

Council Chamber
Annapolis February 28 1837.

Dear Sir,

Several friends of Captain Kennedy, have, recently, made enquiries here in relation to the sword to be presented to that Officer on behalf of the State of Maryland, and knowing, as they did, the time that has elapsed since you were employed to furnish it, he would express surprise that it had not been obtained by this time.

His Excellency, the Governor instructs me to say to you that he hopes you will make all proper exertions, consistent with the nature and faithful execution of the work, to hasten the completion of the sword, that the friends of the gallant Captain may be gratified by its presentation to him without further unnecessary delay.

W Thomas Fletcher
Artist
Philadelphia.

I remain Very respectfully
Your Obedt Servt
H. Cullbertson
of the Council.

Council Chamber

Annapolis March 27th 1837.

Dear Sir,

I send you herewith a Demand from the Governor of Pennsylvania, for several Citizens of Harford County, as fugitives from Justice. I fear this is a serious matter, as it involves questions as to the rights and duties of the Executive Authorities of the States, from the consideration of which it will be difficult to exclude local feelings, prejudices and passions. It seems to me that the charge against the persons demanded as fugitives, is not set forth with sufficient precision and fullness, to show that they had committed a crime, within the meaning of the act of Congress respecting fugitives from Justice, and therefore, that, in the present state of the case, the Demand ought not to be complied with.

The presumption arising from the affidavit of McLeary is that Bemis, claiming the woman and children as his slaves, seized them and carried them before Justice Henderson, (whom I suppose to be a Justice of the Peace of Pennsylvania). If that was the case, so far, he acted in strict conformity to the act of Congress. The affidavit states that from thence (viz from before Justice Henderson) he carried them, without lawful authority to Harford County, but it is not stated what was done by, or before, the Justice, and we are left in the dark as to what was the decision of that Officer, or whether he made any in the case, and in place of such a statement, which ought to have been made, we have the opinion of the witness, that the woman and children were carried away, without lawful authority. For aught that appears the Justice may have had proof to his satisfaction, that they, in the language

of the act of Congress, and send or let send to Bennis, and that the Epine gave him a Certificate which authorized him to carry them home.

The part of the case involved in the most difficulty, and danger of producing collision and excitement relates to the children which, I learn, were born in Pennsylvania. They were free, by the laws of Pennsylvania, and according to my reading and understanding of the Constitutional and legal provisions for reclaiming fugitives, do not come within their provisions and, consequently, the seizing and taking them away (if Epine & Henderson or some other authorized Magistrate, did not give authority) was the crime of kidnapping. It therefore, it shall hereafter be known by authentic affidavit, or indictment, produced to you, that Bennis and his associates seized and brought away children born in Pennsylvania, even this slave, I do not see how you can avoid complying with the demand, without violating a Constitutional obligation. And yet you comply with such a demand would, especially, in the present excited state of the public mind, in relation to slavery, and every thing connected with it, probably, may certainly, produce great excitement and clamour. Your refusal would, in another quarter, produce similar results.

I had written the foregoing on Saturday evening, and whilst conversing with my sons on the subject, was seized with such sudden and violent sickness at the stomach as to produce vomiting, which in a few minutes prostrated my strength so that I was unable to conclude my letter. I soon, however, recovered so as to be able to get home, and, immediately, taking a dose of Magnesia, its operation has relieved my stomach so that I am quite as well this morning as I have been for some weeks; but cannot get into the County soon, for the relief of both mind and body. I shall probably, go in a few days, and in my absence my sons will attend to any business you may have for my office.

Governor Ritner's Demand ought, I think, to be replied to as soon as you can satisfy yourself of the proper reply to give him.

The enclosed letter was received at the same time with the Demand, and as I found it was from your town is enclosed without reading.

Had you the Pennsylvania Telegraph which has a paragraph in relation to the affair that has caused Governor Ritner's Demand.

His Excellency
Thomas M. Neasey
Becton, Cecil County.

With great respect I remain
Your Obedt Servt
H. Cullbreth.

Council Chamber
Annapolis April 3rd 1837.

Sir,
Yours of the 11th inst, enclosing a Demand from His Excellency Governor Ritner, upon the Executive of this State, for the arrest and surrender to you of Nathan S Bennis, Jacob Forwood, Edward Pigg and Samuel Lewis, Citizens of Harford County, in this State, as fugitives from the Justice of Pennsylvania, has been received here and transmitted to Governor Neasey, at his residence in Cecil County.

I find this is a serious matter, as it involves questions as to the rights and duties of the Executive authorities of the State, and a subject which, at the present time particularly, will be very likely to produce no little feeling and excitement, let what maybe done or omitted in relation to it. You shall hear from me again as soon as I receive Governor Neasey's instructions. In the mean time they lead to state that the allegations against the persons demanded do not appear to me to be supported with necessary fullness and precision, in the affidavit accompanying the demand, to charge them with crime, under the act of Congress upon which the Demand is founded.

