

Wilmington July 21<sup>st</sup> 1846

To his Excellency  
The Hon. the Gov. of Delaware

Sir

I have carefully examined the Laws of the State of Delaware with the desire if possible to comply with the requisition of your Excellency for the delivery of Edward Salisbury & Benjamin Hanson accused of taking from the State of Delaware a Negro William Wright a Slave for a term of years

The act of Congress declares that whenever a person charged with having committed treason, felony or other crime upon indictment or affidavit certified as authentic by the Governor &c. such person shall be delivered up &c. By the affidavits which are attached to the requisition William Wright is alleged to have been sold as a Slave for a term of years for some offence committed against the Laws of Delaware.

The affidavits do not charge that the persons mentioned in the requisition have been guilty of the crime of kidnapping or of any other crime - It consequently became necessary for me to ascertain whether the facts charged would under the Laws of Delaware constitute the offence of kidnapping -

I find that all the Laws of Delaware which refer to the crime of kidnapping define it to be the carrying away of a free Negro or Mulatto & the only act which refers to the offence charged in this case that is the taking away a Negro who is to become free is the Act of 1787 ch. 145. By the 2<sup>nd</sup> section of this Act "any one who shall seize & export or carry out of this State for sale or attempt so to do any Negro who hath enjoyed his freedom or is hereafter to enjoy the same shall forfeit - The sum of one hundred dollars &c" This Act does not make such offence kidnapping or felony or any other crime - By the 5<sup>th</sup> section of the Act of 1819 chapter 224 the Acts against kidnapping are extended to such Slaves as were declared free by that Act - But it does not appear by the affidavits that the Negro William Wright became free under the provisions of the Act of 1819 - I regret that I have been forced by my understanding of the Law to refuse the application in this case -

Respt. &c &c  
Thos. G. Pratt