





Digitized by the Internet Archive  
in 2010 with funding from  
Lyrasis Members and Sloan Foundation

[ Document B ]

---

---

BY THE HOUSE OF DELEGATES,

January 11th, 1850.

Read and ordered to be printed.

---

---

COMMUNICATION

FROM

HIS EXCELLENCY GOV. THOMAS

TO THE

LEGISLATURE OF MARYLAND,

ENCLOSING

Statements in regard to the re-capture of fugitive Slaves.

---

---

1880

Received of the Treasurer of the  
Board of Education the sum of  
Twenty Dollars for the year  
ending 1880

Wm. H. [Name]

Wm. H. [Name]

Witness my hand and seal  
this 1st day of [Month] 1880

## MESSAGE.

---

STATE DEPARTMENT, Annapolis, Md.  
January 11th, 1850.

*To the House of Delegates :*

I herewith transmit the accompanying papers having reference to two several cases, arising under the Constitution of the United States, and the Act of Congress, approved on the twelfth of February, seventeen hundred and ninety-three, in relation to the re-capture of fugitives from service and labor.

From the first of these papers, it will be perceived that a negro man named Joseph Belt, the slave of John Lee, Esq., a citizen of Frederick county, who had previously absconded from the service of his master, was arrested in the city of New York, on or about the twentieth day of December 1848, and immediately thereafter, and before his removal to this State, was taken from the custody and possession of Mr. Lee, under and by authority of a writ of *Habeas Corpus*, issued by one of the Justices of the Supreme Court of the State of New York. It will further appear, that at the hearing of the case, although the property, in the slave, was clearly established by the confessions of the negro himself, and by the testimony of competent witnesses, proof was required by the Court to be presented, that Slavery was authorised by the Laws of Maryland; and, although the evidence of that fact was supplied, both by the oral testimony of witnesses, and by the production of the printed Statutes of the State, such as are read in our own Courts, that evidence was rejected, and the respondent was held to furnish as the only legal and admissible evidence, a copy of the law itself under the certificate of the Governor and Seal of the State. Such evidence not being at hand, the Slave was forthwith discharged, and his owner, under color of law, deprived of his property, in manifest violation of the Constitution of the United States, and the Act of Congress, above referred to. This extraordinary decision, in derogation as it is, of the plain meaning and intendment of the Constitution, and designed, as it doubtless

was, to interpose greater difficulties, in the way of the recapture of fugitive Slaves, than had previously existed, will, nevertheless, as long as it remains unreversed, be considered authority in the State of New York, and it is of the greatest importance to the people of Maryland, that measures should be taken to test its constitutionality. It is, therefore, respectfully suggested that a Resolution be passed directing the Attorney General, at the cost of this State, to carry the case, by writ of error or otherwise, to the Supreme Court of the United States, in order that the subject may be examined by that tribunal, and the decision reversed.

The other papers consist of a communication from a citizen of Virginia, of high character, accompanied with affidavits, setting forth that a certain Jonathan Little of Washington county, in this State, is now in confinement in the Jail of Huntingdon county, in the State of Pennsylvania, awaiting his trial upon an indictment for Kidnapping a negro. The facts, as stated, are that Jonathan Little, together with two other persons, arrested, in that county, a fugitive slave named Jacob Tenley, the property of Elizabeth McClean, of Frederick county, and while in the act of conveying him to his owner, the Slave was rescued from their hands, and set at liberty. That sometime afterwards, Jonathan Little, having returned to Huntingdon county, was arrested and imprisoned in the Jail of that county, in a narrow cell, heavily ironed, and treated in all respects as a felon. It is further stated that the trial of Little was continued from the last term of the Court of that county, notwithstanding, his witnesses were all in attendance, until the January term, which will take place in a few weeks from this time; that Little is a poor man, and unable to employ and pay counsel to defend him. It is, therefore, suggested in these papers, that it is the duty of the State of Maryland, to provide him with counsel, in order that he may be properly defended.

These cases present two instances, out of very many others, to show the obstacles that are constantly interposed to prevent the re-capture of absconding Slaves, not only by the populace, but by the judicial tribunals.

