

**Respublica Vs. Gordon**

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**SooperKanoon Citation :** [sooperkanoon.com/77922](http://sooperkanoon.com/77922)

**Court :** US Supreme Court

**Decided On :** 1788

**Appeal No. :** 1 U.S. 233

**Appellant :** Respublica

**Respondent :** Gordon

**Judgement :**

RESPUBLICA v. GORDON - 1 U.S. 233 (1788)

U.S. Supreme Court RESPUBLICA v. GORDON, 1 U.S. 233 (1788)

1 U.S. 233 (Dall.)

Respublica v. Gordon

Supreme Court of Pennsylvania January Term, 1788

The Defendant was included in an act of proclamation issued during the late war, and not appearing within the time prescribed, was attainted of treason for adhering to the king of Great Britain, in consequence of which his estate was confiscated to the use of the commonwealth, but it had never been taken into possession.

He returned, since the peace, to the state of Pennsylvania, and applied to the executive council, representing that he was a minor at the time of the attainder, and was forcibly prevented by his guardian from joining the American army; for

which reasons he prayed a restoration of his estate. The council said, they were ready to grant him a pardon, but that they had it not in their power to restore his estate, which was a matter of legislative jurisdiction. Mr. Gordon, therefore, addressed several members of the general assembly, but he was there answered, that the executive council, or the supreme court of justice, was the proper tribunal to hear and determine the merits of his case. The Defendant, by the advice of his council, again applied to the executive power, and requested, that, to bring the matter before the judges, the attorney general might be directed to file a suggestion in the supreme court, of the Defendant's being attainted in the manner above-mentioned.

This being done accordingly, Mr. Gordon gave bail for his appearance, and two pleas, 1st. infancy, and 2dly. duress, were filed, to the suggestion thus made, on the behalf of the commonwealth; to the former of these, the attorney-general demurred, and joined issue on the latter.

But now The Chief Justice delivered the opinion of the court, that any proceedings against Mr. Gordon, the Defendant, would contravene an express article in the treaty of peace and amity, entered into, between the United States of America and Great Britain, for which reason they could not sustain the suggestion filed by the attorney-general. And the Defendant was accordingly discharged.\* Footnotes

[ [Footnote \\*](#) ] The object that the Defendant meant to accomplish by this proceeding, was to reverse the attainder; in consequence of which his title to the estate would revive, and, as it had not been appropriated or disposed of by the Commonwealth, there would then be no obstacle to his taking immediate possession. The Legislature soon afterwards passed an act in favor of Mr. Gordon's pretensions.[ *Respublica v. Gordon*

[Footnote 1](#) U.S. 233 (1788) ]