

Boston, Decr. 5, 1847

Dear Bradburn,

You must excuse me for not immediately answering your last letter. I have delayed in the hope to learn more particularly Hildreth's opinion of the question as it now stands. He had told Marsh he would review the book in the new Quarterly. I supposed he would do it in the first number, but that is out, and no review. He told me, however, when the "Second Part" was first published, that I had brought much additional argument in regard to the word "free" and expressed his satisfaction with some other points. I have seen him several times lately, but in company that did not admit of the introduction of the subject.

I am pleased to know of your satisfaction with what is already done—and as to your desire to have something asked on other points, I can only say, "Have patience, and I will tell thee all."

The habeas corpus clause is a restriction only on the national government. But a state suspension is of no consequence. It could only forbid state judges to grant the writ. The state governments can only control their own judges. They can offer no impediment to the issuing of the writ, or to the writ when issued, by the United States judges. Is this the point on which you were doubting?

Smith did lend me the money, taking my copyrights as security. God bless him. I am now going on with the remainder of the work.

Did you see the Cincinnati Herald's review of my book? It was respectful towards me, and complimentary of the ability of the book? It was such a forrago[?] of absurd crotchets! It appeared as editorial—but I conjecture it was from Chase. I sit down to show up the whole Cincinnati _____, Chase, Bailey, and Matthews, but repented. They may be honest. I would not deny the power of nature to produce fools capable of believing such stuff. I was afraid also it might look malicious in me, even though I should do this but the scantiest justice.

Mellin[?] went to Buffalo in his own hook—taking books on commission to pay his expenses. I was afraid he would speak.

[margin: Do you know Sherlock J. Andrews' opinion on the constitution? He was accounted anti-slavery when in Congress.]

I mailed for you another copy of my second part—I hope you received it—but you must not give them away—those who want them must buy them. Marsh and I are starving to death. Marsh, I think, has not sold so many as two hundred of the second part.

I also sent you a Chronotype containing a form of petition. Hope you will either get signers to that, or draw up a better one. Smith said he would sign one on the subject. We do not need a member in Congress, committed to the views, before sending petitions, although it would be advantageous of course. But no one will be likely ever to dare advocate those views in Congress, until the people have shown by this petition, that they are becoming inoculated with them.

I see the Leaguers are to have a meeting at Seneca Falls N.Y. (the 15th inst, I think), at which the constitution is to be one of their topics.

I hear that others, as well as Chase, object to my argument on account of my not belonging to "The Liberty Party." Have they not sense enough to see that I cannot consistently belong to it, until it comes up to my principles? Which, I fear they will never do, in respect to founding government on natural law—although I have hoped they would adopt my views on the constitution. So long as the Liberty Party set up men, who, believing the constitution supports slavery, will yet swear to support the constitution, they are an especially proslavery party and an anti-slavery man might, with substantially the same consistency, vote for Calhoun.

[margin: no snow here yet]

I did receive your letter of the 10th Oct, and might to have mentioned it in my last. What you say in it in regard to my inconsistency in asking you to go to Buffalo to advocate constitutional principles, while disclaiming my reliance on "political machinery," does not strike me very forcibly. I would advocate natural law, and constitutional law (where it was consistent with natural), whenever I could find an audience to listen, because all men in office, and out of office, are bound by them, without regard to minorities or majorities among people. But I do not rely upon "political machinery," (although it may, or may not, do good, according as its objects are, or are not, legal and constitutional)—but I do not rely upon it, as such—because the principle of it is wrong; for it admits, (and this is my objection to it), that even under a constitution, the law depends upon the will of majorities, for the time being, as indicated by the acts of the legislature. It admits the right of majorities—even under a constitution, which purports to fix men's rights—to make and unmake law at pleasure—or at least with very little limitation.

I rely upon those principles, which it can be proved that courts are bound to execute—and to execute now—without waiting to hear how the votes of the majority have gone at the elections.

I heard Horace E. Smith speak one evening to a very small audience, where there was nothing warmer than ice to excite him. He

was candid, sensible, cool—rather handsome, and rather argumentative for a politician—threw in a little sanctionary[?] with the rest. I guess he is nothing alarming, though respectable.

I greatly regret to hear, by your letter of Oct 10th that your health is not good. Can you not give up tobacco, take less coffee, or none at all, read less, enjoy yourself more, go to bed early—sleep all you wish—and _____ your systems? I want you should live to write my epitaph, and I hope to live many years yet.

Oh, I like to have omitted to say, G. Smith proposes to you to take the field as a lecturer, will you not propose to him that you go tot Washington instead as _____ from the constitutionalists here, to convert the members to our views in that point: \$400, or \$200, spent that way, reinforced by petitions from the people, would probably make an opening for our views into that body through the minds of some of the members. And I think you are the man of all others to go—I have been wishing for sometime that I dared suggest it to Smith—but I have asked so many favors of him. I dare not offer to dispose of any more of his money. Milton says a copy of my book must be sent to the members of congress this winter—if it should be done, it might aid the success of your mission.

I am no longer at No. 1, Central Court—but at No. 1, Lowell Court. If you please, you may omit to direct my letters to any number—as I go to the office three or four times a week.

I enclose a copy of your letter to Rogers.

Dear Bradburn,, write often, and believe me yours even and ever,

L. Spooner