The whole subject is respectfully submitted for your consideration and action.

PHILIP F. THOMAS

## TESTIMONY.

---

*City of New York, ss.*

Thomas Peck, of said city, being sworn, says that on the twentieth day of December instant, Joseph Belt, while walking with this deponent in Duane street, was kidnapped by some persons to deponent unknown, and was carried off, and deponent has just learned that said Belt was carried to Gravesend, on Long Island, by his kidnappers, and is there detained by them, waiting for a change of wind, to be carried to the south as a fugitive slave, and he believes that he will be carried out of the State before he can be relieved by a writ of habeas corpus.

THOMAS PECK.

Sworn before me this 21st December, 1848.

J. W. EDMONDS.

THE PEOPLE OF THE STATE OF NEW YORK,

*To the Sheriff of the County of Kings, or to any Policeman of  
of the City of New York, Greeting:—*

WHEREAS, it has been made to appear to me, by satisfactory proof, that Joseph Belt, a colored boy, is held in illegal confinement by certain persons to him unknown, at Gravesend, on Long Island, under the pretence of his being a fugitive slave, and there being good reason to believe that he will be carried out of the State before he can be relieved by the issuing of a habeas corpus.

These, are therefore, to command you forthwith to take the said Joseph Belt, and him forthwith bring before me, at the City Hall, in the city of New York, to be dealt with according to law.

Given under my hand and seal this 21st day of December, 1848.

J. W. EDMONDS, [L. s.]  
Justice Supreme Court.

I hereby depute R. F. Hulse to execute the within process.

DANIEL VAN VOORHIS, Sheriff.



(ENDORSED.)

Judgment on this matter being suspended, the prisoner in the meantime is committed to the custody of the keeper of the City prison, to be again brought before me on the 23d of December, at 11 o'clock, A. M.

J. W. EDMONDS.

December, 22, 1848.

I hereby return the within writ, duly executed, with the prisoner as within named in custody.

R. F. HULSE, Special Dep.

December 22, 1848.

I, John Lee, of the county of Frederick, in the State of Maryland, do return to the annexed writ, that a colored boy named Joseph Belt, the person now present, at the time of the service of said writ, was under my restraint, and that I claim to hold him under my restraint, as a person held to labor and service due to me as a citizen of the State of Maryland, that said Belt is a fugitive from said State, and from my service in the said State of Maryland, under and by virtue of the laws of which State he is held to labor and service as a slave to me.

And I do further return, that said Joseph Belt run away from me in the month of November, one thousand eight hundred and forty-seven—that at that time he was in Baltimore, in the said State of Maryland, in my service, and he privately against my knowledge and consent, with a view to effect his escape from my service to which he was lawfully held, (and as I believe,) proceeded to Lynn, in the State of Massachusetts, and from thence to the City of New York.

That on Wednesday last, the twentieth of December instant, I caused the said Belt to be arrested and brought to me, from which time, and until the service of the annexed writ; he was in my custody and control as his master and owner, and I claim it to be the duty of your Honor to restore the said Belt to my custody, from whence he has been taken by the annexed writ, together with a certificate sufficient to warrant me in removing said slave and fugitive from labor to the State of Maryland aforesaid, from which he fled, without any further molestation or interruption.

JOHN LEE.

Sworn this 23d day of December, 1848.

J. W. EDMONDS.

In Re. Belt.

I, Joseph Belt, not admitting that at any time I have been legally held to service or labor to John Lee, but insisting that I am a free citizen of the United States, and not legally held to service or labor, do allege that whilst passing through Duane street, in the City of New York, in the State of New York, on the 20th day of December, 1848, in company with Thomas Peck, about



