

E.W. Dodge, Esq.

Over Park Bournk

New York

Introducing Lysander Spooner

Peterboro, Oct. 10, 1860

E.W. Dodge Esq.

My dear Sir,

This will introduce Lysander Spooner Esq. Of Boston one of counsel in Gerrit Smith libel suit. He will explain what he desires to do.

Yours truly.

Char. D. Miller

Peterboro, March 28<sup>th</sup> 1860

Lysander Spooner, Esq.

Dear Sir,

Please do meet Mr. Sedgwick & me at the Astor House, New York City on Friday at 9 A.M. April 6<sup>th</sup> & advse me of the receipt of this

immediately.

Yours with the Herald gave Mr. Smith great pleasure.

Yours Truly,

Char. D. Miller

Copy

"State of New York -

the Supreme Court. At a special term of the Supreme Court of the State of New York, held at the Cervant Room in the City of Oswego, in the 17<sup>th</sup> day of April 1860 -

Present Hon. Wm F. Allen

Justices.

Gerrit Smith            }

against                    }

Royal Phelps            }

On reading the summons in this action, and the affidavit of the Defendant, sworn March 16 last, by which it appears that this is a civil action, and that he is a Consul General of the Republic of Costa Rica, and on reading also the order made in the said action at Utica on the 20<sup>th</sup> of March last, and a motion of John L. Carroll, of Counsel for the Defendant, after hearing Mt. Char. Andrews, it is ordered that the summons and all subsequent proceedings in this action he and the same are hereby set aside, on the ground that this

Court has no jurisdiction of the said action.

(A Copy) C.M. Roathburn  
Dep. Clerk:" over

(A Copy)

"Syracuse April 17, 1860

Char. D Miller, Esq.

Dear Sir,

I enclose copy of the order, dismissing the proceedings against Mr. Phelps - on the ground that is he is a consul of a foreign State, resident here, and cannot be sued in a State Courts in a civil action.

Our court of Appeals has decided that the United States Courts have exclusive jurisdiction in such cases.

Yours Truly,

Char. Andrews."

Copy "Lysander Spooner Esq.

Please read and return to me the enclosed papers.

Yours resp.

Char. D. Miller"

The papers of which the above are copies were rec'd April 24, 1860.