

It is also alleged, that very unnecessary rigor is practised, in securing the prisoners they being heavily ironed to the floor &c. and the conclusions they reach in these reports seems to be that without even the request of the owners of the slaves who are supposed to have been aided in running away by these parties, they were arrested by persons having no interest or authority in the matter, and in a spirit of vindictiveness &c. Such, substantially is the scope of the Reports made by the officers who were required to report in the premises, and it is perhaps not very material to the present purpose to enquire how far they may strictly accord with the facts. The result of it all is an order of the Secretary of War endorsed upon the application dated 24th June last directing Genl. Wallace "to take measures to secure the release of the parties imprisoned." Genl. Wallace although he will very probably, if it becomes necessary, employ Military means for this purpose, has with a propriety which I appreciate sought in the first instance to accomplish this object through the instrumentality of the Civil Authorities - and has in his communication to me asked me, as the best mode of securing the release of these men, to order their discharge if I can lawfully do so.

Before adverting to any of the particular facts of the case which may authorise the law officers of the State to interfere in the manner requested, there are certain general considerations relating to the subject which it may be well to briefly consider. - However we may have suffered within the last two or three years by such acts as are charged against these men, and however much we may have been personally provoked by such proceedings, we can scarcely promise ourselves any substantial advantage by any very rigorous prosecution at this time of such offences. With the short lived existence to which slavery in the State is now confessedly doomed, Conviction in such cases is entirely stripped of its most valuable advantage in deterring future offenders; whilst on the other hand anxious as we all should be to obtain whatever indemnity we can from the General Government for the slaves emancipated, sound policy would suggest that we avoid as far as possible all open collision with the Government on any issue growing out of that subject. -

If these men are really held in custody without a proper authority, under a commitment failing properly to specify a criminal offence, or issued by an officer having no competent authority, as for instance by a Justice of the Peace of another County, no Court would hesitate I think to order their release upon an application for a Habeas Corpus - I would respectfully advise you to examine at once into the authority for their detention, and if it is not entirely proper to anticipate what would be the judicial action in the premises and direct them to be discharged from custody, taking if you