

Boston, Oct. 11, 1849

Friend Spooner,

I have recently written to Gerrit Smith about supplying your work to the Lawyers of the State of N. York, not having received any reply to two letters which I had written to Mr. Green. The following is Mr. Smith's answer to my letter.

"Peterboro, Oct. 7, 1849

Mr. Bela Marsh. Dear Sir, I have your letter. Mr. Spooner's Argument on the Unconstitutionality of Am. Slavery is admirable & far surpasses every other on that subject. I had intended to take an active part in supplying the Lawyers of this State with it, But recent occurrences have disinclined me to carry out this intention. The Lawyers in my own County will be supplied with it - for, previous to those occurrences, I had agreed with Mr. Wm. P. Green to furnish me the copies for this purpose. I wish that the lawyers of every County might be supplied with it. Respectfully Yours, Gerrit Smith."

I cannot account for my never having received a reply from Mr. Green, but as I thought you might like to see Mr. Smiths', I forward it as above.

Yours Respectfully,

Bela Marsh

Worcester March 1850

Gerrit Smith, Esq.

Sir,

Last summer you drafted a resolution, which was passed at one of your conventions, recommending abolitionists to furnish the bar with copies of my argument on slavery.

Subsequently, Mr. Marsh, the publisher of the argument, wrote you on the subject, as he told me. He sent me a copy of your answer. In it you say, "I had intended to take an active part in supplying the lawyers of this state with it, (my argument); but recent occurrences have disinclined me to carry out this intention."

The recent occurrences have alluded to, are the fact that I did not choose to work for you, and enlighten your ignorance without pay.

In January last Bradburn wrote me a letter, and it it he gave an extract from one he had just received from you. In this extract, in speaking of your discussion at Syracuse, you say, "Of course, I availed myself greatly of Lysander Spooner's argument."

From some accounts I have seen of your recent speeches at Albany, and the circumstances it would appear that there also you again "availed yourself greatly of Lysander Spooner's argument."

It seems, therefore, that while you avow your disinclination - and act upon the disinclination- to circulate my arguments, in my own words, it is yet a matter "of course" with you to use them as materials for a speech, whenever you attempt one of your public displays-

~~What is your face made of that is does not blister at such shameless and infamous[?] conduct?~~

~~Lysander Spooner~~

~~That I suppose But it all helps to illustrate the character of Gerrit Smith and as it seems to corresponds with some other things it has been my lot know of him.~~

—

I had expected of course, that men would feel free to use my argument in speeches - but it had never before occurred to me that any one was base enough to avow his disinclination to circulate my arguments in my own words, and then use them as speeches for himself. It seems, however, there was one such person - and he proves to be the same, who, while making the most ostentacious displays of real or pretended philanthropy toward the poor, could yet ask a poor man to work for him and enlighten his ignorance, and then refuse to pay him.

Since these things have been done, I am glad they happened both to be done by the same individual- for it saves me the necessity of recognizing any other person as capable of either.

But this is not all. I now hear that you are to print your Albany Speeches for circulation. You are "disinclined" to circulate my arguments under my name, but you can print them, put your own name upon them, and then circulate them, thus morally and I presume legally, prating upon my copyright. Of course, you add some ignorance and bombast of your own, to serve as drapery, in the hope that you will thereby in some measure hide the fraud and crime you are perpetrating. You are embolden to do all this, no doubt, by my poverty. But for that you would never have thought of such a thing. And it shows that letter ends

Worcester March 30, 1850

Gerrit Smith Esq.

Sir,

I see it stated that you are about to publish your Albany Speeches. From some accounts I have seen of them, and from other circumstances, I infer that you cannot publish them, without infringing my copy right. This is to warn you against any such infringement.

(This paragraph crossed out: I may add that I should suppose that one, who extolls my arguments as much as you have done, and nevertheless avows his disinclination to circulate them in my own words, would blush (if he were capable of blushing) at the thought of using them, even as speeches, for himself - to say nothing of printing them under his own name. The face of a man would blister at such an act. Lysander Spooner)

One other thing. Last fall, Mr. Marsh, the publisher of my argument, send me a copy of a letter he had received from you. In it you say, "I had intended to take an active part in supplying the Lawyers of this State with it (my argument), but recent occurrences have disinclined me to carry out this intention."

In January Bradburn sent me an extract from a letter he had received from you. In January last Bradburn wrote me a letter, and in it he gave an extract from one he had just received from you. In this extract, in speaking of your discussion at Syracuse, you say, "Of course, I availed myself greatly of Lysander Spooner's argument."

It now appears that at Albany also, you again "availed yourself greatly of Lysander Spooner's argument."

It seems, therefore, that while you avow your disinclination - and act upon the disinclination- to circulate my arguments, in my own words, it is yet a matter "of course" with you to use them as materials for a speech, whenever you attempt any of your public displays.

The face of a man would blister at the thought of such an act.

Lysander Spooner.

To Gerrit Smith, Not Sent, copy of a part of it. See copy of a letter of March 30- 1850

Last fall Mr. Marsh, the publisher of my argument on Slavery, sent me a copy of a letter he had received from you. In it you say, "I had intended to take an active part in supplying the lawyers of this state with it (my argument). But recent occirrences have disinclined me to carry out this intention."

The "recent occurrences" here alluded to, are the fact that I did not choose to work for you, and enlighten your ignorance, without pay.

In January Bradburn wrote me a letter, and it it he gave an extract from one he had just received from you. In this extract, in speaking of your discussion at Syracuse, you say, "Of course, I availed myself greatly of Lysander Spooner's argument."

It seems, therefore, that while you avow your disinclination - and act upon the disinclination- to give my arguments to the bar, in my own words, it is yet a matter "of course" with you to use them as materials for a speech, whenever you attempt one of your public displays.

From some accounts I have seen of your recent speeches at Albany, it appears that there also you again, "availed yourself greatly of Lysander Spooner's argument."

One would have thought that while thus avowing and acting upon the disinclination to circulate my arguments in my own words, so as to gie me the credit (if any) and the income which rightfully belongs to me, your face would have blistered at the thought of using those arguments in speeches of your own. That your face did not blister is probably to be accounted for on the principle that, although steel may blister, bras never does.

You have however some apology for this conduct. A man may do almost any thing for his life. You would die if you could not make speeches. Yet in order to make speeches, that any one will listen to, it is indispensable that they be made up mostly of other men's ideas

In consideration therefore, and I may, say also, in commiseration, of your necessities, in this regard, I am disposed, on one condition, to give you a full dispensation from all obligations of justice and delicacy towards me, and allow you full liberty to use my arguments in your speeches, 'so long as your own self-respect, (if you can be supposed in such a case to have any self-respect) shall permit you to use them.

That condition is, that in using my arguments, you shall never tell your audiences where you obtained them, or who was the author of them. My reason for affixing this condition, is, that your auditors, who might otherwise be favorably impressed with the arguments, may not hold me responsible for all the ignorance and bombast you mix up with them.

By bearing this condition in mind, in future, you will greatly oblige one who once had some respect for you.

Peterboro, Apl 2, 1850

Lysander Spooner Esq.

Sir,

I have your letter of the 30th ultimo. I imply ___ that you should ___ by such a spirit toward me, toward one, who has, I suppose done more to ___ you under your pecuniary ___ them all after ___ put together.

Your hatred of me is unnatural. It is true, that, whilst it ___ illegible.... for the circulation of your Book. Nevertheless, your hatred of me should be greater than it is, I shall in little ways, continue to I - or less to promote in order of your invaluable book in the Constitutionality of slavery. For instance, I shall continue to bring up in the Antislavery meetings, which I attend, the great merits of your book, to call on my ___ to supply them, but ___. This I take special pains to do, wh Wm. ___ (who sells your Bookls is present). This I did in the

Illegible.

Your friend

Gerrit Smith.