The presumption arising from the affidavit is, that Bennis claiming the woman and children as his slaves, seized them and carried them before Epine & Henderson, whom I suppose to be a Justice of the Peace of Pennsylvania. If such was the case, I fear he acted in strict conformity to the act of Congress. The affidavit does not state what was done by, or before, the Epine, and we are left by it in the dark as to what was the decision of that Officer, or whether he made any in the case. For aught that appears, the Epine may have had prospect to his satisfaction, that the woman and children were "servants or slaves" to Bennis, and may have given him a Certificate, under the act of Congress, which authorized him to carry them home.

Very respectfully
Your Obedt Servt
H. Cullbreth Clerk
of the Council.

Adam Kinofetter Epine
Sheriff
York. Pennsylvania.

Council Chamber
Annapolis April 29th 1837.

Sir,
I had left home, on a visit to Governor Neasey, a few days before the receipt of your letter of the 12th Instant, in relation to the demand by Governor Ritner of Nathan S Bennis & others, as fugitives from Justice, and whilst I was at the Governor he was wanted only by your J. C. Mansby, as Counsel for Bennis on the subject of the demand. I was not able to learn from your M that when applied to by

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Bemis, his first advice and instruction was to get back the negro sold, and that Bemis immediately refunded the purchase money and received them back. Gen^d M further stated that they were placed under the protection of Harford County Court, and that a petition for their freedom had been or was to be filed, and would probably be determined upon at the next August Court. In relation to the arrest of the negro, Gen^d M stated that Bemis obtained a Warrant for that purpose from Eugene Henderson, and that they were taken before Henderson, who refused to act further in the matter. He promised to furnish the Governor with a copy of the Warrant.

I have just examined the Law of Pennsylvania, 1826, to which you refer, and which I find authorizes Henderson, (as Justice of the Peace, which I suppose him to be) to issue a Warrant for the arrest of persons claimed as fugitives from service, upon the oath of a claimant, but prohibits Justice of the Peace and Aldermen from acting further in such cases. If Gen^d M was correct in stating that a Warrant was obtained from Eugene Henderson, the officer to whom it was directed did not perform his duty, in taking them before that Officer: he should have carried them before a Judge of a Court of Record or a Recorder, and Bemis in taking them from before Henderson to Maryland, must have taken them from the custody of the Sheriff or Constable who arrested them under the Warrant.

I well recollect that the passage of the Law of Pennsylvania 1826 was generally considered, at the time of its passage, as affording additional facilities for reclaiming fugitive Slaves, although, in this view of it I never concurred. I have always regarded the Constitutional provision and the act of Congress 1793 as the main reliance of Slaveholders for reclaiming run-aways.

I shall immediately transmit your letter to Governor M'Kean, and as I now know that he concurs with me in the opinion I expressed in my letter to Sheriff Klinefelter, that the affidavit sent with the demand does not sufficiently charge the offence, it will be necessary that he be furnished with copies of the Indictments. And, as the act of Congress requires the evidence to be certified as authentic by the Executive making the demand, the copies should be sent to Governor M'Kean, with the proper certificate.

Governor M, however unpleasant it may be, will certainly do in the matter whatever he may consider his duty and obligations under the Constitution and Law of the United States.

Thomas C. Hambley Esq
Secty. Attorney Gen^d
York, Pennsylvania.

Very respectfully,
Your Obedt^o
Thos. Cuthbert Esq
of the Council.

Council Chamber
Annapolis May 22^d 1837.

Dear Sir,

By direction of Governor M'Kean, I send you the enclosed demand from the Governor of Pennsylvania, for several Citizens of Harford County, as fugitives from Justice, with several other papers in relation thereto. Governor M'Kean asks your opinion whether he is constitutionally and legally bound to comply with the demand, in the present state of the case? — and, if not, whether the obligation will be imperative upon him, when the demand shall be sustained by an Indictment found, "charging the crime of Kidnapping?"

Not fearing that you may not have the Law of Pennsylvania at hand, I have thought proper to give you an extract from the provisions of the Law referred to by General M'Kean, in his argument against a compliance with the demand. The title is "An act to give effect to the provisions of the Constitution of the United States, relative to fugitives from labour, for the protection of free people of color, and to prevent kidnapping." The passage of this act was the result of a commission consisting of the late R. B. Goldsborough, Judge Chambers and Archibald Leed Esquire, sent by the General Assembly of Maryland to that of Pennsylvania, in the winter of 1825-6, and was considered, at the time, a highly favorable and liberal act towards Maryland and other Slaveholding States. The two first Sections define the crime of Kidnapping, which it is not material to give. The 3^d Section prescribes the course to be pursued by persons claiming fugitives from labour, and authorizes them to apply to any Judge, Justice of the Peace or Alderman, who, on such application, supported by the oath or affirmation of such claimant, or authorized Agent or Attorney, as of course, that the said fugitive hath escaped from his or her service, or from the service of the person for whom he is duly constituted agent or Attorney, shall issue his warrant, in such his hand and seal and directed to the Sheriff, or any Constable of the proper City or County authorizing and empowering said Sheriff or Constable to arrest and seize the said fugitive, who shall be named in such Warrant, and to bring said fugitive before a Judge of the proper County, or giving the form of the Warrant, which commands that the fugitive when arrested be taken before a Judge of the Court of Common Pleas, or of the District Court, as the case may be of the proper County, or Recorder of a City.

