

Boston Decr. 21 - 1860

3 o'clock P.M.

Gerrit Smith Esq.

Dear Sir,

I have written you one letter today relative to the Canada extradition case. I write again to say that since writing before, I have seen the Montreal Gazette, giving a full report of the case - with the opinions of the Judges at length. The two judges, who decided against the prisoner, did so on the explicit ground that, inasmuch as a law of Missouri authorizes any body to capture and escaping slave, the slave could not legally set up a self defence as a justification for killing a man who was attempting to reduce him to bondage. In other words, they held that the treaty impliedly recognized the validity of our slave laws; and consequently concede that killing by a slave in defence of liberty should form no exception to the cases of murder in which the fugitive should be surrendered.

The other (dissenting) Judge repudiated this doctrine altogether, and said that the slave was justified in killing his pursuer and that the treaty did not recognize the validity of our slave laws.

The Montreal Gazette also has two editorials (of different dates) denouncing the decision of the _____ of the court in the strongest terms.

The case is likely to go to the "Court of Error and Appeal," consisting of nine judges. I do hope you will be there.

Yours truly

L. Spooner