half past eight o'clock in the morning, I was seized by two persons whom I believe to be Charles Bird and Sidney Clayton, and forcibly and violently thrust into a hack carriage, the door of which was immediately closed by the driver. That the question being asked why I was so seized, it was stated by the persons arresting me, that I was charged with stealing at the fire. That both myself and Peck denied having stolen any thing, and insisted that we had not been out on the night before, at which time the fire was said to have taken place. Not regarding this denial, handcuffs were placed by these men upon me—but, as handcuffs were about being placed on one of the arms of Peck, he was ordered to get out of the hack, and was told that he was not the man. Peck refused to get out of the hack, desirous to go with me, but at my request he left the hack to inform Mrs. Jackson, at whose house I boarded, of my arrest. The persons in the hack told Peck they would take me to the Tombs, where he might find me. After Peck left, I was carried to a hotel in Broadway, and then to the residence of Charles Bird, in Eldridge street, in the City of New York. The two men in the carriage who had handcuffed me, stated that they were going to take me to Long Island, and keep me there until they caught some other person. That then they would bring me back to New York and have me tried, but did not say for what they intended to try me. That at the hotel in Broadway, a man named John Lee came into the hack and said to me "I will pay you for all this." One of the men got out at the hotel when Lee entered the hack. On arriving at Eldridge street I was compelled to get out of the hack, go up stairs into a room, when Lee and Bird questioned me about the whereabouts of some person I know nothing of. After remaining about fifteen minutes, I was placed in the hack again with Bird and Clayton, and driven across a ferry in the East river and carried about ten miles to a village on the ocean beach. There I was placed in a room until Thursday evening the 22d instant, when I was removed to another house, about a mile and a half distant from that I had been first placed in. I remained there by force and restraint until Friday morning about one o'clock, when I was brought back to this city by officer Hulse, under the warrant issued by his Honor, John W. Edmonds. I was deprived of my liberty without any process of law. The seizure of me in the public street was done in a riotous manner, in breach of the peace, with illegal violence. From the time of kidnapping by said Bird, and his associate Clayton, on Wednesday morning the 20th instant until Friday morning the 22d instant, I was kept handcuffed and restrained of my liberty. When notice was given that officer Hulse had arrived with a warrant, Clayton hastily took off the handcuffs and asked me to get out of the window, intending, as I believed, to recapture me. I declined to go out of the window; went through the door into the adjoining room, and met officer Hulse.

I believe that Lee, Bird and Clayton and have *entered* into a conspiracy to kidnap me and carry me away out of the State of

New York. That Lee has promised to indemnify Bird and Clayton against any harm they might suffer from violation of the laws of the State of New York. That the intention of all these parties was to keep me in irons in this State secretly, and without the knowledge of the public authorities, until they had succeeded in kidnapping some other person. At no period since my arrest has any process of law for my arrest or detention been exhibited to me or alleged to have been issued. At the time of my arrest I was not a half mile from the ferry to Jersey City, and the train for Philadelphia which is the most direct route to Baltimore in Maryland, did not leave until nine o'clock, A. M. That I have been informed and believe that there were eight regular departures or modes of travel from this city to Philadelphia and southward between eight o'clock on the morning of 20th December and one o'clock, A. M. of 22d December, and there were other irregular departures. The village where I was detained was, I believe, Gravesend, on Long Island, and is in a direction contrary to that of any route leading to Philadelphia and southward, and there are no regular means of communication from Gravesend to Philadelphia.

his  
JOSEPH ~~X~~ BELT.  
mark.

Sworn to before me this 20th day of December, 1848.

HENRY VANDERWORT,  
Clerk of Sessions, &c.

(ENDORSED.)

December 26, 1848.

On these allegations being filed, Mr. Whiting prays that Belt be delivered to his master.

Mr. Whiting demurs generally to this allegation.

*City and county of New York, ss.*

Theodore C. Shadbolt, of the City of New York, being duly sworn, saith that yesterday morning in conversation with the colored boy, Joseph Belt, the annexed process named, he told deponent that he did not want to go back with his master again—that his master had brought him up from a child. He did not tell deponent who his master was, or where he came from.

THEODORE C. SHADBOLT.

Sworn to before me this 23d day of December, 1848.

J. W. EDMONDS.

*State of New York, City and County of New York, ss.*

William Hunkey, of Gravesend, King's county, Long Island, being duly sworn, doth depose and say that Joseph Belt the colored boy now here present in court, voluntarily told deponent that he was a slave in the State of Maryland, that his master had brought him to Baltimore to sell—that there he found an opportunity to runaway and that he did so—and went to a place called Lynn

near Boston, in the State of Massachusetts—that he had been in the City of New York about three months. He did not name his master to deponent, nor say who had arrested him.

