

Cumberland Oct. 31st 1864

His Excellency
Gen. G. M. Bradford
Annapolis Md.

Dear Sir:

Yours of 12th October with enclosure from the War Department, in relation to Charles Stewart, awaiting his trial at Hagerstown for Murder has just been forwarded to me from that place. I have been here since the first of the month holding a term of Court. I regret the delay that has arisen from the omission to forward me your communication immediately, as a prompt reply was due to it — I received it this evening and have no time in responding to it.

Stewart committed the offence with which he stands charged in this place, Cumberland, last April and during the session of Court. He killed a soldier on the street, and was promptly seized by the Military, and was in custody to be tried by Court Martial. Gen. Sigel, then in command, hurriedly changed his quarters to Martinsburg and Stewart was in due form handed over to the Civil Authorities, by military orders, to be tried for the offence. He was removed from the military prison to the County jail, and the Grand Jury being in session, he was indicted for murder and arraigned, and removed his trial to Washington County. The Sheriff thereupon took him to Hagerstown and delivered him to the Sheriff of Washington County and the record was transmitted to that County, where the cause is now pending.

During the commotions there in the early part of last summer, Stewart managed to escape from jail. The Sheriff learning his whereabouts, procured a requisition and went in pursuit and found him in jail in one of the Northern Counties of Pennsylvania, for the offence of rape just then recently committed by him. He was surrendered to our Sheriff, who brought a letter from the Judge to me, desiring me, in case of his acquittal for murder, to hold him in custody for redelivery to the Authorities of Penna. to answer for the offences there.

In this condition the matter stood when Mr. Darby and the Sheriff informed me of the requisition through you from the War Department for the delivery of Stewart to be tried by Military law, and asked my direction. I gave Mr. Darby the foregoing statement of facts requesting him to communicate them to you. It occurred to me that probably the War Department was not aware of the fact that Stewart had been handed over by the Military Authorities here to the Civil for trial, and that such a fact when known would change the contemplated course of proceedings, particularly if the Act of Congress authorized such a transfer. I heard nothing more of it until the receipt of yours this evening.

The party is now under indictment by a State Court — It must be got rid of in some way — If the State Court