

State of Maryland
Executive Department
Annapolis June 23rd 1863

His Excellency

President Lincoln

Sir:

I have the honor to introduce to you Frank M. Stockett Esq. a citizen of Annapolis, who has a memorial to present to your Excellency, and in support of which I would beg leave to offer a few suggestions. In the first place I would take occasion to say that Mr. Stockett is one of our most esteemed citizens, whose loyalty is unqualified in its character, who was the Commissioner of Enrolment in his County, and by his firm and intelligent discharge of duty, rendered efficient assistance to the Government. He is therefore entitled to its most favorable consideration in any matter he may have to present. The subject of his complaint, as set forth in his Memorial, presents I think, just claims upon your interference. Knowing as his Petition alleges, that certain of his slaves are in, what is called the Contraband Camp in the District of Columbia, after arming himself with due process of law issued under the authority of the United States, he seeks merely to have such process served by the proper officer. Genl. Martindale the Military Commander of the District, refuses to allow this service upon the ground "that said Negroes were under the Military protection of the United States Government". In this view of his duty I would respectfully suggest that Genl. Martindale is clearly mistaken.

There is certainly nothing in the Act of Congress of July 17th 1862 "An Act to suppress Insurrection" to which warrants such a construction, for though that Act in its 10th section prohibits any one engaged in the Military or Naval service from surrendering up any such fugitive, the prohibition extends only to the delivery of any such person to the "claimant," and taken in connection with the entire sentence which forbids such officer "under any pretence whatever to assume to decide on the validity of the claim," it is manifest that both the terms and spirit of that Act extend only to prohibiting the Military officer from undertaking to adjudicate the claims of the owner, and were surely never meant to arm him with any authority to resist a judicial process against any one whether white or black, who might happen to be within the confines of his camp.

Still less is there any thing in the Act "Calling forth the Militia to execute the laws of the Union, &c &c" passed on the same day, which can justify the course of Genl. Martindale; - for whilst that Act in its 12th & 13th sections, confers upon your Excellency the authority under such Regulations as you may prescribe, to organize persons of African descent for performing camp service &c - it only allows protection to persons so employed against the claim of their owner, when such owner "during the present Rebellion has borne arms against the United States or adhered to their enemies, giving them aid and comfort" -