P.S. You think it strange that I can not go forward in the work which I professed to myself last Summer. How can I with my knowledge of your worrying ___? I used ___ in the work of having you employed by the N.Y. Vigilance Com. On their Journal. I thought it would bring you a few hundred dollars & secure the services of an able lawyer. But what an __, cruel, & ___ construction you put upon this ___ of mine! W___ in your eye the offspring of ___ and meanness,

instead of generosity, is still as ___ by you .

You are noe easilt suited sometimes I make arguments without making any ___ ____ you have said.

You are displeased. Ansd when I make arguments, and ___ something that you have said, then you are displeased.

Worchester April 23, 1850

Gerrit Smith, Esq.

Sir,

I have received a copy of what purports to be "Gerrit Smith's Constitutional Argument." I consider a large portion of it a flagrant violation of my copyright, and I do not think that the requests of others that you would publish my arguments under your own name, afford any justification for your doing so. This injustice to me is increased by the loose, crude, and imperfect mode in which you have stated my argument - for your readers will naturally infer from your declaration that you are indebted to me for them, that I have stated them in the same careless manner as yourself.

Your readiness to spend your money to publish my arguments under your own name, in plain violation of the moral law, and the laws of the land, while you refuse to spend it to circulate them in my own words, (lest I should thereby get some pay for writing them), is another example of the honor and justice of which I have had some previous illustrations.

You complain of the "scorn" I have expressed at your conducts in refusing to pay me for the written opinion I furnished you last

summer. In answer I have to say that while you make before the public so many apparently ostentatious displays of either real or pretended charity towards the poor, and at the same time refuse to pay a poor man for labor that he has done for you at your request, I think you ought not to expect to escape the scorn of any man of common sense; who is cognizant of such facts.

Your conduct has been very base and unprincipled. You first induce your party, (I believe your followers called themselves a party), to put forth, in a party manifesto, a long argument of your own in the Unconstitutionality of Slavery - which argument they had never seen before, and of the merits of which they knew nothing. You thus induced them virtually to declare to the public, that those were the grounds on which they believed slavery unconstitutional - while you also induced them to keep entirely silent (in the address) in regard to the argument, which you knew had really convinced them - and which you still admit to be incomparably superior to every other. I complained of this an injustice to me, tending to keep my argument out of circulation. It was also a fraud upon the public, and a fraud upon the cause. Its injustice was increased, in my estimation, by what I believed to be the unsoundness of your argument. When I complained of this injustice, you, instead of making an acknowledgment or apology for the wrong, took advantage of the circumstances, and of my confidences in you, to obtain for me an argument which you had long desired, but had never offered to pay for. And when you had obtained it, you refused to pay me for it. And this you did when you knew I was so poor as to lack the common decencies and comforts of life.

To screen yourself from my reproaches for this heartless, and shameful conduct, you have resorted to various misrepresentations of me. Some of these misrepresentations have been so palpable as to afford very strong evidence that they were intentional - trumped up for no purpose but to divert attention from your own indefensible conduct. They are unworthy of notice, and I will not speak of them now. But there is one, which you seem to have wrought yourself up to believe - and I therefore reply to it.

1. Chaplin's letter said nothing about the Vigilance Committee - but it did say that Mr. Smith wished to bring the suit. And your own declarations to me since, show that the matter was one of your own, rather than of any committee. 2. I never said, to you or anybody else, that I had any thought that you intended to wrong me in any way, as to the compensation for my services in that suit (supposing the suit to have gone on). But I will now say that I

have little or no doubt that you expected to get my services for a much less sum than you would have expected to get the services of any other man whose services you would have considered equally valuable. 3. In my letter to you (which has been made the sole foundation of your complaint in this point), I only spoke of Chaplin's request (on your behalf) that I should go to Boston and of your neglect to send me the means of paying my expenses, although you were aware of my extreme poverty. I mentioned this as an example of your thoughtlessness, and only of your thoughtlessness of what was due to me. As one of those instances of thoughtlessness, (culpable, unless explained), which had made it necessary for me to remind you that I could not afford to work for a man of your wealth for nothing. I have never intimated, either to you (as you pretend), or to anyone else, that you had any improper and deliberate design in not sending me the money- I did not, as you put, imagine at the time that you had any such design- although I felt wounded at such an evidence of indifference towards me on the part of one who knew of my poverty, and had made such professions of gratitude and friendship for what I had done. Quite possibly if I had known as much of you then, as I do now, I should have considered your omission to send the money an intentional one. Not that I think you are avaricious of money for its own sake. You love applause better than money. And you are avaricious of money to buy applause with. And you care little where your money goes, so only that it goes into the newspapers and brings you a fair whiff of that stinking incense which ignorance and folly from under the nose of sham philanthropy. Hence you will send printed notices into every County in the state remarking of your intention to give \$30,000 for the purpose of removing poor people into the wilderness, while at the same time you refuse to pay another poor man, for labor you have requested him to do for you.

Your pretenses that you have furnished me money, as a personal favor to me, to assist me under my pecuniary embarrassments," is of a piece with the rest of your conduct. The only pecuniary favor I ever asked of you, as a personal favor to me, I asked on the ground that I had saved you a great deal of money in postage. That favor was refused. But to save appearances you bestowed upon me your actual quantity of fine words, told me how much other folks might pay me for my labors, and added such a donation as you acknowledged yourself to be under obligation in general principles, to make me for reducing the postage.

Of the other money (\$150) which you have furnished me, every dollar was advanced, professedly, for the purposes for which it was asked, viz, to enable me to write books, which you (professing to have at heart the same objects as myself) expressed your desire

that I should write. You furnished money, as I furnished labor, for common objects. And you have as much right to pretend that the money you have paid to support Anti-Slavery lectures and Anti-Slavery newspapers was paid to those lecturers, and to the editors of those papers, as personal favors to them, "to assist them under their pecuniary embarrassments," and that they are consequently under obligation now to work for you for nothing, as you have to pretend the same in regard to me.

I once felt sincerely and deeply grateful to you for your assistance, when I supposed the assistance was rendered, not to me, but through me to the cause, in which you professed to be heartily engaged. But when you show that you had another, and a selfish object in view - that of bringing me under personal obligation to you (and I suppose of _____ the _____ of your political support) - I am disgusted at the meanness and hypocrisy of the act.

But supposing even that, instead of furnishing that money for the cause you had furnished it to me "to assist me under my pecuniary embarrassments." You furnished it in consideration of and with a special view to, the knowledge which I was to give you and which I had given you, " , and you to assist you under your "intellectual "embarrassments." I gave you that knowledge, and you formerly professed yourself more than paid. And I think you might have remembered that payment in offset for your money. If your own repeated declarations are to be believed, I have given you knowledge of a kind, which, above all other kinds, you desired - and in quantity to your entire astonishment, knowledge which you could not have purchased elsewhere with half of your fortune - knowledge, which you would not part with today for a sum equal to half your fortune - knowledge, which you are far more proud of than of any knowledge you profess - knowledge, which saves you as the principal material for all your public displays, whether in the village, or in the capitol - knowledge, which your ravenous appetite for applause induces you to print (in violation of both my moral and legal rights) under the title of "Gerrit Smith's Constitutional Argument." And yet, imprudent ingrate that you are, you now claim that your \$150, (given purportedly to the cause, and not to me) has not only cancelled all of your indebtedness to me, but has also laid me under obligations to enlighten your ignorance still further for nothing.

To prove your "pure love and generosity" towards me and your

title to me "thanks", you speak of your intention at one time to give me "a few hundred dollars" of managing a suit, and of your intention another time to expend some five hundred dollars in distributing my books among the bar of New York. I have only to answer that I would much rather see you pay me for the opinion which I furnished you at your request, than to take your word as to any of the great deeds you had intended to do; provided I had not asked you to pay me for my labor.

To prove your disposition to promote the circulation of my argument, you state that on three different occasions you have recommended it to your audience- that you "occasionally purchase a few copies for distribution" - that at one time you purchased \$4.25 cents worth, and at another time you "sent to a lawyer five dollars" for the same purpose.

