

New York, May 9, '63

Lysander Spooner Esq.,

Dear Sir, -

I have been, for a great while intending to write you, at length, having very much to discourse of, but I cannot do it now. I have read over your banking scheme twice, with very favorable impressions. From the first confirmed and strengthened by the 2nd perusal. I ought however to say that "my way of life: has not made me in in any degree familiar with such subjects, and it is difficult for me to follow the details of any banking scheme so far as its modus operandi is concerned, and consequently all such reading comes hard to me.

But I can read easily and understand as I go along, your other works. It seems to me your are altogether clearer than any other legal author I ever read - your style extraordinarily lucid. Your chapter on law, "What is Law," or some similar title, in your opening of the "Unconstitutionality", ought to be as familiar to every lawyer as his A.B.C.'s. It is a glorious treatise of itself.

I lately gave my only copy of the "Unconstil-y" to a neighbor of mine G.J.Jenks, a lawyer and a very able one, a nephew of Wendell Phillips - on the condition of his reading it which he assured me he would do. A short time since he told me that he had read several chapters and he went with you, hand in hand; as far as he had gne. He spoke strongly of his liking of the book.

And no I want you, or your publisher, to send me a copy of the "UncoL. Of Slavery" and a copy of "Poverty - its legal causes and cure" - to care of A.A. Low & Bros, per mail, or Express, and on receipt of same with a bill, I will remit the am't at once. Your "Jury Trial" I have, and several smaller pamphlets. I am going to have them handsomely bound, for I have to writings in my small library I value more.

Now I want further a little legal advice for which I propose to pay you, if you will furnish it. I will very briefly state circumstances.

My mother-in-law lives with me. Her husband died in Milton, Mass. Some 8 or 9 years ago, making a will giving her a support out of his property (worth some \$10,000) during her life. He made his son Trustee of his Estate. Said Trustee has gone off with Banks to N.O. a lieut in a Red of Mass. Vouls. Before leaving he made a friend of his Trustee for the Estate by Power of Att'y. Said Att'y has sold \$400 worth of Bank stock as part of said property, paying therewith a note of said Lieut of \$250 + Int. Thereon for borrowed money - borrowed of a Bank on a pledge of said stock as security - and putting Bal. Of the cash rec'd for said stock in his own pocket - in pay't of certain dues to him from said Lieut for services rendered in raising said Lieuts company. His power of Att'y "especially"authorizes him to "transfer and assign and sell stocks and other securities." Now concerning the Power of the Trustee to give this Power of Att'y, I take it there is no doubt, and I suppose the instrument to be in all respects correctly drawn and authenticated.

Now

1st. The Party holding this power of att'y stands in the legal shoes of the trustee during his absence. He is bound by the terms of the will, which certainly never authorized the payment of the Trustee's individual debts out of the property entrusted to his case.

2nd The person holding said Power of Att'y was bound to know the duties and obligations imposed by the will, and "general ignorance of legal documents" is no excuse for malappropriation of funds of the Estate.

3rd He was consequently bound to know that in selling said stock and using proceeds to pay an individual note of the trustee and a debt of said trustee to him of an individual character, that he was violating the Trust conveyed or expressed in the Will.

4th It is no answer to the charge of malfeasance in office that the Trustee "had told him that the Estate owed him (the Trustee) some \$1500: he was bound to know that the proceeds of said stock went to pay just and legal claims on the Estate.

If I am correct in the above statement of my views, the Atty for the Trustee has violated his trust and is liable to the penalties in such cases - is this not so?

The truth is both Trustee and Att'y are scoundrels, liars and plunderers. This is a downright robbery of the Estate. It does not owe the Trustee a farthing. None of the family knew 'till lately that the Trustee had given any such power of Att'y. He did not dare to let me or any of his family know that he had given this man such an instrument. All the family are here in Brooklyn, mother, daughters, son & son-in-law, except said Trustee the Lieut. Both the Trustee and his Att'y are broken men - the latter a Gambler and living predaciously - by his wits.

If I am right as to the legal status of said Att'y and he has thus violated the Trust, what can be done to scare the \$400 out of him?

If I frighten him into a return of the money, do I in any wise "compound a felony"?

What penalty does such a violation of trust bring upon the guilty party? Is it an offence at Common Law? Do Massachusetts Laws overlay or supercede Common Law in this case by special penalties?

Please answer me just as soon as you can & name what I shall remit you for such service and much oblige your old friend and well-wisher.

J.E.Paine.

Address care of AA Lou & Bros. N.Y.