WILLIAM <sup>his</sup> ~~X~~ HUNKEY.  
mark.

Sworn to before me this 23d day of December, 1848.

J. W. EDMONDS.

*State of New York, and county of New York.*

Herman R. Howlett, of the town of Gravesend, in the county of Kings, being duly sworn, doth depose and say, that he has seen the colored boy now here in court, called Joseph Belt—that said Belt voluntarily and of his own accord stated to deponent that he was the slave of Mr. Lee, in the State of Maryland—that he had runaway from him from said State of Maryland, and had gone to Massachusetts, and deponent understood him to say Boston—that his master had arrested him, and was going to take him back.

H. R. HOWLETT.

Sworn to before me this 23d day of December, 1848.

J. W. EDMONDS.

Thomas Lee, sworn as a witness for the claimant, resides in Frederick county, Maryland, and have all my life. I am twenty-nine years old. Is nephew to claimant. Know Belt perfectly. This is him. Have known him as long as I can recollect upon the estate of the claimant, in Frederick county, Maryland, where he resides. Always on that estate when I knew him. He was born the slave of John Lee, and was always in his service. I know his mother, who was also in his service, she was a slave also. I knew his grand-mother, she was on the same estate, and is still living. She also was a slave.

Belt is about twenty-two years old.

I saw him last until yesterday, on the Rail Road cars going to Baltimore. Lee was with him. I am pretty well acquainted with the Laws of Maryland in relation to slavery.

Do those laws authorise slavery?

[Objected to. Allowed.]

Yes sir, they do.

Do you hold slaves under those laws?

[Excluded.]

The boy is a mulatto. Mr. Lee sold Belt's mother as a slave. My estate joins that of Mr. Lee.

I know the boy was not born in New York or Pennsylvania, but I was not present at his birth.

[Re-examined.]

Belt went to Baltimore as a house servant. I never heard of his claiming to be a free man.

Allowed to prove the contemporaneous acts of the parties.

[Excluded.]

I have heard Belt call Lee master. He was always by the other slaves considered so. Reputed in the neighborhood to be a slave. Slavery in Maryland involves servitude.

Mr. Whiting offers the Laws of Maryland from their Statute book.

1 Greenl. sec. 489.

Asa Childs,—Has practised law in Baltimore, in Maryland, they have books of law which purport to be published by authority, which are read in courts as evidence.

I did not know Jeremiah Hughes. I cannot swear that these are copies of books thus read. I have seen volumes that are read in the Courts of Maryland, that look like this. The printing looks.

I cannot say that this volume is a copy of those commonly admitted and read in evidence in their courts.

Held not sufficient.

Testimony closed.

December 26, 1848.

In Re. Joseph Belt.

Mr. Whiting argued for the demurrer.

Belt's slavery not denied by the allegation.

Court nothing to do with the manner of his capture.

Prigg's case 16 Peters.

Mr. Child's, contra.

Demurs to the return.

No averment that the laws of Maryland authorize slavery.

No such law averred or preferred.

Every presumption is in favor of liberty.

The recapture must be done without a breach of the peace or the law.

He was detained here after his arrest, and after he might have been taken away, and this claim waived.

In Re. Belt.

District Attorney for slave.

2 R. S. 654.

How long can a master detain a slave in this State without manumitting him?

Aves' case, 18 Pickering.

13 J. R. 416.

Whiting, in reply.

Serj. on Court, ch. 31, p. 387.

Glen vs. Hodges, 9 J. R. 69.

Wright vs. Deacon, 5 Ser. and Raw. 62.

Comp. vs. Griffen, 2 Pick. 11.

Vaughn vs. Williams, 3 McLean, 530.

Amendments to Constitution, art. 5.

In Re. Belt.

*Points for the claimant*

1. The owner has a right, without a warrant from any State magistrate, to take and capture his slave.



2. With this possession no State court or State officer has a right to interfere.

3. It is not necessary in the return to set out the laws of the State of Maryland. It is enough to allege that the slave owes service under the laws of the State.

