

Louder charged with the crime of running away from his master with a view of depriving him of his services, upon condition that he be sold beyond the limits of the State as a slave for life.

9th January 1850

The Governor received from the Senate a communication advising with assent to the appointments of Louis Gassaway Register in Calverton and of Dr. James Higgins State Agricultural Chemist

11th January 1850

The Governor this day transmitted to the House of Delegates the following communication:

State Department

Annapolis Md

January 11th 1850

To the House of Delegates:

I herewith transmit the accompanying papers having reference to two several cases arising under the Constitution of the United States and the act of Congress, approved on the twelfth of February, seventeen hundred and ninety three in relation to the recapture of fugitives from service and labor.

From the first of these papers, it will be perceived that a negro named Joseph Bell, the slave of John Seelye, a citizen of Frederick County, who had previously absconded from the service of his master was arrested in the city of New York on or about the twentieth day of December 1848 and immediately thereafter, and before his removal to this State, was taken from the custody and possession of Mr. See, under and by authority of a writ of habeas corpus, issued by one of the Justices of the Supreme Court of the State of New York. It will further appear, that at the hearing of the case, although the property, in the slave, was clearly established by the confessions of the negro himself, and by the testimony of competent witnesses, proof was required by the Court to be presented, that slavery was authorized by the laws of Maryland; and although the evidence of that fact was supplied both by the oral testimony of witnesses, and by the production of the printed Statutes of the State, such as are read in our own Courts that evidence was rejected, and the respondent was held to furnish, as the only legal and admissible evidence, a copy of the law itself under the certificate of the Governor and Seal of the State. Such evidence not being at hand, the Slave was forthwith discharged and his owner, under color of law, deprived of his property, in manifest violation of the Constitution of the United States and the act of Congress above referred to. This extraordinary decision, in derogation as it is, of the plain meaning and intent of the Constitution and designed, as it doubtless was, to interpose greater difficulties in the way of the recapture of fugitive slaves, than had previously existed, will, nevertheless, as long as it remains unrevoked, be considered authority in the State of New York, and it is of the greatest importance to the people of Maryland, that measures should be taken to test its constitutionality. It is therefore respectfully suggested that a resolution be passed directing the Attorney General of the Court of this State, to carry the case, by writ of error or certiorari to the Supreme Court of the United States, in order that the subject might be examined

(by)