

sent with the other papers relating to the person confined in Goal in Ohio, as a fugitive from Justice. Nothing can be done with the militia accounts until the Executive meets. I am somewhat in doubt whether the evidence furnished against the supposed fugitive, is sufficient to support a Demand for him. The act of Congress requires that the Demand be accompanied with an Indictment found, or an affidavit more showing the person demanded with the crime alleged against him. Now the inquiries, although it seems to me at least as high a species of evidence as an affidavit, if not equal to an Indictment, certainly is not an affidavit, and it is questionable if it can be considered in legal proceedings an Indictment.

I have written to Joseph J. Herrick Esquire, and mentioned my doubts upon the subject and requested him to speak to W. Dixon the prosecutor in Washington County about the matter, that if necessary further testimony may be procured and sent on. Colo Fitzhugh states that no indictment or other proceeding in Court is to be found against Dean, but that he is informed there are two witnesses living who saw the murder committed.

Mr Thompson is desirous of being appointed agent to go for the prisoner, and you know my friendship and regard for him makes me always his friend on such occasions, and unless you should deem it due to the gentleman who had him arrested and who will be entitled to the reward of \$200 only upon delivery of the prisoner, to make him the agent, I should be glad for Mr Thompson to be gratified.

I expect to start for Washington tomorrow, via Baltimore and to be gone about a fortnight. In my absence my sons will attend to any business requiring dispatch.

Since writing to you, I have consulted Judge Jones and several Gentlemen of the Bar, and they all think it would be ~~best~~ to proceed with the demand with an affidavit, in conformity with the act of Congress, is obtained. I shall write to Colo Fitzhugh immediately and request that the proper affidavit may be prepared.

I remain truly yours
His Excellency
Governor Thomas
Chaplin St. Mary's Court.
H. C. Wright

Council Chamber
Charleston June 11 1834

Sir,
Yours of the 2nd instant to His Excellency Governor Thomas was received on Friday last, about the time of his departure from the City. I immediately wrote to Joseph J. Herrick Esquire, who wrote, with one from the Ohio prosecuting Attorney, if you would, expressing my doubts whether the Inquisition would be sufficient evidence to support the Demand. Since then I have conversed with several Gentlemen of the Bar and one of the Judges of the Court of Appeals and they all concur in thinking that it would not be safe to make the demand, without an affidavit, and the species of evidence named in the act of Congress. As you state that there are two witnesses living who saw the murder committed I presume there will be but little difficulty in procuring a sufficient affidavit. It would be well that the witness should testify as the Christian name of the murderer so as to account for the difference of the name in the inquisition and that in the commitment in Ohio.

I presume that His Excellency will wait for the receipt of the affidavit before he makes the Demand. Very respectfully yours
H. C. Wright
P.S. The militia accounts will have to be until the Executive meets again. Have you any paymasters in your Regiment who are qualified and whose names are on the list?
Colo. Williams & Fitzhugh. No. 25. 5. 11.