The 4th Section prescribes the evidence necessary to be procured to obtain a Warrant.

The 5th Section prescribes the duty of Judges, Justices of the Peace & Aldermen, as to keeping Records of their proceedings, and imposes a penalty on any Sheriff or Constable receiving and executing a

warrant

Warrant, who shall arrest, without unnecessary delay, carry the person arrested, before the Judge according to the exigency of the warrant."

The 6th Section provides for the Judge, before whom a fugitive may be brought, giving a certificate, upon proper testimony, authorising the removal of the fugitive, in strict and literal conformity, to the act of Congress.

The 7th & 8th Sections provide for postponements in cases where the parties could show cause, & for fees.

The 9th Section is the one complained of by General Hancock - it provides "that no Alderman or Justice of the peace of this Commonwealth, shall have Jurisdiction or take cognizance of the case of any fugitive from labour, from any of the United States or Territories, under a certain act of Congress passed on the 18th day of February, 1793, entitled 'An act respecting fugitives from Justice and persons escaping from the service of their masters', nor shall any Alderman or Justice of the peace, of this Commonwealth, issue or grant any certificate or warrant of removal, of any such fugitive from labour, as aforesaid, except in the manner and to the effect provided in the 6th Section of this act, upon the application, affidavit or testimony of any sworn or persons, whatsoever, under the said act of the Congress of the United States, - provides, especially for violating the prohibition.

The 10th Section prescribes the duty of Judges and Justices to keep Records of certificates granted &c.

The 11th & last Section repeals part and continues part of former acts - not material.

You will find among the papers a letter I wrote to the Govern^r, when sending him the Demand. Upon returning the papers to me with directions to ask your opinion, I found he had placed my letter with them, and it therefore that it is sent - not, of course, with the expectation, or the slightest wish, that it should have the least influence in the case.

The Executive will meet on the 6th of next month, and it is desirable to have your opinion by that time.

With great respect, and my thanks for your note, by Mr. Shockey, I remain your friend &c. &c.
Josiah Bayley Esq
Attorney General
Cambridge
E. Shore.
Hlt: Cullbreth Clerk
of the Council.

Council Chamber
Annapolis, June 2nd 1837
Dear Sir,
I was not a little surprised to day on the receipt of your letter of the 31st ultimo, to learn that you had not received a letter which I had written to you on the 29th of April in reply to one from you of the

twelfth of that month: the enclosed is a copy of that letter, for the miscarriage of which I cannot account.

Early in the last month General Hancock furnished the Governor with a copy of the Warrant issued by the Judge of the County Court, in the case of the negro's petition for their freedom and with several depositions and statements in relation to the conduct of Bernis, the Slavery of the Negroes &c. I had also assigned to His Excellency a lengthy, written argument against a compliance with the demand.

The whole of the papers in the case have, by direction of Governor Neasey, been submitted to the Attorney General of the State for his opinion and advice upon it. The Governor will be here to attend a meeting of the Council on Tuesday next, and it is expected that, by that time the Attorney General will return the papers with his opinions, after which, I have no doubt, Governor Neasey will very soon make up and apprise Governor Arthur of his decision.

It would be a matter of great regret to me, if this most unpleasant affair should cause any mis-understanding or unpleasant feelings between the public functionaries of the two States, and I sincerely hope such may not be the issue of it. It will, however, terminate as it may, produce great dissatisfaction and probably excitement among the people of one or the other, unless there can be an amicable adjustment of the matter, without a rigid adherence to opinion of legal right or otherwise.

I regret the miscarriage of my letter of the 29th ultimo, particularly on account of the information it would have given you, that copies of the Indictments would be required as the affidavit accompanying the demand was not considered by Governor Neasey as sufficiently charging the offense to bring the case within the act of Congress. In asking the opinion of the Attorney General I apprised him that the parties were indicted, and that there was no doubt but that copies of the Indictments would be furnished.

You will hear from me again as soon as Governor Neasey shall have determined what to do in the matter.

I remain very respectfully
Your Obedt Servt
Thomas C. Shambley Esquire
Deputy Attorney Genl
York Pa.

Hlt: Cullbreth Clerk
of the Executive Council.

