

Not only the Governor, but the Courts also, on habeas corpus, have repeatedly gone behind requisitions, and have examined into, and decided upon the merits of the cases themselves. I respectfully call your attention to a letter addressed to me by the Hon. James Campbell, late Attorney General of Pennsylvania, a copy of which is herewith enclosed. The late Attorney General expressly states that at the trial on the petition for freedom filed by Rachel Parker in the Circuit Court for Baltimore County, it was distinctly understood and agreed between the counsel for the petitioner and the claimant respectively, that no criminal proceedings should be instituted against McCreary in Pennsylvania, if the claimant would abandon the claim and permit a verdict to be taken in favor of the Petitioner, and that he (the late Attorney General) would without any hesitation have entered a *Wolfe Prosequi* on the Indictment, lately found against him (McCreary) in Chester County, had he the power to do so. From this statement of the late Attorney General, it must be supposed, that McCreary was not regarded by the counsel as morally guilty, if guilty at all.

In pursuance of the arrangement entered into between the counsel, a verdict in favor of the petitioner was rendered by the jury. It is not for me to inquire how far the State of Pennsylvania might consider herself bound by the deliberate act of the Council appointed by your Excellency, at the request of the Legislature of your State. I must regard those counsel thus appointed, as the representatives of Pennsylvania authorized to act in her behalf. I must, consequently, affirm that Pennsylvania has admitted the moral innocence of McCreary; because upon the opposite hypothesis, I should be driven to the conclusion, which is wholly inadmissible, that a felony has been compounded, in order that the freedom of Rachel Parker might thereby be secured.

It cannot be doubted that the Council on both sides, acted from the highest and purest motives; and, that, being satisfied of the moral innocence of McCreary, the counsel for Pennsylvania, considered that a prosecution for kidnapping would not only be unjust to McCreary, but might tend very strongly to excite unpleasant feelings between two great states, which have always cherished, and ~~which~~ I sincerely trust, always will continue to cherish, the warmest mutual respect and attachment.

Here, then, by the force of the facts themselves, as well as by the admission of Pennsylvania, clearly implied from the act of her acknowledged legal representatives, I am