I have never said, and I expect never to be able to say, anything so contemptuous of your faithlessness and treachery to the Anti-Slavery cause, as are these statements of your own, when compared with your other acts and sayings. You have publicly described my argument as the most meritorious "law argument ever written, either in this age, or in any former age - either on this side, or the other side of the Atlantic." And you exclaim "Why will not all lawyers read it? Who of them could read it without being convinced that slavery is unconstitutional?" All your conduct shows that you are perfectly aware that when the lawyers of this country are "convinced that slavery is unconstitutional" it must die. And yet, at the end of nearly five years after this argument, (which you praise so highly as sufficient to convince all lawyers) is produced, you are only able to say that you have distributed \$9.25 cents worth of them and "occasionally a few copies" besides. You can give \$30,000 to send a few persons into the wilderness- you can give only \$9.25 or some such sum, to rescue three millions of people from bondage, when you have all the needed means ready to your hand. Yet no man in the country makes such boastful professions of anxiety for the abolition of slavery. You even publicly reproach men for not voting for you for president on that ground. They ought rather to vote for Foote of Mississippi.

One would have once thought that if there were any sincerity in man, you might be relied on to do something substantial for the abolition of slavery, provided one argument could be produced that would induce that abolition- that you could hardly have slept until that argument were in the hands of every lawyer in the country. Yet now when you admit that you have got such an argument, you are

impressed with the paramount importance of sending a few free persons into the woods- and to accomplish this latter purpose you will squander two or three times as much money as would have been necessary to secure the speedy emancipation of three millions of people from bondage. No man of any standing in the Anti-slavery ranks has ever branded the proof of his hypocrisy so deeply into his own forehead, as yourself. You give your bombastic and hollow professions to the slave - you give your money to the whites (for the whites have votes, while the slaves have none - to keep your hold on the confidence of the Abolitionists, (blind men that they are for having any confidence in you,) you reproach every body almost in the country for not being abolitionists. Yet at the same time you say, in practice, that it is more important to send a thousand white families into the woods than to give freedom to three millions of people and their posterity. Heaven pity the man to whom it has given neither head nor heart enough to save him from perpetrating such enormities in the face of mankind.

There is no wonder that such a man can refuse to pay me for my labor, violate my copyright, and thus filch from me the pittance on which I live. Let him go on doing so - these are small matters in the comparison, and I hope not to have to waste any more words with him in regard to them. Lysander Spooner

I have not forgotten that just before this time, when you say you had, that from your love and generosity towards me, the intention of giving me, mostly out of your own pocket, "a few hundred dollars" for managing a suit, you had refused to loan me money, on the security of my copyright, "a few hundred dollars" to enable me to complete my argument in favor of three millions of men within our own country. You will not be surprised, therefore, if I am very skeptical as to your ever having had any serious intention of giving me "a few hundred dollars" for any argument in behalf of a few persons on the high seas.

Boston March 12, 1856

Messrs. Gerrit Smith, Lewis Tappan, William Goodell and others,

Gentlemen,

I have received a copy of your circular, requesting the liberty to append my name to a call for a convention to nominate "thorough abolition candidates" for President and Vice President.

If I were going to vote for any candidates, I should certainly wish them to be "thorough abolitionist candidates." But in as much as I know of no one, who agrees with me as to the essential requisites of an honest government, or, at least, would (if he could) act according to those requisites, under our existing constitutions, I cannot consistently aid in nominating any candidates whatever, however they may agree with me on the subject of slavery.

As I believe my reasons for not acting with the Liberty party have heretofore been misunderstood, you may not perhaps think it intrusive of me to briefly state them.

A system of government must be honest throughout, (and not merely on a few, or even on many points) to be entitled to the support of honest men. I think our constitution is a thousand times better - not only in its relation to slavery, but in relation to most other things - than it is generally understood to be. But I do not think it perfect - not such as honest men who know its true character throughout, can consistently support.

Nevertheless, I feel at liberty - standing outside of the constitution - and knowing that government of some kind will be carried on in the name of the constitution - to interpret the constitution, on those points wherein it is right, and then appeal to those, who profess to be governed by it, to act up to their own standard. I do this on the same principle that, standing outside the Mohammedan religion, I should feel at liberty to interpret the Koran, and appeal to believers to act up to their own creed, wherein it was right. It is on this ground that I write about the constitution, and not because I ever intend to take any part directly or indirectly in administering it.

I think no robbery is more flagrant or palpable - nor hardly any more unjustifiable - than taxing men for the support of government, without their personal consent. I have given the reasons for this somewhat at length in the appendix to my "Trial by Jury." Such taxation is not only robbery in itseld, but it supplies the means for, and is the legitimate parent of, nearly all the other tyranny, which governments practice. You will see therefore that it is impossible for me to support any government that acts on that principle, or to act with any party that adopts it.

Yours Respectfully,

Lysander Spooner

Gerrit Smith Esq.

Dear Sir,

I send the forgoing letter to you, instead of Mr. Goodell, because I wish you to understand the reason I do not act with the Liberty Party; and I am afraid if the letter were sent first to him, it might not come under your eye. Please forwardit to him, if you think proper.

Yours truly,

Lysander Spooner.

Boston , Novr. 2- 1855

Gerrit Smith, Esq.

Dear Sir,

Yours of the 29th ult, was recd two days ago - I have been so much engaged on mt Williamson argument that I could not stop to think of any thing else, and that is the reason I have not answered you sooner.

The draft you send me for \$50, and the \$100, which I presume Mr. Tappan will appropriate agreeably to your request, will pay for 300 copies of the book.

I am very anxious these 300 copies should go into such hands as will read them, and make the most of them for the cause. If nothing should be heard from them, after they are distributed, Mr. Tappan and Mr. Goodell would be confirmed in their fear that lawyers will not read them. If, on the other hand, the copies should be heard from, those gentlemen will have faith to distribute more.

There will be great agitation of the slavery question in congress this winter. If I felt sure that the members of congress would read the book, I should think it best that these 300 copies be sent to them, in the hope of provoking a discussion of the constitutional question in congress, and thus exciting an interest outside, which would induce lawyers to read the book. I suppose members of congress are too busy to read much- and many of them, if this book were sent to them, would, very likely, throw it aside unread. You know better than I what reception it would meet with. If you think it would get read, I would like your opinion whether the whole 300 had better no be sent there. Would not the southern members read it? And if they should, would they not put the question to the northern members, whether they adopted its sentiments? Whether any considerable number of the northern people adopted them? And other such like questions, as would make it necessary for the northern members to post themselves upon the whole subject? If we could but once get an agitation out of the constitutional question in congress, the whole country would be aroused by it, and could never after be put to rest in regard to it.

If a determined effort were made to provoke a discussion in congress, I think it might possibly succeed. Petitions, praying congress to establish courts throughout the southern states, ofor the liberation of the slaves, on habeas corpus and petitions for

arming and disciplining the slaves as militia, would help to provoke such as discussion. Mr. Tappan I suppose is the proper man to undertake the business of getting those petitions. I think I will suggest it to him, bur such a suggestion from you, if you approve it, will be more likely to command his attention.

But if you think no effort can possibly succeed in getting up a discussion in congress, these 300 copies had perhaps better be distributed elsewhere.

I have not read Mr. Seward's late speech at Albany, but I have seen it stated that he admitted that the so called pro-slavery clauses of the constitution did really refer to slavery. I wished at the time that you would send him a copy of my argument, and ask him to read it. It is too bad that he should make such an admission.

I wished to say more, but have a severe neualgia in me head, which unfits me for saying any thing.

Yours Respectfully.

Lysander Spooner

I have not yet found time to look over the letters you returned to me. I will do it, and make a proper disposal of them.

Peterboro Nov. 6, '53

Lysander Spooner Esq.

D Sir,

I have yours of 2d inst. I am happy to learn by it that you are writing an Argument ___ the Williamson Co.

Could I be sure that over 50 of the 300 copies would be used, I would be in favor of the whole 300 being sent to Congress. But Congress is made up, in the main, of _____ & ___ you seek to learn not what is truth - but what will serve their ___ selfish interest.