Dear Sir,

The Governor & Council request your official opinion whether the Clerk of the Council is entitled to the fees allowed by the act of 1805 Chapter 65 Section 57, for receiving Commissions of Civil Officers, in addition to the Salary fixed by other Laws.

Until December Session 1827, both before and since the passage of the act of 1805, the Clerk of the Council received a fixed Annual Salary by Annual Acts. At December Session 1822 the act fixing the Salary had the addition "in lieu of all other remuneration or compensation on the part of the State;" and the same restriction is attached to each subsequent Annual Act, until December Session 1827, when the restrictive clause was omitted; and at December Session 1828 the Salary was made permanent, without the restriction.

My predecessor, Mr Pinkney, at the passage of the act of 1805, regularly receives the fees allowed by that act up to the passage of the act of 1822. I have never received anything nor presented a claim under it, until at the recent meeting of the Council. I forbore so long to present my claim under that act, not from any doubt of my right to the fees allowed by it, but for other reasons having no connexion with my legal rights.

Under these circumstances, the Governor & Council have thought it proper to have your legal opinion upon the matter.

With great respect

Asaiah Bayly Esquire
Attorney General
Cambridge.

I remain truly, yours
H. C. Culbertson
of the Council.

Council Chamber
Annapolis June 28 1837.

Dear Sir,

I having recovered sufficiently, to travel, I left Baltimore for Harrisburg on the Mission with which you charged me, on Wednesday the 14th Instant, and took Bel Air in my route to see General Mansby, and collect such further information as might aid the object of my Mission. General Mansby had not received my letter advising him of the Opinion of the Attorney General, and of your instructions and my intentions relative to the Mission to Harrisburg. Immediately upon my giving him this information, he sent off a special messenger for Mr Dennis, who arrives in Bel Air early the next morning and it was soon arranged that General M should accompany me to Harrisburg. Before leaving Bel Air, I went, in company with General M to see the woman, who is

with the Sheriff at the Jail. We saw her at the Kitchen door, and she told us that she was not confined, but held liberty, to visit her children, and that they were allowed to visit her; that they were all in Bel Air, and that she saw them every day, or whenever she wished to see, and that she was satisfied to remain until the Court should decide upon her claim to freedom, which I found she really believes to be good.

I found Mr Dennis much concerned about the difficulty in which he is involved, and exceedingly anxious to get out of it in any possible way, and duly sensible of your position and grateful for the course you had adopted. I distinctly apprised him that there was no other mode of relief than by an appeal to the Executive of Pennsylvania; that the case was then in a condition making it your imperative duty to send orders for the arrest and Surrender of himself and assistants, insisted on by Governor Ritner, and that however painful to your feelings, and whatever consequences might result, the orders would certainly be issued, if the matter could not be amicably adjusted, so that the demand should not be pressed. He declared himself willing and ready, at any moment, to do anything and every thing in his power that you might require, and that would be satisfactory to Governor Ritner, and relieve him and his Grievous from prosecution for their violation of the Laws of Pennsylvania, into which he says they were led by the ignorance of the Pennsylvania Magistrate to whom he applied for, and from whom he obtained process. His whole conduct, - the rational and temperate manner in which he spoke of every thing, and every body, in connexion with the affair, - all I saw and all I heard about him impressed me with the strong belief that he is an honest upright man, utterly incapable of a wilful and criminal violation of Law, or of the rights of others in pursuit of his own. He stated distinctly that if nothing else would satisfy Governor Ritner, and that would, as to relieve himself and friends from prosecution, that he would plead the woman and children whom he took them from, without waiting for a decision upon their claim to freedom.

General M and myself arrived in Harrisburg on Tuesday the 20th Instant, a night, and waited on Governor Ritner at the Executive Department the next morning. We found him in conference with a Deputation from Philadelphia, and, without saying any thing of our object, arranged to meet him for a conference at 3 o'clock P.M. At that hour we found him alone in his Department, prepared for the interview, by having seen the letter which you wrote to your son, Col. M after you left here. We entered at once upon the subject of our Mission, and were gratified to find him fully sensible of the deeply excitable nature of the subject, and of the opposing

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injuries and passions involved in it, of the delicacy of your position as well
as his own, and with the best feelings and disposition to do or forbear every
thing in his power, consistent with his official obligations and sense of duty,
to avoid collision and excitement. But we found him, at the same time,
very tenacious of the dignity, sovereignty, and Constitutional rights of Pennsylvania,
and he took special and early occasion to apprise us that our Congress
must be considered as informed and an official; that he would not and
would not officially, entertain, receive, or receive any communication on
the subject, until his demand should be officially answered, in writing.

