

Brierwood, near Mobile  
Feb'y 22. 1860.

My Dear Sir,

It is more than a year since I had the pleasure of hearing from you in reference to the Collins case. I was expecting a letter or a brief last Spring when I saw in the newspapers a notice of your having sailed for Europe. I still supposed you had prepared a brief and would be back in time to argue the case when it should come up and know nothing to the contrary until I received a letter from your son on the 23<sup>d</sup> Nov. It was then too late to employ other counsel and I was compelled to do what in my own judgment was best - rely on myself. By working day & night I prepared a brief & went on and argued the case. It came up on the 21. Dec'r. I applied for a postponement on account of your absence. This was refused. I then asked for an enlargement of the two hour rule which was granted - Senator Benjamin with Smiths appeared on the other side. The case occupied five days exclusive of an adjournment over Christmas. Mr Collins was present - The arguments on the other side were general & mostly occupied with outside matters - I confined myself to the record except in my reply when I was necessarily obliged to notice some of the irrelevant & personal matters lodged in by my opponents - But I was an entire stranger to the Court - without support and opposed by a tremendous outside influence emanating from one of its own members. Thus prejudiced beforehand I necessarily appeared under discouraging circumstances and judging from the result my argument fell on unwilling ears.

The opinion, by Judge Nelson, is a most extraordinary one, and, in my view, not at all flattering to the judgment and discrimination of the Court. There is some consolation in defeat when your strong points are fairly met & disposed of - but none when they are misapprehended, or ignored and the decision placed on a false basis. I can never rest satisfied with the decision. If I have any appreciation of the turning points in the case - the Court has not. I shall prepare a printed application for a rehearing though from the manner in which the Court has treated my brief & argument I suppose it will be without effect. When ready I will send you

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a copy - & should like your opinion, so far at least, as to whether it contains anything improper. I left with my friend Mr. Morse from Maine a copy of my brief in the case for you. I have said this much about the case because you were associated with me in it, & I supposed might feel some interest in knowing how it went off & my views of the result.

And now as to your connection with it. I regret that we had not your powerful aid - The want of it has - I fear, lost us the case. So far as you are personally concerned I do not regret your absence; but I think I have reason to complain that you did not advise me before leaving for Europe that you might not be back in time, or that you desired a release from your engagement - for as there was then ample time for other arrangements, your wishes in the matter would have been acceded to. I mention this in frankness and with no unkind feelings but in justice to myself and Mr. Collins. Your silence has given me pain. Mr. Collins feels aggrieved. He was ready to pay his note but could not find it - He went on with me still hoping you might arrive in time for the case - but the argument was closed, I think, the very day you landed in New York -

The only explanation I can give him is that when you left you expected to be back in Washington by the meeting of Congress & that in the hurry of leaving with the multiplicity of matters pressing upon you you inadvertently omitted to write to me.

I shall be pleased to hear from you in answer to this and am as ever

Respectfully

Your Obt. Serv't,

K. B. Sewall

Hon. Wm. H. Seward  
Senator in Congress  
from New York -

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[sideways at left]  
(copy)

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from New York -