Were there half a ___ speaking member of Congress to take the ground that the Constn is antislavery, a hundred members of Congress would be prompted to read your Book. I am told that Genl Granger(?) Of Syracuse will take this ground. But I know of no other who will.

I like much your suggestions for putting Congress infavor f establishing Courts for liberating the slave on Habeus Corpus. SO too so I like the idea of ___ on the subject of the Militia. But I would have that a Petition against excluding ___ for the Militia. I would have that a ___ to answer against the frequent unjust disarmitation. Many, like myself, not believe in the right of Congress in ___ of war. They would unpetition for any militia. But they would gradly sign a petition of the character I have indicated.

I seize upon your suggestion & sent this day to Gov Seward a copy of your Bookl. I accompany it with a letter-- and a letter, I hope, will induce him to read it.

_____ Louis Tappan. In all execution matters he is a very wise man.

Respectfully yours,

Gerrit Smith

Peterboro March 20, 56

Lysander Spooner

My D Sir,

Would enjoin you to learn that I have got said Widnino?
Himself taken up the ___ orientation. Later arguments in favor of
its abolition powers. I send you his letter and last w___. Please
return it to me after reading it. I send you also a copy of my
hasty reply to him. I have so much to do I have to do everything very
hastily. It is only a wonder that I fell into no more g__l
thunder.

Where is our friend Geo Bradburn? Is he sick still?

Res'ly yours,

Gerrit Smith

Peterboro March 16, '56

My dear Sir.

I am very glad you sent to me your letter to Goodell, Tappan &
myself - for had you sent it to them, they might have printed it. I
hope you will be willing not to have it printed. Your published
disgust(?) Would hurt us. You are our own ___ highest authority in
interpreting the Constitution & ___ cannot afford to have you openly
___ against us.

On one point you have ___ us. This ___ to more is are point. I (illegible) has nothing at all to do with the Liberty Party. That Party will continue to do, as it has done, meet yearly for the purpose of ___ the emancipation of its views of civil government & of giving tangible formality of making a nomination, that will ___ two or three thousand votes. But if the party, if any, to induce your view of taxation in the Appendix to your Jury Trial book - for it the party cared nothing about being popular or unpopular - it cares only to be right, and it is fearless in that ___ as you are.

I should like to spend an hour with you on this subject - of taxation. I am very ___ in my ___ of ___ and ___ - but you are still more son.

I will send the letters to Goodell & Tappan if you say so, but I hope you will let me keep it.

I have no idea where we shall nominate for President. I am not un___, that he be a very able man- he must be a thorough abolitionist, & an thoroughly honest & ___ man. I shall rejoice if we can give him two or three thousand votes.

Truly yours,

Gerrit Smith

Lysander Spooner Esq (turn over)

P.S. I do not regard myself as acting under the Constitution so much as it ___ of my natural right to participate with my neighbors in choosing civil under the common party___ of our freedom and property. I would continue to vote however admissible I might care to see the Constitution to be. However, I would say that Garrison & Phillips should vote, notwithstanding their ___ views& at you & I so should I do so.

Copy

Peterboro March 20, 1856

Hon. D Wilmot,

My dear Sir,

I am in receipt of your calm, clean & well-argued letter. Seldom have I received a letter, which has interested me so much.

For many years have I been laboring to induce out ablest lawyers to study the Constitution with refernce to slavery. Until within the last year only a very few of them have been willing to do so. But now this reluctance is beginning to give way.

I rejoice, that you are beginning to give your mind to this subject: and I am free to say, that I believe the day is not distant, where we shall be allowed to include your among the rapidly growing number, who hold not only that the Constitution shows no favor to slavery, but that there can be no law for slavery. Already your name stands in immortal connexion with a great measure for Freedom. But infinitely more useful will be its connexion with the doctrine, that slavery is at all times & in all countries essentially & necessarily are outlaw.

I hold that the Constitution is full of power to abolish slavery. I hold, moreover, that, if there were no Constitution, we, the people of this Union, have power, rightful power to abolish slavery everywhere within the Union - for we are one people - were such before the adoptions of the Constitution (which served to form "a more perfect Union") & were such even before the Declaration of Independence. Moreover, I hold that even if we were not one people, we would have the right to kill all American Slavery. What is

Slavery? It is the highest crime against man. It is a blasphemous attempt to unman man. It is the great ___ of earth, the great enemy of man. What if the murderers of all nations should collect and take possession of an island of the sea? Might not any nation feel its liberty to break up that nest of murderers? Clearly. Just so - on the very same principle - and nation, or state of people have the right to break up our Southern next of _____

I send you by this mail a couple of copies of my Speech in Congress on the Nebraska Bill. Among all my arguments to show, that slavery is unconstitutional & impossible of legalization, this is the best. I send you also a copy of Spooner's book on the Unconstitutionality of Slavery, which, I regard, as by far the ablest argument on that subject. I feel sure that you with your legal and logical mind, cannot end up from the reading of Spooner's book unconvinced, that slavery finds no shelter in the Constitution.

You wish to know my authority for what I say in the 7th Paragraph of my letter to Gov. Chase. It is to be found in the 3d Volume of the Madison Papers page 1569 - N. York edition of 1844.

Very happy should I be to continue our correspondence - not only for the purpose of trying to impart light to you, but quite as much for the purpose of receiving light from you.

I agree with you in your high opinions of the Republican party. It is full of noble men with noble aims. But neither that party nor any other of a merely negative policy, can make any headway against so positive, so mighty, so aggressive a thing as slavery. Let that party, at its approaching convention, deny all rights to slavery & declare it to be an outlaw. & slavery will quickly fall before it.

With great regard, your friend,

Gerrit Smith

Peterboro, March 1 '58[6?]

Lysander Spooner Esq.

My D Sir,

On my return from New York, I find your letter & Book. I thank you for both. I had a copy of the Book before. I purchased it at the time of our "Jerry Trials" & was it with great interest & _____.

I find an opp_____ "private" letter from Chase. I reply to him that I will join the Repl. Party, if it will ___ the ____, the the President himself nominate to the Bench no man, who labors ___ slavery to the law, I will also ___ the ground that such ___ belief is an impeachable offence.

I was glad to find in ___ that a copy of your never-to-be answered argument had been sent to every member of Congress.

I found the abolitionsts in the City determined to stand by their principles, & ready to call a Convention to nominate abolition candidates for President and Vice-President.

Your friend,

Gerrit Smith

P.S. Among the hundred letters which have accumulated in my ten days away, one from AP Georgia Member of Congress. His Home is Syracuse. There he learned to be an abolitionist. He is eager to get the floor in order to advocate our principles to the fullest extent.

Boston Feby 16 - 1856

Gerrit Smith Esq,

Dear Sir,

I am obliged to you for a copy of your letter to Chase. It ought to make him and Sumner feel. But will it? I think not. I have no confidence in either of them. I think they have neither the courage nor the integrity to do any thing but hold back the North from doing any thing against slavery.

I do not know whether you have ever seen my "Trial by Jury," published in 1852. I send you a copy.

Yours respectfully,

L. Spooner

[TYPED]

SIR:

You have, doubtless, read the proceedings of the late Pittsburg Convention, and are entirely convinced that the Republican party, although earnestly and honestly opposed to the *extension* of Slavery, is nevertheless, *not to abolish* it. Our work of abolishing Slavery is, under God, to be done by ourselves.

A call has been written for a Mass-Convention at Syracuse, N.Y. on Wednesday, 28th of May next, to nominate Candidates for President and Vice-President of the United States, not merely Anti-Slavery Candidates, but thorough Abolition Candidates. We have read the call and think it properly drawn. We wish to have it subscribed by the names of several hundred respectable voters, all whom are entirely with us. If you are willing that we should use your name,

please send it to us by mail, as early as the 20th day of March. Address Wm. Goodell, 48 Beekman Streetm New York. Perhaps you can send us other names also. In every instance let the residence follow the name.

GERRIT SMITH,	JAMES McCUBE SMITH,
LEWIS TAPPAN,	M.B. WILLIAMS,
WILLIAM GOODELL,	FREDERICK DOUGLAS,
S.S. JOCELYN,	J.R. BARBOUR,
W.E. WHITING,	H.D. SHARPE

New York, Feb. 27, 1856.

