

witness in the prosecution there it appeared that there was some connection between the charges against him there and in Frederick, as well as with like charges pending against others; and that it was very doubtful whether or not he could be convicted. Recently a communication has been received from the Attorney who prosecutes in Frederick, stating that the purposes of Justice require that Bentzall should be brought to trial, and that there is at least a strong probability of his conviction.

As the fugitive is at large, we have not deemed it necessary to send on the agent until he shall be arrested. We understand that he is a man of considerable property, and that there is little or no doubt but that he can be arrested speedily. I have therefore to request that you will lay the papers before Governor Wolf, and, if he should direct, have the necessary orders given to have the fugitive arrested and confined in Jail, with directions to the proper officer to advise the Executive of this State as soon as he may be secured, that the agent may be dispatched for him without delay.

Yours respectfully,  
Genl James McLean  
Secretary of the State of  
Pennsylvania. Harrisburg

Very respectfully,  
Genl J. H. Culbreth  
of the Council.

Council Chamber  
Annapolis Nov. 22<sup>d</sup> 1833.

Dear Sir,

I have received yours of the 14 Instant, and upon examination of the returns made by the Adjutant General of the Office reported to him in conformity with the Resolutions of the General Assembly, I find that Captain John S Evans, who holds a Commission of several years bears date that Capt Bennett, reported under the Resolution of the last Session extending the time you are mistaken in saying that you did not ask for a Major's Commission; perhaps you intended to say that you did not ask for a Commission for Evans, because you were not aware that he had reported. You did request it for Capt W Bennett, and the appointment was made just upon the eve of the adjournment of the Council upon your recommendation, without having reference to the Record of the Adjutant General's report, in confidence that you had recommended the gentleman entitled to it by seniority of rank. The Executive usually appoints Military Officers with reference to their grade, although it is not considered a legal right of the Officers or duty of the Executive, especially in appointments of field Officers. I am quite sure that if the Record and the Adjutant General's returns had been referred to that Captain Bennett would not have been appointed without hearing further from you. They would have either appointed Capt Evans, at once, or stated the fact of his seniority of rank to you, and postponed the appointment until you could be again heard from. As the matter stands I have no power or discretion over it, but I think it would be well for you to retain the Commission for Major Bennett until the Executive meets again, (which will be the Thursday before the meeting of the Legislature)