Before Genl M and myself arrived in Harrisburg I found,
in conversing upon the subject, that our views of the proper course to pursue
in our interviews with Governor R did not at all harmonize. I was desired,
at the outset, frankly to make known the whole truth of your position, and
that, if the case could not be otherwise disposed of, you would feel yourself
imperatively bound to give orders for the surrender of the parties claimed, in
compliance with the demand, whatever might be the consequences, and to
state fully our views and apprehensions of what alarming consequences would,
in all probability, result from the issuing of such orders, and pressing the
case to extremity. General M, earnestly, protested against such a
course, and declared his conviction that it would be ruinous to the interests
of his clients, and destroy all hope of the success of our Mission. Under
these circumstances, although strong in my convictions that policy as well
as propriety was in favour of my views, I reluctantly, yielded that the
first interview with Governor R could be conducted in conformity with
Genl M's. We had not been with Governor R five minutes before
I was fully confirmed in my views, that with such a functionary, as
he is, the most frank and candid course in the transaction of any
business is the most judicious; and I was greatly surprised to find, upon
leaving him, that Genl M had not come to the same conclusion. He
still, however, persisted, in entreating me not to ruin his clients and
destroy all hopes of the success of our Mission, (which he seemed to consider
more than half accomplished) by pursuing the course which I advocated.
After the most mature reflection, and consideration of Genl M's
earnest arguments and most eloquent appeals, I remained so fully
confident in my views, that I told him I could not and would
not leave Harrisburg without first writing to you, and receiving
your instructions, unless we could compromise the difference of opinion
between us, that I so far yielded to him that I would, not upon my
own convictions, clear as they were, in opposition to his, but that I
would make the sacrifice of remaining until your instructions
could be asked and received, and by which I would be governed.
I then proposed, as a compromise, that I would have separate

interviews with Governor R & Secretary Burrows, and make known
to them my own views of the Constitutional obligation under which you
are placed, and also the opinion of our Attorney General, and to give
as a reason for not making known your determination, that you left
him under the impression that our commitment had been sent on, (as
your letter to you show) which Governor R had seen & showed and
that, consequently, the time had not arrived for your final decision
whether to comply, or refuse. So this proposition he assented, with the
satisfaction of my making known the opinion of our Attorney General,
which I desired, unless it should be asked for. The Treaty, between
ourselves being thus concluded, I went immediately, to Mr Burrows'
Office, and after explaining to him the circumstances in which I had
been placed, put into his hands the letter I first wrote to you when I
sent you the demand, and stated to him that I had never even
doubted but that you were under an imperative obligation to surrender
the parties demanded, when in possession of a copy of our commitment found,
and then explained to him the misapprehension under which you left
him. Mr Burrows at once said that I had fixed the case of much
pite difficulty, and embarrassment, and assured me, in the strongest
terms, that both Governor R and himself were fully sensible of
the exciting nature of the subject and of the necessity for prudence
and caution in acting upon it; that not the slightest disposition was
felt, unnecessary, to press a decision upon the demand, but, on the
contrary, that whenever Governor R had to act upon the matter,
a sense of duty would alone govern him; that neither the Governor
nor himself although ^{both} very ungrudgingly opposed to slavery, had any
prejudice or feeling to gratify, or influence them in this case. He invited
to him the documents which we thought relieved the parties from
the imputation of moral guilt or criminal intent, and he was so
far satisfied by them as to express the opinion that such evidence
before the Court upon trial would procure them acquittal. In this
I think, and so to tell him that I thought, he was mistaken. It is
certain that they violate the Law of Pennsylvania, and legal
guilt is the necessary and legal inference from the fact of that
violation, however clearly, the absence of moral guilt might be
established. This he admitted, but said that then Juries, being the
Juries of both Law and fact, often found verdicts even in opposition

to
* The letter from Attorney General which you received here, and left with
me enclosed a copy of an indictment for taking the woman, and stated that
the indictment would be laid before the Jury in Aug^y for taking each child
separately, I suppose and I suppose you mistook to have arisen from your
Garrig's reading of his letter. I discovered it in a few minutes after you

to the instructions of their Courts, when satisfied there was no criminal intent. I then asked him if he saw any way in which the matter could, then, or any future time, be got rid of without bringing the case to a trial, which I was satisfied the parties implicated would not voluntarily run the risk of. He said he did not see that anything could then be done with that View, but that delay until after the August Court in Hartford - to which he saw no objection - might produce such a change of circumstances that something might be done to put the matter at rest. I then told him that a Volle Prosequi appeared to me to be the only means by which it could be done, and that, in Maryland, where legal guilt was undeniable, and the absence of moral guilt or criminal intent satisfactory, as established, I had never known a Volle Prosequi refused - that it was mainly for such cases that power of arresting prosecutions was given. He said that he thought the time had not arrived when that power could be safely interposed, and, without expressing any decisive opinion whether or not it might be at a future period, said that much might depend upon the decision upon the petition for freedom and the subsequent conduct of the parties. Finally, I left Mr B with the understanding that an informal and non-official correspondence should take place between him and myself whenever circumstances should require anything to be further done in relation to the matter.

