

Norton-Tappan

Farmington Feb. 15/41

My Dear Sir

Yours of the 6<sup>th</sup> reached me today. Mr. Jocelyn will have informed you in relation to the application to Judge Williams. It may be set down as out of the question to expect any action on the part of any of the judges of our Inferior Court, so long as the Superior Court of the United States has the matters under consideration tho I should infer from what Judge Williams said , that if the Sup. Court of the U.S. should decide that the captives shall be delivered to Spain under the treaty, he would not then be authorized to interfere. But if the decree of Judge Judson should be confirmed then perhaps might view it differently. Gov. Ellsworth manifested an excellent spirit, although he did not fully agree with you in the opinion that it was best to act immediately. Mr. Hungerford thought he could not consistently appear as counsel, after having acted for Ruez & Montez (which however he was heartily ashamed of) yet he solicited advice & examined the papers prepared by Gov. Ellsworth.

There are many here who are ready to forcibly to interfere on behalf of these wronged brethren & if such a step could ever be justified it would be in this case, where injustice is apparent at every step. I have however uniformly discouraged anything of this kind. I should however feel perfectly justified in endeavoring to provide for their safety if they should turn their backs upon their prison as I consider that they can do easily. This is a matter however that requires much consideration.

If they can be kept in court a few months longer, a season will come more favorable to their escape & to their future welfare, should they succeed. And however this question has been the means as was intended no doubt by Providence of advancing the cause of human rights in the Community. The publications in the Journal of Commerce and Globe etc. are bringing out great principles, which were once well understood by many in our law but which had well nigh been forgotten. We must rely on you in N. York to give direction to our movements, as in no other way can there be any security? Of action.

Mr. Burgess can be relied on fully. If at any time anything is wanted of me Mr. B. can send to me a day? sooner than a letter would reach by mail.

Very truly yours,

John T. Norton