Boston Sept. 10, 1857

Gerrit Smith, Esq.

Dear Sir,

I see that the annual meeting of Am.Abolition Society is to be held at Syracuse the last day of this month, and I suppose plans for future operations will then be adopted. I therefore take the liberty of asking your attention to the project of giving my argument to the lawyers throughout the country. I dislike to speak of this subject myself, lest it should have the appearance of egotism- but as I believe your society universally concede the argument to be conclusive and best all their political movements upon that hypothesis, I know not why I should shrink from urging them to take the only step that seems to me likely ever to bring the question really before the nation for decision.

There are in the nation some 30,000 lawyers. A volume called the "Lawyers Directory" containing their names and residences is published annually, I believe, and can be bought for one or two dollars. These 30,000 men will be more ready to read the argument than any other body of men of an equal number in the country. They feel more competent, and are more competent, to decide upon its truth, or to detect any errors in it, than any other body of men. If they should read it, and be convinced, their opinions will stand for the opinions of the country and all Congresses, Courts and legislatures will have to conform to their opinions. But so long as this body of men remain of their present opinions to it, so long the mind of the nation, as a nation, will remain wholly uncharged on the question - this result is the very nature of things inevitable yet this class of men are the very last ones whom abolitionists seem to wish to convey.

The idea of giving to the people at large on this question seems to me utterly futile. They most of them, have neither time nor inclination for such investigations, nor any confidence in their own capacity to decide such a question rightly. They investigate nothing of this nature where their own rights are at stake, and they never will do it for the sake of the slaves. There are twenty, and probably fifty, or even an hundred men, who would march up to the cannon's mouth in defence of the principles of my argument, if the lawyers all told them they were sound, where there is one who would read the argument for himself, and make up an opinion that he would dare to stand and fight for.

Mr. Tappan's objection - that the lawyers would not read the argument, if it were sent to them - is simply ridiculous, (if the argument has any of the merits which he himself concedes to it). The southern lawyers would all read it at once - because the question is a vital one to their section of the country and when they should have read it, they would see that that was the only political abolition in from which they had any thing to fear. They would therefore give their whole attention to it, and never waste another thought or breath upon Free Soilism, Garrisonism, or any of that kind of harmless stuff. These movements at the south on the question, would compel northern lawyers and politicians to give their attention to it. No doubt many old lawyers at the North, who were full of business, would not read it at first. But if a good bound volume were sent to them, they would not throw it away, but set it in their libraries, and when the question should come to be

seriously agitated by others, they would read it. But most northern lawyers would read it without much delay. Young lawyers especially who have leisure, and are too poor to buy books (as most of them are) would snatch at a book that was sent to them, and read it at once. They would talk of it among themselves and to the older ones- and finally it would be read by all.

As evidence of the effect, that would be produced upon the minds of lawyers, I send you a Congressional Globe, dated Decr. 6, 1856, containing two speeches by Senator Brown of Mississippi, in which he alludes to my argument. In one of them he says of it, in reply to Wilson of Massachusetts.

"The Senator from Massachusetts now comes forward and indorses my declaration, that a Mr. Spooner, a man of position there, has not only written, but published, a book to the country, making an argument in favor of the constitutional power of Congress, not only to interfere with, but to abolish slavery in the southern States of the Union. The Senator did not say, what I am willing to say myself, that the book is ingeniously written. No mere simpleton could ever have drawn such an argument. If his premises were admitted, I should say at once that it would be a Herculean task to overturn his argument."

He does not attempt to point out any error in my "premises" and in as much as the only other premises that he would be likely to attempt to set up, are the palpably false and ridiculous ones assumed by the Sup. Court in the Dred Scott case, viz, that it was understood among the white race, that the blacks had no rights, which the whites were bound to respect, he may fairly be regarded as virtually conceding that the argument is sound.

This Mr. Brown is one of the very ablest men in the Congress, and this declaration of his, as to the merits of my argument, would (if prefixed to the copies sent to the lawyers) secure its being read by them- both north and south.

I also send you herein a leaf from a speech made by Judge Collamer in the Senate, in which he alludes to my argument, and though he admits that the authority of contemporaneous construction he concedes that nothing but a contemporaneous construction, adverse to liberty, could ever have given the constitution such a meaning.

He is a foggy of the fogies, as this absurd idea of his as to the authority of contemporaneous construction proves. But he has been a Judge of the Supreme Court of Vermont, and his admission made this publicly in the Senate as to the force of the argument is a valuable one.

There would, I expected, be no difficulty in raising the money necessary for sending the argument if the money were solicited for that specific purpose.

I think the best way would be to send out agents on this special mission. They would deliver lectures, if necessary, explaining the plan. And then, by way of seeing the contributions against any misappropriation of their funds, the agents should have copies of the book with them- so that the contributors, instead of entrusting their money to the agents to be appropriated to purchasing the books could themselves buy the books and put them into the post office, directed to such lawyers as they should prefer to send them to. The agents marking the names of the lawyers to whom the books were directed in order to know when all the lawyers were supplied. The separate agents should have an understanding with each other, to supply the lawyers in different states, so as to avoid sending two copies to one person. These agents should have a appointment, or recommendation from your society, giving the plan to insure them the confidence of the people. They should not only give lectures (if such were found necessary) but they should make private application to individuals.

The books could be bought by the agents at the wholesale price (75 cents for a volume bound in leather) and sold at the retail price of \$1.25 - and this profit would pay the agents for their services.

I have thus drawn out the plan somewhat in detail, to show its feasibility, in the hope of securing for it the adoption of your society. If you should approve of it, I hope you will advise that it be acted upon.

It seems to me that it ought now to be evident to your society that their past method of operations is nearly, if not utterly

useless, that at least it is utterly inadequate to the task of bringing this constitutional question before the legal mind of the country. In the last dozen years, here and there an individual has been converted to the true meaning of the constitution, but the mind of the nation, as a nation, is wholly untouched, and will doubtless remain so for an hundred years to come, unless something be done to bring the question directly home to the minds of those men - the legal men of the country- who alone ever will, or ever can, be brought to investigate it, decide it, for the country.

I apprehend Mr. Tappan will be the principal opposer of this plan - not from bad motives, but from mistaken views. Yet how inconsistent will it be for him to oppose it. If a single slave were in jeopardy in New York, Mr. Tappan would be one of the first to go for a lawyer, to see whether any thing could be done for the man's deliverance. But when four millions of men are in bondage, with the law in their favor, Mr. Tappan is opposed to even asking lawyers to look at the question.

If the liberty of the slaves depended upon the opinions of any other 30,000 men in the nation, than the lawyers, would not Mr. Tappan, and every body else, who had common sense, direct their whole efforts to the conversion of those particular men, whose opinions were to be decisive, instead of wasting their energies upon men, who either would or could form no opinions, or whose opinions, when formed, would be of no avail to the object in view.

If a man had solved some obtruse problem in mathematics, of great importance to mankind and wished to give mankind the benefit of it as soon as possible, how absurd would it be for him to go to work to educate the whole mass of ignorant and indifferent man into such a knowledge of mathematics as would enable them to judge of the correctness of his demonstration, instead of giving his demonstration at once to men already learned in the science who would examine it promptly, decide upon its truth, and then at once give it to the world as a truth, knowing the world would receive it as such on their authority, though they would never investigate the question for themselves. yet such conduct, it seems to me, would be no more absurd than that pursued by the abolitionists in their attempts to convince the great body of ignorant and indifferent men of a legal truth, which it requires much learning and study to understand, while they pass by the only men who are scientific on such matters, and whose opinions alone will be received as authority.

If the abolitionists have any argument that will stand the scrutiny of the legal profession, it seems to me to be the extreme of folly, or the extreme of treachery to liberty, for them to withhold it from, or not to give it to, the only tribunal - (the legal mind of the nation) whose verdict alone will ever convince the nation or induce the nation to carry the principles of the argument into effect.

