

against the State of Virginia, in several Resolutions of the previous  
Session. The Governor of Virginia has asked for information  
upon this Subject, and I will think, you for an official communication  
of what you have done, that his call may be gratified,  
without unnecessary delay.

Very respectfully

Your Obedient  
Servant  
Wm. Caldwell

Amiah Bayly Esq. & Thomas General  
at Bel Air.

Council Chamber

Annapolis September 24th 1835

Sir, It has become my duty, in compliance with the directions of  
His Excellency Governor Thomas, (who is at present absent from the  
Seat of Government) to acknowledge the receipt of your Excellency's  
communication of the 31<sup>st</sup> ultimo, with accompanying documents,  
requesting the arrest and Surrender, <sup>to official Mr. Gray, your agent</sup> of John Egan of Cecil County  
as a fugitive from the Justice of Pennsylvania. It is by Governor  
Thomas' direction that I inform your Excellency that after the most  
respectful and mature consideration of the case presented by your  
communication, he has felt it his duty, to decline a compliance with  
your request. He acknowledges the obligation imposed by the Consti-  
tution and Laws of the United States, relative to fugitives, as well as  
the Justice, propriety and expediency of their provisions. It is because of  
his conviction that Egan is not a fugitive from Justice that he has  
felt himself constrained to decline Surrendering him as such. It is  
not stated in your Excellency's communication, nor in any of the  
accompanying documents, where the offence charged against him  
was committed. He has (since Governor Thomas, in advertance,  
gave orders for his Surrender, in compliance with a previous demand  
of your Excellency upon the same charges furnished strong & positive  
conclusive evidence that it could not have been committed by him,  
"in Pennsylvania" — that he never fled from that State. Can it  
require argument to prove, that a man cannot, in fact, be a  
fugitive from the Justice of any State, in which he has committed  
no offence? — that he cannot, in law, be a fugitive from Justice  
without having fled from a State, in which he is in fact, guilty of  
commission of crime?

It is confidently believed that, upon a more mature  
and due consideration of the matter, your Excellency, consulting  
with Governor Thomas in the confidential and confidential manner  
and consequently that duty requires him to decline a compliance  
with your request. It is believed that your Excellency will be  
pleas'd to trouble your Excellency with the necessary