When I left Mr B I went directly to see Governor B, and spoke to substantially the greater part of what I had said to Mr B, omitting however, to speak directly of De Volle Prosequi. Gov B's remarks in this interview very much the same in substance as Mr B's, as far as they went. He read my letter to you in which I had expressed my views of your obligation under the Constitution with much attention and seemed to be pleased at the course I had adopted. He assured me, in the strongest terms, of his disposition to avoid all collision and excitement, so far as it might be possible, that he appreciated and regretted the position in which you were placed, as well as himself and that it would afford him great pleasure to do or acquiesce in anything consistent with his sense of duty, to relieve you from embarrassment in the matter, that he was satisfied your delay in officially answering his demand did not proceed from any want of attention or respect for the Laws of Pennsylvania, or for himself officially, or personally, but from the delicate and embarrassing nature of the subject; that he made no complaint of that delay, nor had any desire to hasten your official reply to him. Finally, he requested me to inform you that he was satisfied that the course you had pursued and would hereafter pursue, had been and would be dictated above by a sense of duty, and that

whatever it might be his official and personal respect, he was sure would remain undiminished.

I had not attempted to give the precise language of Mr B or Gov B, but only the substance of my understanding of what they said. The result of my interviews with them was entire satisfaction that they would be gratified to see the matter settled without proceeding to extremities, in any way that would be proper, and avoid collision and excitement and to impress me with a very high opinion of their intelligence, candour and good feelings of both.

I forgot, in the proper place, to mention that I communicated to you how the difference of opinion between Gov B and myself and that he expressed, at once and unequivocally, his opinion that I was right, and as to Gov M. Mr Neasey had been confined and prevented the doctor with another son, a few days before our arrival, which required a much of his time and attention at home, that we had not the pleasure of his company so much as we could have wished, and, as I doubt not, we should otherwise have enjoyed. He informs us that Mr V was not an unkind spirit than is usual on such occasions, and his children were all in good health - and fine hearty looking children they are.

I said less on the subject of De Volle Prosequi than I should otherwise have done, because I thought that the proper business and usual object of General B's association with me in the mission, and he did not say anything about it, though I frequently urged him to do so, but seemed anxious only for delay until the August Hartford Court, and as it was too manifest that no complaint or objection would be made against that delay, he considered the object of our mission fully accomplished. I certainly and not authorized, by anything which fell from Governor B or Secretary B to say that De Volle Prosequi could then, or will hereafter, be obtained, but I thought, entertained the opinion that the case could be got rid of, at any time, in that way, as Mr Bennis is willing to do anything in his power which may be required as a condition, either precedent or subsequent, and Governor B, I am confident, would gladly put an end to the case in that or any other proper way, consistent with his duty, that would satisfy the public mind and avoid excitement.

Intending, when I sat down, to give you a very brief detail, but I found it impossible, as I proceeded to avoid prolixity, without omitting something which seemed to be requisite to put you in full possession of what had been done, and of the present state of the matter.

We had altogether a very agreeable trip, and although I left home rather sooner after getting out of my bed than I deemed prudent, yet I steadily improved, until the last Friday and Saturday, when I was apprehensive that the exercise of being so long together had been great, as I was considerably indisposed those days, but I had since recovered with

great repairs, although I travelled all day Sunday, and found Monday morning
11 O'Clock, until I arrived at home on Tuesday, including the whole of Monday night.

With many respects to Mrs V and all the
family, I remain truly Yours &c
H. Cullbreth

This Excellency
Thomas W. Noyes
Coutton - Cecil County.

Council Chamber
Annapolis June 30 1837.

Dear Sir,

Yours of the 28th Instanth, enclosing a copy of 20 Resolutions and
Resolution passed by the President and Directors of the Citizens Bank of Baltimore
authenticated by your signature and the Seal of the said Bank, and transmitted
to the Governor & Council of Maryland to be filed, as evidence of the acceptance
by the Stockholders and President and Directors, of the act passed at the last
Session of the Legislature, Supplementary to the act of Incorporation of the said
Bank, has been received, and placed on the files of this Office.

Very respectfully,
Your Obedt Servt
H. Cullbreth Clerk
of the Council.

Francis J. Pallard Esquire
Clerk of the Citizens Bank of
Baltimore

Council Chamber
Annapolis August 12 1837.

Dear Sir,

Yours of the 6th Instanth to Governor Noyes was received
and laid before the Council at its recent meeting.

They were in Session but two days, and having much
business to transact could not give your communication as full and
mature consideration as its importance requires before a final decision
upon your suggestions. They will meet again on the 17th of October when
the instants and to inform you, they will decide upon them.