Perhaps I have said more than is necessary on this subject. At least I have doubtless said as much as you will be likely to have patience for and therefore I leave the matter in your hands.

Yours respectfully,

Lysander Spooner

Peterboro Sept 20 1857

Lysander Spooner,

My dear Sir,

On my return home after a few days ____, I find the no of __ my journal ____, which you were so kind as to send me. I have just read the interesting discussions in it between Seward _____. I find that I had read it before, but it had nearly ____ from my theory. Hale, Williams, __ likes been done on much __ by their _____. One ____ so much _____. Burns makes important concessions to your Book.

I __ you the Globe, ____ it.

Your friend, Gerrit Smith

P.S. I hope you have rec'd the letter I wrote you ___ \$20.

ADDRESS

REPORTED BY GERRIT SMITH

TO THE

JERRY RESCUE CONVENTION, HELD IN SYRACUSE OCTOBER 1, 1857

The rescue of Jerry! What a preacher of righteousness! To tell what is right is good preaching. But to do what is right is better. The best of pulpits preaches but in words. The rescue of Jerry preached in deeds. The abolition school teaches the lesson that the slave should be delivered. The rescuers of Jerry put the lesson in practice.

And then what a touchstone of character is the rescue of Jerry! Not a man can disapprove that rescue, and yet be a christian. For not a man can disapprove it, and yet be honest. But honesty, in its comprehensive sense - in the sense of doing unto others as we would have others done unto us - is the soul and substance and total sum of christianity. Since there lives not the man who, if in the circumstances that poor Jerry was in, would not like to be delivered from them, then lives there not the man who can be a christian, and yet be opposed to his deliverance. We do not deny that there are christians who disapprove what has been imposed upon their credulity as the rescue of Jerry - who disapprove their own false conceptions of it. But the reality - the thing itself - no man can disapprove, and yet be a christian. If we admit that a man can be a christian, who defends what he mistakenly deems to be slavery, it nevertheless does not follow that we admit him to be a christian, who justifies the reality of slavery, and indorses the very thing which is the highest crime against God and man.

A great touchstone of character did we call the rescue of Jerry. Wherever there is a Church which refuses to sanction that transaction, there we may be sure is not a Church of Jesus Christ. Dishonesty, and not honesty, is its chief characteristic. An honest man in such a Church is entirely out of place, and he should hasten to betake himself to better company.

The question often arises whether the Methodist church at the North; the New School Presbyterian Church; the Freewill and Seventh Day and Close and Open Baptist Churches at the North; the Unitarians and Universalists and Lutherans and Congregationalists at the North are right in regard to slavery. Not a moment need be wasted in finding an answer to it. Are they right in their regard to the rescue of Jerry? The answer to this question involves the answer to the other. If they are willing to identify themselves openly with the rescue, that is enough. If they are not, nothing else not all else can be enough.

The Episcopal and Old School Presbyterian Churches, like the American Tract Society, are past all need of being tested. Their great pride is to have no heart for the slave, and to keep their sensibilities so high up in the region of everlasting snows as to be quite out of reach of all these vulgar agitations in behalf of humanity.

The Roman Catholic Church seems not yet so much as to have heard the four millions of tortured American slaves. Now, however, since it has settled the great question about a dead woman, it may perhaps find time and heart to open its ears to the cries of living women and living men also.

All American clergymen should be tested with the question whether their piety has risen up to the "Jerry level." None are ambassadors of Jesus Christ whose piety falls below it.

Compared with the rescue of Jerry, all the boasted tests of doctrine are of no value.

"I believe," says one, "in the Bible." But do you believe in humanity? Vain is all your faith in the Bible, so long as the poor

Jerries of earth fail to touch your heart. To tell us that you believe in the Bible, whilst yet you can look unmoved at the slave, is but to tell us either that the Bible is wicked, or that your interpretation of it is false.

"I believe," says our orthodox brother, "in original sin." Yes, good brother, but do you believe that the kidnapping of Jerry was sin, and that his rescue was righteousness? If you do not, then however far you may go back to get to the origin of sin, and even though you believe in the very teetotalism of total depravity, your faith is but a guilty delusion.

"I believe," continues our orthodox brother, "in Jesus Christ." Yes, good brother, but if you do not see Him in every poor Jerry, and feel a faith, that impels you to help rescue him, then is your belief in Jesus Christ but superstition or hypocrisy. The Christ who was crucified more than eighteen centuries ago, is reproduced in every despised Jerry- in every oppressed and crushed brother. The common impression that it suffices to let our hearts flow out to the "ma of sorrows" in Judea is but a common delusion. The Jerry of to-day is the Christ of to-day: and if we have not the anointed vision to discern it, then we are still blind to the original Christ, and all our faith in Him is vain. Not to recognize the Savior of the world when we meet Him in His suffering ones and in His "least" ones, is to prove that we never knew Him, and never felt the significance of His life or death. Rarely, alas, how very rarely! Is He known either within or without the churches, Never did they know Him, who can pass His poor by.

"I believe," adds our orthodox brother, "in vicarious sacrifice." It is right that you do. But do you not, if you cannot consent to give up ease, and reputation, and wealth, and social and political advantages, and to risk even liberty and life for the sake of helping a Jerry out of the hands of his kidnappers. Belief in the vicarious sacrifice of Jesus Christ is on the lips of the millions. But it is in the hearts of none who are not willing to suffer for others - yes, and in the place of others. The readiness of men on the night of the first October, 1851, to put themselves in the place of Jerry, and lose their own liberty for the sake of restoring his, was of its single self a far greater evidence of the likeness to Christ than it was possible for any man to give, however full of professions and prayers as he might be, if nevertheless he refused to sympathize with Jerry, and to suffer for his sake.

Is there a political party, that is unwilling to put the seal of its approbation upon the rescue of Jerry? - then has an honest man nothing to do with such a party but to oppose it. Until American slavery is abolished, a Resolution indorsing the rescue of Jerry should be brought into every political meeting in the land, Republican, Democratic, Native American, or of whatever name.

It is said that when the measure of emancipation was under discussion in England, the Quaker voters would try the candidates for Parliament by thrusting the image of a kneeling slave into their faces, and asking them: "Canst thou go that?" American voters should pursue a similar course, and should ask all candidates from pathmaster to President whether they can go the rescue of Jerry.

The Republican Party claims to be an anti-slavery party. But if it is unwilling to be known as a Jerry-rescue party, we are to be unwilling to belong to it.

The Native American Party claims in some sections of the country to be anti-slavery. But so long as "rescue of Jerry" is not among the mottoes, which cover its banners, so long must we oppose it.

Into the relations of the Democratic Party to the bleeding slave we are saved all necessity of inquiry. It laughs at him as well as at "bleeding Kansas" and "bleeding Sumner." It studies not to conceal, but boasts of its contempt of justice and mercy, and of the claims of God and man. It "declares its sin as Sodom, and hides it not." Whatever its other ambitions, it is perhaps not too much to say that the one great ambition of the Democratic Party is to beat the devil himself.

So too, but for an entirely opposite reason, we are saved from inquiring into the relations of the Garrison Party and Radical Abolition Party to the poor Jerries. The righteousness of these Parties is as palpable as the unrighteousness of the Democratic Party. William Lloyd Garrison and William Goodell never faltered in their fidelity to the slave. They have never consented to weigh judicial, legislative, or even Constitutional authority against his right to liberty. And they, who sympathize and act with these noble

leaders in the cause of American Liberty, know no law for slavery, but all law for its abolition; no law for kidnapping Jerry, but all law for rescuing him.

A new party is springing up. It advocates the dissolution of the Union. What is its heart toward the slave? A party may be for the Union or it may be against the Union, - and yet be all wrong in regard to the slave. It is for the rescue of all the Jerries, and for the punishment of all their kidnappers? This is the question.

