

Boston Oct. 28 - 1860

Gerrit Smith Esq.

Dear Sir,

Yesterday I recd from Mr Sedgwick a copy of Barlow's answer - not his "affidavit" - not Sherman's answer, but Barlow's "answer." It is a very weak think - and if ~~that~~ it is all he has to say, I think it would be for his interest to settle + To my surprise, he says nothing about the Perterborough John Borwn meeting, nor about fortifying places in the mountains of Virginia. From the way he spoke on these points, when I saw him in New York, I inferred he might perhaps have some evidence that ~~might~~ would raise a strong suspicion, ~~against you~~ in the minds of a jury, that you were an accomplice in John Brown's invasion.

Your letter to John Brown about "Kansas work," and the onw to John Thomas are the only things in the answer, that are of the least importance. And it would require either a good deal of imaginiation, or some more direct evidence to connect them with Harper's Ferry.

As for the abstract opinions, expressed by you in 1842, and in Congress, they are not only very mild in themselves, but, unless proved to be associated with some overt act, would be of no importance in this suit, if they had been otherwise. A man ~~had the right~~ may express, in every newspaper, and on every stamp, in the country, the abstract opinion (which nine tenths of the country really hold) that the slaves have the right to cut their masters throats to gain their liberty, and yet the expression of such opinions would be a matter of no legal importance, and no justification for a libel charging insurrection, unless it were shown that they were connected directly with some overt act of insurrection.

["Insert this" is circled here]

~~I should like to see Barlow's affidavit, and Sherman's answer if they contain any thing additional to what is given in Barlow's answer.~~

I have hitherto been afraid that Barlow would attempt to dissuafe the other members of the Committee from a settlement. But if he has no better defense than this, he probably can have no such influence with them. Unless, therefore, you should receive some communication from Mr Phelps, in answer to your letter to Mr Cochrane, I should think it might be well for some one to apply to Mr Phelps and Mr Livingston ~~and they will not attempt~~ to take it upon themselves to bring all the Committee to a settlement. ~~To see whether a settlement with all the Committee. Unless a settlement an the comm.~~ If any of the members after reasonable time for

consideration, should refuse a satisfactory settlement I would commence suits against them.

This advice is given distinctly upon the supposition that no other evidence can be produced against you, than is given in Barlow's answer. ~~If his affidavit or Sherman's answer shows any thing additional I should~~

Yours truly

L. Spooner