

Executive Department
Annapolis Oct. 18th 1852

Hon Robert J. Brent

Sir,

By direction of the Governor I enclose to you a requisition received by him from the Governor of Pennsylvania which please examine, and return to the Department, at your earliest convenience, together with your opinion upon the following point: Is the alleged crime of fornication and bastardy within the contemplation of that Article of the Constitution of the United States which provides for the delivery of fugitives from justice who are charged with treason, felony or other crime? In this State, although the proceedings in cases of fornication & bastardy are, in form criminal, still the object of the law is not to punish the party charged, but simply to indemnify the County against the possible cost of the maintenance of the child. The Governor presumes that such is likewise the policy of the law of Pennsylvania.

You will find that the enclosed requisition does not allege specifically, that the crime charged has been alleged by the laws of Pennsylvania to be of any higher grade than the Governor supposes it to be by analogy to the law of this State

Very Respectfully,
Dow Oct. 18th 1852

Thomas H. O'Neal
Secretary of State.

Baltimore Oct 21st 1852.

Dear Sir,

In reply to your communication of the 18th Inst. I can but regard the copy of the indictment against John Ryan as sufficient under the Act of Congress to justify the requisition made by His Excellency, Governor Bigler. On His Excellency, Governor Lowe for the surrender of the party therein charged.

The indictment charges that the fornication & bastardy were committed against the Act of Assembly, & I do not think that the Governor can in a case like this, undertake to decide that the offence charged is no crime in Pennsylvania.

But I also think if the enquiry could be made, that bastardy & fornication are criminal offences, notwithstanding the prosecution is merely intended to indemnify the County for the support of the bastard.

In some States Adultery is a Penitentiary offence, & I see no reason why fornication may not be made equally criminal & I consider it a crime, whenever the Statute declares