

The Legacy of John Adams

The Lemmon Slave Case

In 1852, Jonathan and Juliet Lemmon entered New York State on their way from Virginia to Texas. At the time the easiest way for them move to Texas was to travel by steamboat to New York City and then transfer to a boat going directly to New Orleans. They were traveling with eight slaves — one man, two women with infants and three children. A free black man, Louis Napoleon, found out that this

group was locked in a New York hotel room and petitioned Justice Elijah Paine of the Superior Court of the City of New York for a writ of habeas corpus. Habeas corpus is a legal action through which a person can be released from unlawful detention.

Justice Paine granted and executed the writ. Following a hearing, Justice Paine released the slaves and ruled that they were free under the New York State law of 1841 that automatically emancipated any slaves brought into the state.

The Lemmons argued that they didn't plan to stay in the state and only brought them to New York to transport them along with their other property. The Lemmons

believed that the U.S. Constitution gave them the right to travel from one state to another through a third, their property undisturbed.

The Virginia legislature felt obligated to appeal the decision to the higher courts of New York. In 1860, the New York Court of Appeals upheld Paine's decision. The Lemmon Case never reached the U.S. Supreme Court.

On April 12, 1861, Southern forces fired Fort Sumter thus beginning the Civil War. By September 1862, President Abraham Lincoln issued the Emancipation Proclamation, freeing the slaves held in the Confederate states.

“That this State will not allow Slavery within her borders, in any form, or under any pretense, or for any time.”

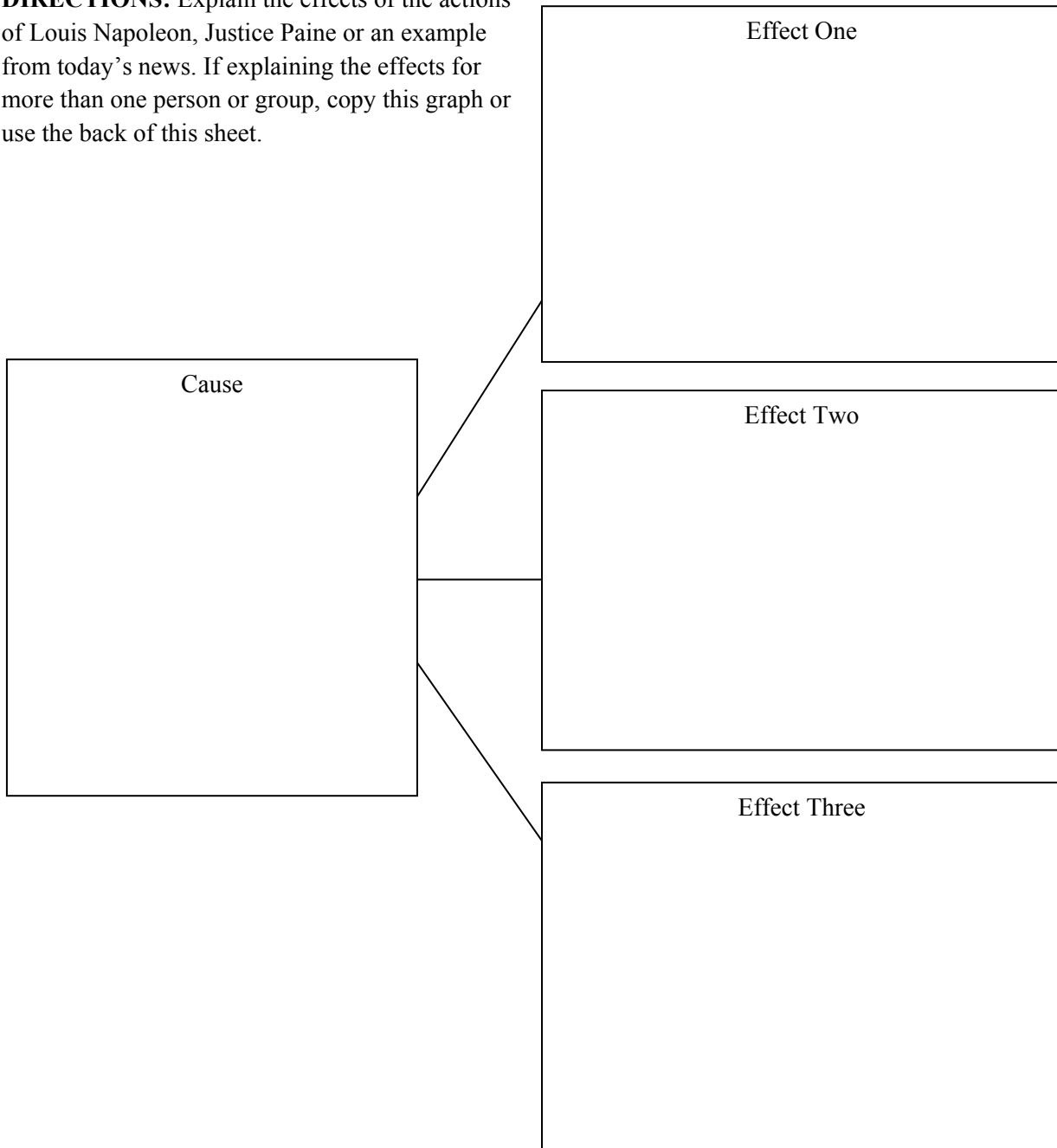
- Resolution of the New York State Legislature, April 1857

Newspaper Activities:

- ◆ Look through the newspaper for examples of state laws. Can you find any examples that cause controversy between two states today? As a class, brainstorm how these differences might be worked out.
- ◆ In accordance with the law, Louis Napoleon and Justice Elijah Paine as a citizen and judge took actions to protect and defend slaves who were detained and unable to petition on their own behalf. In the news, find examples of citizens, lawyers, judges or other advocates who aim to protect and defend the rights of those who must depend on others for defense.

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DIRECTIONS: Explain the effects of the actions of Louis Napoleon, Justice Paine or an example from today's news. If explaining the effects for more than one person or group, copy this graph or use the back of this sheet.



Follow up: Are you surprised by any of the effects? If so, which ones and why?