I was confined to my Bed at the time of the June Session
of the Council, when your first communication in relation to the
Digest of the Laws was received, and do not know what consideration
was then given to the subject. They examined the Resolution under
which you were appointed, at the recent meeting, and, so far as I heard
and expreion of the impressions made upon their minds, it appeared
that they had great doubts of their authority to fix the compensation
for the work, before its execution, and all seemed to consider it difficult
if not impossible, to determine beforehand what would be a just and
fair compensation for such a work. None of them, however, expressed any
positive opinion on the subject, and all of them, I am sure, will be
pleased to meet your views and adopt your suggestions, if, upon full

consideration they shall be satisfied of the legality and propriety of doing
so.

I remain Very respectfully,
Yours Obedt Servt
H. Cullbreth

Joseph S. Merrick Esquire
Notary Public

Council Chamber
Annapolis June 10 1838

Dear Sir,

The Governor & Council at their late Session authorized me, &
in the absence of the Clerk of the Council to engage you as independent
Robert Lemmon and such other auctioneers as shall be deemed
hereafter to be prosecuted by the authorities of the City of Baltimore, for a
violation of a City Ordinance regulating the auction business and
which is supposed to conflict with the rights and Legislation of the State.

The Suit against Mr Lemmon, it is thought will be finally
acted upon during the ensuing term of the Court of Appeals, and you
are requested by the Governor & Council to appear on behalf of Mr Lemmon.

I am your Obedt Servt
J. A. Cullbreth

Edward S. McMahon Esquire
Baltimore

Council Chamber
Annapolis October 7th 1837.

Dear Sir,

Yours of the 11th inst relative to the demand for Dennis
and others, having been received here at the time of my recent severe
affliction and life, I presume will be a sufficient apology for any delay
in answering it. It was transmitted to Governor Noyes, and I have
received his instructions to open the non-official correspondence with
Mr Burrows which was arranged for when I was in Harrisburg. I have
not yet received official evidence of the decision in Maryland Court upon
the petition for freedom, but am looking for it today, and shall
write to Mr Burrows immediately upon receiving it.

I am now authorized to inform you that the usual orders
for the arrest and surrender of the parties demanded will be issued,
if any arrangement shall be effected with Governor Ritchie for satisfying
the prosecutions, and that Governor Noyes has not, at any time since
he has considered the subject had the least idea of refusing compliance
with the demand.

I remain, with great respect, your
Obedient Servant
H. Cullbreth Clerk
of the Council.

Council Chamber
Annapolis, October 20 1837.

Dear Sir,

The receipt of a letter from Mr. Harris of since the adjournment of Harford County Court, urging the issuing of process for the arrest and detention of Dennis and his assistants, in compliance with the demand of Governor Ritner, and the instructions of Governor Keagy, in consequence of the letter, make it incumbent to address you on that subject, in pursuance of the understanding between us, at our last interview in your office, in June last.

I have delayed writing to you for a considerable time, in daily expectation of receiving a transcript of the judgment of the Court of Harford upon the petition for freedom. That decision, as I suppose, you have before this heard, was against the petitioners and in favour of Mrs. Ashmore's claims to them as her Slaves.

The illness and death of a sister of Mrs. Culbreth, was the occasion of a visit last month to her father, who lives a few miles to Mr. Dennis, and of my seeing that Gentleman since the decision of the Court. I also saw General Maulsby, in Bel Air, on my way, and was shown by him a transcript from the Record of the verdict of the Jury and Judgment of the Court, upon the petition for freedom, which he said he should be delivering enclosed and forwarded to Governor Keagy by the next mail. Governor Keagy was here this week, but he had not received the transcript, nor any communication from General Maulsby, since the decision of the Court upon the subject.

I found Mr. Dennis still very much troubled about the prosecutions, pending against him and his friends in Pennsylvania, and exceedingly desirous of obtaining relief from them. General Maulsby, however, seemed to be confident that no law process would be entered up, or receipt of the decision of our Court.

Feeling, as I do, the strong conviction expressed in my Report to Governor Keagy (of which I enclose you a copy) that Mr. Dennis had no criminal intent in the violation of the Laws of Pennsylvania, with which he is charged, and is, undoubtedly, legally guilty, I shall be much gratified if Governor Ritner shall meet the expectations of General Maulsby, which I am confident he will do, with pleasure if consistent with his sense of duty.

I have felt it due to Governor Ritner and yourself to send you a copy of my Report to Governor Keagy upon my return from Harford. You will see that I did not pretend to give the precise language used in the conferences with Governor Ritner and yourself, but only my own understanding of the substance of

what was said. If in any particular, I mis-understood, and consequently, un-intentionally, misrepresented, what passed, it will afford me great pleasure to correct it, at the suggestion of Governor Ritner or yourself.