And another new party is springing up. There has recently been a National Convention at Cleveland, composed, for the most part, of respectable conservative gentlemen. They call on their countrymen to help improve the pecuniary circumstances of the slaveholder in the event of his emancipating his slaves. That however does not prove them right. They may bestow all their goods to feed the slaveholders. But what will they do for the slaves? - for the poor Jerries? We address these respectable conservative gentlemen, and indeed all other men, in the very lines, save the change of a single word, written by good old John Newton:

"What think you of *Jerry's* the test
To try both your state and your scheme?
You cannot be right in the rest,
Unless you think rightly of him."

We need to be incessantly upon our guard. The Republican Party, when we read some of its papers, and listen to some of its speeches, seems to be the real friend of Freedom. Nevertheless it may prove to be her most effective and deadly enemy. There is no fear that the Democratic Party will corrupt any of the lovers of Freedom. In their eyes its abominations and devilisms have no attractions. Upon their spirit its example can never pour contagious influence. But the Republican Party has succeeded in absorbing the anti-slavery sentiment of the country, and in alluring to its ranks nearly all the abolitionists/ how immense then its damage to the cause of Freedom and of human rights, should it be found to wield its accumulated power not against slavery but for it; not for the black man but against him?

If the Republican Party enjoys the confidence of the

abolitionists, it is nevertheless not too much to say that it has not yet earned it. The recent Constitutional proscription of the black man in Iowa was owing to the Republicans as well as to the Democratic votes. Minnesota, in her Republicans as well as in her Democratic Constitutional Convention, proscribed the black man. The Republican Party of Wisconsin has also sadly disappointed us. In its late nominating Convention it did not dare to pledge the protection of the State to all the innocent men, black or white, who shall stand upon her soil. And the Republican Party of our own State, in its Convention held last week in this City, failed also at this very point. It is true that the Convention, thanks to such bold men as Briggs and Show and Nye! refused to say (though such poor cowards as Field and Grover wished it said) that our fathers agreed to cast back into the hell of slavery their poor guiltless brother, who might escape from it. But though the Convention refused to say this wrong thing, it did not add to its negative merit the positive merit of saying the right thing. It did not go on to say that come what will, the State of New York will shelter from his pursuers every slave, who is so fortunate as to get within its limits.

By the way, how disgraceful and ruinous to a party to have such men as Field and Grover among its leaders! It should drum them out of camp. Ever and anon they get upon their feet, and assert as gravely as if the bald lie were an undoubted truth, that the Constitution provides for the recapture of fugitive slaves. What however if it does? Are we to admit that the Constitution has power to compel us to inflict the deepest wrong upon our brother and to damn our own souls? Reloading a man with the chains of slavery is worse than murder; and if he, who has a part in the diabolical work, does not bring damnation upon himself, then there is no damnation.

We add that the morals of the people of the State of New York escaped immeasurable damage by the failure of Field and Grover and their fellows to induce the Convention to declare the returning of the fugitive slave to be a Constitutional duty. Such a declaration would have done more to debauch the public conscience, and render powerless the principles of humanity and the spirit of Christ than was ever done by any declaration of any party or any church, that has existed in our State.

There is one thing in praise of this Republican Convention which we cannot refrain from advertising to. With our lamentations over its short comings we mingle our great joy at its selection of a candidate for a Judge of the Court of Appeals. Timothy Jenkins is

one of those few lawyers, who always look to the right of the case for the law of the case. Hence, as he finds nothing right in slavery, he finds no law for slavery. If the people of the State of New York should, as we have no doubt they will, elect Mr. Jenkins, they will then have at least one Judge, who will never confound any piracy, and, atleast of all, the preeminent piracy of slavery, with sacred, obligatory law.

The friends of temperance may wish to learn of us, the neighbors of Mr. Jenkins, what kind of temperance law he would regard as constitutional and what kind as unconstitutional. On this point we can give no precise information. Assured, however, they may be that his judgment will not be swayed by his appetite - as it is nearly a quarter of a cnetury since he has drank intoxicating liquors.

Fellow rescuers of Jerry, and fellow indorsers of his rescue!- freely have we been examining and sifting others, as freely let us now examine and sift ourselves. Let us apply to ourselves he very test which we have applied to others. Do we ourselves believe in his rescue? Do we apprehend all its import? Do we subscribe to all the principles wrapped up in it, and go along with them practically to their utmost scope? Do we ignore as Churches and Ministers of Christ, all Churches and Ministers, that refuse to approve it? Do we withhold our votes from all, who refuse to approve it? In a word, are such our relations to God and man- is such our love of Him, who is the great Common Father of Jerry and ourselves- is such our prompt recognition of all the claims of the human brotherhood, as to bring us into the fullest harmony with the rescue of Jerry? If not, then is our own faith in his rescue deficient; and then do we need to yield up ourselves anew to the hig teachings and blessed influences of that great event.

Most emphatically would we ask whether we all recognize the obligation to rescue Jerry - or to use another word, every slave. It devolved on the people who were assembled in this city, to rescue Jerry. As truly does it devolve on the whole people of the North to rescue all the slaves of the South. But Jerry was rescued by violence! - and would we hav all the slaves rescued by violence? No- we would not:- and we add that it would be wicked to do so. Wicked however would it be, only because unnecessary - only because there is a better way to rescue them. Could we, on the night of the first October 1851, have voted Jerry out of the hands of his

kidnappers, then would we have had no excuse for taking him out by force. It is in our power to vote the slaves of the South free—and hence it would be a crime for us to free them by force. We have but to vote the Federal Government into the hands of the abolitionists, and every chain would fall peacefully from every slave. Very rampant are the slaveholders now, because political reins are in their own hands. But very submissive will they be when the political reins shall have passed into the hands of the abolitionists.

It is the abolitionists, who, we said, must acquire the control of the Federal Government. We did not say this of the Republicans: - for whatever may be their merit in opposing the extension of slavery, we are not such simpletons, as to long for its abolition by a party, which refuses to oppose slavery where it is, and oppose it only where it is not. A mighty and prevailing party will the abolitionists be, when they shall have done forever with the folly of putting their cause into the hands of its enemies; and shall trust, under God, none but themselves.

Our words for this sixth anniversary of the rescue of Jerry are now ended. Why is it that so little has been accomplished during these six years for the overthrow of slavery? It is because so few have dared to identify themselves with that rescue, and to espouse the great principle which underlies it- the principle that there is no law, and can be no law, for slavery. The men who rescued Jerry, did not pause to inquire into the terms and tenors of the Fugitive Slave Act. Enough was it for them to know, that no the statutes, nor decrees, nor even constitutions, pile them up ever so high, can create a law for slavery. They went straight forward to their work of mercy, because their consciences were entirely unembarrassed by the nonsense- they very guilty nonsense- that he, whom God has made a man, man can turn into a chattel; that he, whom God made to own property, is himself property; that he whom God made "a little lower than the angels, and crowned with glory and honor," is to be classed with horses and hogs.

Whether political parties, which do but go against the extension of slavery; whether Disunion Conventions, or Compensation Conventions - whether all these, or any of these, can or cannot contribute somewhat to the downfall of slavery- sure is it that its bloodless, peaceful end will never be reached until the friends of freedom shall have mounted "the Jerry level," and branded the whole

system of American slavery as a piracy and outlaw. When they shall have done this, then will that infernal system come down; and then, we add, will the monument to the memory of the rescuers of Jerry go up. For the present these brave men are laughed at and defamed. The conception of their noble deeds and the broad and blessed results, that are to follow it, cannot be grasped by vulgar minds and little souls. But then, when jusyer views shall have been obtained, not marble will be found too white, and no shaft too tall to render to the immortal rescuers of Jerry that great honor which a regenerated public sentiment will call for.

Peterboro July 13 1858

Lysander Spooner

My dear Sir,

I have your letter, outlines of banking system, and pamphlet - for all which I thank you.

I have just finished sending your outline. Your theory is bountiful- but can it be successfully ___ practiced! Would there be sufficient confidence in the _____ to get it into an ____? Would not the ___ of the _____ be common & indeed excusable? You are acquainted with the _____ Banking System of this State. The basis of its cicrulation is Federal & State ___ & ___ Mortgagor. Now & then one of us ___ - &it illegible.

