspondence seem-  
ed so extraordinary that it was deemed proper to advise the President of the ef-  
fect to give information of the District Attorney, and to ask an explanation from that officer.  
His explanation ~~is~~ <sup>is</sup> added to the extraordinary features of the case. (See 3<sup>d</sup> page  
Letter from Mr. A. Holabird Esq.

W. Chester 28<sup>th</sup> Sept 1840  
September 28, 1840



Sir. Yours of the 24<sup>th</sup> Inst was duly rec<sup>d</sup> and in  
answer to the same I have to say, that on the  
5<sup>th</sup> Inst, the time I wrote you, I had no knowledge  
of me having rec<sup>d</sup> any instructions on the  
subject named, & was confident that I had  
me none, as my attention had been called  
to the subject by yourself & Mr. Baldwin during  
the April Term of the Circuit Court, and  
subsequently by a note from Mr. Baldwin  
After I rec<sup>d</sup> your letter of the 9<sup>th</sup> Inst, referring  
particularly to a communication from the  
Secy State to me of the 30<sup>th</sup> April last, I set  
about a full examination of all the papers in  
my office, thinking that possibly such a  
communication might have reached me & had  
been mislaid, to my surprise, I found, (among  
papers not belonging to the Am utas case) and  
unopened, the communication referred to,  
directed to me at Sitchfield, how long it  
remained in the P.O. at Sitchfield, or at what  
time it reached me, I am wholly unable  
to say, as I have no recollection of having  
rec<sup>d</sup> it, by the returned mail I wrote you &

Refer to letter in Doc. Janke  
when he was Const. of  
collected for Cir. Court  
& Mr. Holabird says here



also Mr Baldwin that I was authorized to admit  
the authenticity of the Spanish documents

I have no other instructions  
from the Dept of state on that subject

Very respectfully

Yours

W. S. Holabird



Continuation of preamble a 1<sup>st</sup> page

(enacted) That the Secretary of State should address a communication from the Department of State should be done to a District Attorney <sup>inspecting</sup> on a cause on trial, should be misdirected, that the attorney <sup>kept it</sup> four months without <sup>opening</sup> or receiving it subsequently should have ~~not~~ <sup>have</sup> broken the

the seal to ~~see~~ <sup>know</sup> its contents - especially after being applied to ~~second~~ so particularly <sup>to know</sup> if he had not received <sup>the</sup> instructions contained in the <sup>document</sup> - <sup>and</sup> after he had searched all his papers, <sup>and</sup> <sup>dispatches</sup> - <sup>are</sup> strange circumstances. Some may be serious enough to suppose that if the communication was misdirected it was done so intentionally <sup>to prevent</sup> in order to comply with the promise given by the Executive and at the

same time to prevent the Africans from having the benefit of the <sup>authenticity</sup> of the documents. ~~who~~ <sup>whose authenticity</sup> ~~with~~ <sup>with</sup> ~~the~~ <sup>the</sup> ~~fact~~ <sup>fact</sup> that such a surmise is very natural <sup>that</sup> after the well-known fact that the Executive actually dispatched

a fleet of war, he grasped, to lay on and off New Haven, January 1840, to receive the African outboard and convey them to the Havana, in anticipation of the District Attorney of the U.S. Marshal <sup>being</sup> all to effect such a deed before the Council of the Africans could have opportunity to

enter an appeal to a higher judicial Tribunal. But it is not for us to <sup>impute</sup> say where the blame attaches. We <sup>lay before ourselves</sup> ~~present~~ the correspondence, and they will form their own opinions. At the same time we may say that some of the wisest and best men in the community, who are well acquainted with judicial and executive affairs do not hesitate to avow the opinion that political <sup>considerations</sup> ~~at the Court~~ or unworthy

subservience to the slave-holding interests of the country have shrouded the <sup>unhappy</sup> Africans in extreme peril. To them, <sup>the</sup> <sup>to</sup> many eminent legal gentlemen the course to be pursued by the judicial and executive <sup>has</sup> <sup>been</sup> <sup>very</sup> plain. But, as Judge Thompson

x. In the extreme haste to dispatch the warrant of the President to the Marshal <sup>the</sup> the name of the Court, it was to be recollected, was overlooked. As the warrant designated it the District Court instead of the Circuit Court it had to be returned to Washington. This <sup>circumstances</sup>, if the vigilance of the Council & the friends of the Africans <sup>over</sup>



Case: it is an American case



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Windsor Sept 28/40

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had not prevented the design of the Executive from being carried into effect, would have saved the Africans from being hurried off from their shores, and consequent to certain death in Cuba.