I am authorised by Governor Keagy to repeat the expression of his anxious desire for the adjustment of this most unpleasant matter, without prosecuting the case to extremity, but at the same time to distinctly assure you that there would be no delay for the arrest and surrender of the parties demanded will be speeded, without any other delay than such as shall appear to him proper with a view to such adjustment and the arrest of the prosecutions; and that he has not, at any time, since he duly considered the subject, had the least idea of refusing compliance with Governor Ritner's demand.

I remain with great respect
Your Obedt Servt
Thomas Mc Burrows Ezrine
Harrisburg. Thos. Culbreth

Council Chamber
Annapolis, October 21 1837.

To the Family of the late
Gideon Harris dec'd

In compliance with the directions of the Governor & Council, I herewith forward to you a copy of areamble and Resolutions unanimously adopted by them at their recent meeting, as a testimony of their respect for the memory of your relative and their late friend and associate in the public service: in this testimony I beg leave to express my most cordial concurrence. And in pursuance of the second Resolution, I respectfully request, on behalf of the Governor & Council, permission to cause the body of the deceased to be removed from the place where it is now interred and conveyed to the family Vault or burying ground, at the public charge, under such arrangements as may be suitable to the occasion and agreeable to your wishes.

Very respectfully,
Your Obedt Servt
Thos. Culbreth Secy
of the Executive Council

Executive Department
Annapolis Nov^r 27 1837.

Dear Sir,

In compliance with your Excellency's demand I have this day caused the usual process in such cases for the arrest and surrender of Nathan S. Dennis, Jacob Anderson & Stephen Lewis and Edward Briggs fugitives from Justice, to your agents, and also Alvin G. L. G. of the City of York County.

Your Excellency having been apprised by Thomas Gullbeth Esquire Clerk of the Executive Council of this State in June last, by my authority, of the reasons for delay in complying with your demand, it would be unnecessary for me now to say anything further on the subject had the communications of Mr. Gullbeth been officially received. As, however, your Excellency thought proper to consider and treat the interview with Mr. Gullbeth in Harrisburg and the information communicated by him as un-official (of which I do not complain) I beg leave now to state, that when your demand was first received, it appeared to me doubtful (to say the least) whether the affidavit accompanying it, charged the parties with sufficient precision, & "verine", to bring the demand within the authority of the Act of Congress. Being aware of the sensitive nature of the subject, and of the opposing local prejudices and opinions which existed, and still exist in the two States upon it, I felt it my duty not to act hastily in the matter, but deliberate, and upon full consideration and legal advice, if necessary. Before I had come to any final conclusion upon the sufficiency of the affidavit, I consulted Mr. G. G. G. as counsel for the parties demanded, made to me both verbal and written representations and arguments, designed to satisfy me that I had the legal right to, and that Justice required that I should, refuse compliance with your demand.

In this State of the matter I thought proper to ask the opinion of the Attorney General of this State, my legal adviser, but before I received the opinion of that officer, a copy of an indictment found by the grand Jury of York County, charging the parties demanded with kidnapping, had been forwarded to me.

The opinion of our Attorney General, when received, bearing in confirmation of that to which my investigations and consideration of the subject had brought me - that the Constitution and Law of the United States made it my imperative duty, to comply with your demand - I saw your Excellency that since having duly considered the subject, I have never for a moment entertained the thought of refusing compliance with your demand, if it should

be persisted in, and that all the delay which has subsequently taken place, has been in the hope that I might be relieved by you or your Excellency from the unpleasant duty of surrendering up, as fugitives from Justice, citizens who had satisfied me that their violation of your Laws was without criminal intent, and was, most probably, caused by the ignorance of your own Officer to whom, in conformity to your Law, they applied for process for reclaiming the slaves they were in pursuit of. With the highest consideration and respect,

I have the Honor to be your Excellency's
Most Obedt. Servt
His Excellency
Joseph Ritner
Governor of Pennsylvania
Harrisburg
Thos. W. Neasey

Council Chamber
Annapolis December 1st 1837.

Dear Sir,

Your letter to the Governor & Council, granting them the permission of the family of the late Francis Harris, to cause his remains to be removed from their present place of interment and conveyed to the family burial ground, at the public charge, leaving the necessary arrangements subject entirely to them, only requesting, that if some such other services will take place, was duly received.

I have since received instructions from Governor Neasey to say to you that he desires to act in conformity with the wishes of the family of the deceased, as well as to the terms of all other arrangements necessary for the removal, and that he will feel obliged by being informed of their wishes, or by receiving such suggestions on the subject as you or any of them may think proper to offer.

I remain very respectfully
Your Obedt. Servt
Joseph Harris Esquire
Treasurer
Thos. Gullbeth Esq
of the Council.

Council Chamber
Annapolis Jan^y 2nd 1838.

Sir,

By direction of Governor Neasey, I send you by the same mail with this, the annual Report of the Treasurer of the Western Shore of this State, just made to the Legislature, and which will afford you the information sought for by your letter of the 8th ultimo. We have no direct State Tax, but the several