Truly yours,

Gerrit Smith

Petersboro July 26, 58

Lysander Spooner Esq.

My dear Sir,

I thank you for your letter of 19th instant. This certainly is very strong replu to my doubts in regard to your Banking System. I see that there would not be the ___ for fraud & ruin under your system that there is under one Whole system .

It is as you say- the mortgages laws an ___ under our system where laws are ___ at the lowest price because there is the last money? Further, the laws for ___ appraised under your system would not be ___ an illegible

I retutn you by the mail which later this your ___ your whole argument in "Intellectual Property." So pressed has been my whole time to my ___ that I have not given a quarter as much time to it as it is entitled to. The 5th Chapter - I have just read. It has shed much light upon my mind. Especially interesting was X in that part of it had shown a more xellent ___ I am ___

When readinf the work, I though how well it is that you have been poor all your life. You have had time to think, & you have acquired the habit of a very profound thinker. I have been rich all my life rather I have always possessed a large property - though ___ ___ ___ self. Hence being always ___ or dial ___ without ___ of property, ___ thinking has all been scattered & ____. The good mind I was born with has been ___.

Well we have trial ___ ___ ___ & we all aspire that it is decidedly the best ___ ___ we never knew

Truly yours

Gerrit Smith

Boston July 7, 1858

Gerrit Smith Esq.

Dear Sir,

Some time since you sent me a paper of yours, in which you advocated free banking. That has induced me to send you (as I do herewith) an outline of a New Banking System, which I am intending to bring before the public as soon as I can do it in a proper manner accompanying it with some essays on credit and currency, which are partly written already.

I send this outline, having some hope that you may like it well enough to be induced to establish a bank of your own. Not because I suppose you would establish a bank for the purpose of lending money, but to save you the necessity of borrowing. By establishing a bank on this system, you would command (without interest) currency to the amount of one third, or one half, the value of the real estate you put into it. There is no more reason for a scarcity of currency, than for a scarcity of air.

Under the system I propose, the real estate of the country is capable of furnishing, I suppose, ten times as much currency as could be used - currency as solvent as the solid earth. The exportation or importation of specie would have no effect upon it.

Under this system, the currency would be so abundant, and the rate of interest so low, that almost every worthy man would be able to obtain on easy terms, credit enough to establish himself in business; and thus save the laboring classes from the necessity they are not under of laboring for wages, and selling their labor to keep them in perpetual poverty.

If you should be convinced that the system would be as beneficial as I have described, I have thought it possible you might think it a valuable public service to lead the way into introducing it.

If you should have any fears that the State might prohibit such banking, I could furnish you an argument, which I intend to publish with the system, and which I think will demonstrate that this State governments have no power to prohibit his, or any other system of banking, that is naturally lawful.

If you should feel inclined to establish a boo, I could prepare the necessary papers.

I also send you the first "Part" of a book, which was mostly written, and partly printed, three or four years ago, but which has not yet been published, and may not be for some time. It discusses the question whether a person can, by the law of nature, have every exclusive property in our idea, after he has made it known to the world? A question, that has puzzled courts and the lawyers for one hundred years and more. If he has such property, he has a perpetual one instead of such a temporary privilege as is not granted by patent or copyright.

Some of my friends here think this argument the best thing I have written. I do not of course mention this to affect your opinion, but only as an inducement to you to read it.

Still I doubt if you will have patience to read the whole - but I hope you may find time to read the 5th chapter, if no more. That chapter, I think, will convince you of the vast importance of the principles of perpetuity in intellectual property, to the progress of mankind in knowledge and wealth.

The opponents of the right of property ideas have hitherto had the best of the argument - anticipate that this argument will settle the question the other way -

Does the bed suit you?

Yours truly,

Lysander Spooner

Boston July 31, 1859

Gerrit Smith, Esq.

Dear Sir,

I was much gratified to have you say that those papers were "sound in their morality, and unanswerable in argument."

I knew nothing of the other movement until after the papers were printed. Since then I have been made somewhat acquainted with it - though perhaps not enough to enable me to judge well of its feasibility. Although it seems to be as well planned as such an enterprise can be, yet with only such numbers and such resources as I suppose to be enlisted, it seems to me the probability is that the adventures will either be massacred, or compelled to make an inglorious retreat; and that, in either of these events, the result would be a blow, from which the cause would not be likely to recover in many years. To me it seems like resting upon nearly certain destruction, for a few men to take up arms against an united South. I doubt if the slaves themselves in any large numbers, would join the invaders- would dare to do so. But if they should ; they would be an untrained, unskillful, and nearly useless force; perhaps more of an encumbrance, than an assistance. Nothing but discipline, the best of weapons, and skill in the use of them, will suffice for modern warfare.

For those measures it seems to me that, before any invasion is attempted, there should be one, two or three years of open and active preparation - in order, first, to divide the South, detach

the non-slaveholders from, so far as they can be detached, the slaveholders, and bring them over to the side of the slaves; and secondly, to unite the North, so far as it can be united. Then, if an invasion should be necessary, we should go strong-handed; and should also find one half (more or less) of the southern people on our side - and the victory would be a certain and easy one. In fact, I do not think any actual invasion will ever be necessary & I think my plan has been somewhat misapprehended by yourself, as well as others. I regard the military part of it as wholly secondary and subsidiary to the other measures and as not very likely to be called for; although necessary to be kept in view as a possibility. But the first, and altogether the most important, indeed I may perhaps say, the all-sufficient, part of my plan is this one, to educate the whole people of the country, north and south, into these four ideas. 1. That the slaves have a right, not only to liberty, but to compensation; 2. That if the law do not give you these, they have a right to take them; 3. That it is the duty of every body, who can, to assist them in taking them; 4. That the slaves may rightfully free the liberators, and the latter may rightfully receive pay out of the spoils of the masters. The slaves have as good rights, as nations have, to pay their soldiers out of the spoils of the enemies. If these ideas could be diffused among men's minds generally, north and south, they would manifest themselves in such constant, and finally in such bold, aggressions upon the property and persons of the slaveholders, that they would very speedily be compelled to succumb; be compelled to liberate their slaves to save themselves from being stripped of everything. And probably no military operations would ever be necessary.

None of the circulars were sent to the South until Jan. 11. Since then they have been sent to all the members of Congress and to some 25 or 30 other persons only: the first report I have heard from them was through the Boston Courier of Jan. 28. I send you the article, in a separate envelope. The important parts of the article are the extracts from two southern letters. These show that the medicine works, and so furnishes an argument for continuing the treatment. If we work fast now, we shall soon have the whole country in such a flame of excitement as to sweep away all temporising issues, and compel the campaign of 1860 to turn solely on the question whether slavery shall be extinguished.

I do hope we shall have your cooperation in this movement. I am confident we shall have Phillips. He is very slow to adopt any new move. Yet he contributed something towards writing the circular- and has since manifested much interest in it.

I do not apprehend that this movement will interfere with the other disadvantages to the latter. A copy of the circular has been sent to Brown (by one of his men) to ascertain whether he would like to have it distributed. An answer has not yet been received, but I anticipate that he will approve of it.

I inclose two copies of the circular. You are at liberty to show them to the faithful.

You speak of having the circular indorsed by numerous and responsible names, and I doubt whether such names can be had. But, if, as you say, the papers are "sound in their morality, and unanswerable in argument," will it not be presumed that they actually are, or ultimately will be indorsed by the north? And would not a display of names, convey the idea that the morality of the papers was supposed to be doubtful, or the argument weak? I hope, however, that each person, who sends one, will sign his own name, in order to get replies to be published in the northern papers. I trust, too, that the movement will actually be indorsed by impartial names so soon as such own indorsement is needed. But I have no doubt we can get names by the tens of thousands so soon after the thing shall have become generally known. In getting southern names to be sent to, we can find the names of the southern newspapers at the advertising agencies, some 20,000 merchants at the mercantile agencies, and some thousands of lawyers in the Lawyer's Directory. Then private individuals can furnish other names in abundance.

Yours truly,

Lysander Spooner