

Excelsior's attention to the fact that the endorsement from the War Office, instructing to me, the business of procuring the release of the men named, is in language making it my duty absolute; and the parties having been for a long time under close and degrading confinement, it is a duty that will admit of little delay. I infer from your Excellency's letter that you have not the authority to order or otherwise procure the release sought: if that is the case, I have no choice left me but to order Moody, Jones and the negroes brought to me, that I may forward them to Washington at once.

Before doing that, I would ask you to state more explicitly if you please, whether I have rightly understood your Excellency's statement of your authority in the premises, and whether you are to be understood as declining to take measures to accomplish the release of these men. An early answer will greatly oblige me.

Sincerely and respectfully
Your friend & servant

Lew. Wallace

Major Gen. Comdg.

State of Maryland

Executive Department

Annapolis July 7th 1864

Major Gen. Lew Wallace

Comdg. Middle Department

Dear Sir:

I have just received yours of the 4th which reached here during my absence — You call my attention to the absolute terms of the order from the War Department in the case of Moody, Jones & confined in Charles Co. Jail, as requiring you to take immediate measures for their release — It is hardly necessary for me to assure you that I entirely appreciate your position and have no idea of ascribing to you, acting as you are, under the direction of a superior authority — any disposition to do more or less than your duty in the premises —

You request me to state more explicitly whether you have correctly understood me as saying that I have no authority to release these men — I can not say so in unqualified terms — for the Executive has the power in all criminal cases to interfere and grant a Pardon or Nolle Prosequi — The latter as a general rule I have always refused to grant and can not remember at present but a single case, and that under peculiar circumstances, where I have interfered before the trial in the way of a Nolle Prosequi — believing that whatever circumstances of mitigation or justifying Executive Clemency may exist, they can always be more satisfactorily developed by a trial than any other means