

Boston Decr 21 - 1860

Gerrit Smith Esq.

Dear Sir,

I inclose a statement taken from the Boston Courier of this date relative to the extradition case at Toronto, C.W. I had before seen some notices of the case, but paid little attention to them for the reason that it seemed nearly incredible that an English court could be capable of such an atrocity against law and reason as to deliver up such a fugitive.

It seems an appeal can be taken to a Court of Errors and also to the Govr Grant. An appeal might also be taken, for aught I see to the contrary, to the House of Lords in England (inasmuch as the case is one involving the meaning of a treaty entered into by the British Government. I inclose a copy of the section of the treaty relative to the extradition of fugitives from justice. The idea that this would be considered a crime according to the laws of England or Canada (as you will see it must be, in order to justify rendition) is preposterous. But the judges seemed to think they were to be governed by the laws of Missouri and to have taken it for granted that the slave laws of Missouri were consistent both with the constitution of Missouri, and also with the constitution of the United States.

It seems to me we might raise the questions, viz, whether there be any English law that would make it murder for a man to kill another, who was attempting to seize him as a slave? And 2d, whether, by the constitution, either of Missouri or the U.S. there is or can be any legal slavery in Missouri? And it seems to me these questions ought to be carried to the House of Lords, if necessary. If carried there, they would take the opinion of the judges of England, as they frequently do in important cases. If we could get an opinion from English judges, in the House of Lords, that by our American constitutions there can be no legal slavery, it would be a bolt that would shiver the whole fabric of slavery.

I venture to propose that you shall take this matter in hand, and carry the question to the last tribunal if need be. Unless you do it, no one else is likely to do it. Can you ever do a more important deed for liberty?

In addition to the arguments, with which you are familiar, you could cite the president's last message in which he admits that property in a man is not recognized with sufficient cleanness by the court[?] situation of the United States, and recommends amendments for that purpose. How could an English tribunal assert that their government is bound to recognize our slavery as ~~slavery here was~~ constitutional when a proslavery President of the U.S. conceded

that such an idea is not clearly expressed in the Constitution?

If you should decide to take the matter in hand, it would be necessary for you to proceed to Toronto or Montreal rather at once, so as to take part in the hearing before the Court of Errors, or the Govr Grant. The Canadian authorities would welcome such a mission and you are the most suitable person to fill it, for many reasons which I need not repeat.

Yours Truly

L Spooner