Jack. vs. Martin, 14 Wend. 577.

Same case, 12 Wend. 311.

4. The idea that the owner has no right except at the peril of manumission to take his slave to Long Island is untenable. The demurrer ought to be sustained and the boy delivered over to his master.

J. K. WHITING, for master.

Mr. Childs moves to dismiss the prisoner.

Mr. Jay, in favor of that motion, was stopped.

Mr. Whiting, for master, insists.

1. I have no jurisdiction to take this boy out of his master's custody.

Priggs case 15 Peters.

Jack's case 12 and 14 Wend.

Kirk's case.

2. In a slave State all colored men are presumed to be slaves.

Jones vs Vanzandt, 2 McLean, 596.

1 Wash. 308.

2 Ib. 1.

## CORRESPONDENCE.

---

MARTINSBURG, BERKELEY COUNTY, Va  
December 20th, 1849.

*To His Excellency,*

*Governor Thomas, of Maryland:*

SIR:—I have the honor herewith of enclosing to you, two affidavits taken under my direction to-day, touching a matter that cannot fail, I think, to arrest your attention, as the Executive organ of the State of Maryland.

It is proper for me to explain to you, how it has occurred, that I a citizen of Virginia, should be the medium of inviting your attention to this case. About ten days ago, a letter from Jonathan Little, addressed to his wife at Clearspring, Washington county, Maryland, detailing the atrocious circumstances of his imprisonment in the Jail of Huntingdon county, Pennsylvania, was placed in my hands by her friends, citizens of your State, and I was consulted as to the proper course to be pursued for his relief. I was informed that Little had been arrested in October 1849, upon the false charge of *Kidnapping*, and thrown into jail, when in fact and in truth, he was lawfully recapturing a fugitive slave from the State of Maryland; that since his arrest, he has been confined to a narrow cell, hand-cuffed and heavily ironed, subjected to great indignities, and treated in all respects with the severity of one of the vilest of felons and malefactors. That when the witnesses volunteered, at great inconvenience and cost to themselves, to attend his trial at the November Court last, to establish his innocence under the law, by proof of the facts, the trial was postponed upon the most miserable shifts and evasive pretexts; that Little is poor and unable to employ counsel; that in the section of Pennsylvania where he is incarcerated, it is extremely difficult to obtain the services of counsel in such cases, and then only upon exorbitant compensation, and that such is the brutal ferocity and fanaticism of the population, displayed upon all occasions where slaves are concerned, that resident counsel there are overawed and paralyzed in their efforts for their clients; that the witnesses upon whom the prisoner relies,



to prove his innocence, are poor men, unable to bear the expenses of so long a journey without compensation, and that unless some protection, public or private, beyond the limits of the State of Pennsylvania, is extended to him in his present deplorable condition, that the prisoner will, for the simple exercise of an acknowledged constitutional right, through the chicanery and contrivances of his fanatical oppressors, in all probability, for the balance of his life, be consigned to the Penitentiary of Pennsylvania. I told them that if those facts were satisfactorily sustained by affidavits, I thought it a case proper for the action of the Executive of the State of Maryland; not of course in making any demand for his release from Jail, for he must abide his trial under the Laws and Constitution of his country, but, that your Excellency would appropriate from the Contingent Fund, always for proper purposes at the disposal of every Executive, so much as might be found necessary, to engage able and intrepid counsel to appear in his defence, and to defray the necessary expenses of the witnesses, whose presence might be important at the trial. It occurred to me, that in addition to this pecuniary aid, there was an importance of no light character to be attached to the active interposition of the State of Maryland in such a case. I have assumed, in my course, that the government of Maryland, having the same identity of interest and feeling, would regard the case as I feel well assured it would be regarded by the government of Virginia, if a citizen of this commonwealth was now in the situation of Jonathan Little. I hazard nothing in saying that we would expend the last dollar in our Treasury, before we would suffer a citizen of Virginia, to lie incarcerated in a loathsome cell,—a victim of brutal fanaticism, when the attack upon that citizen is purposely and deliberately designed to be an attack upon our vital institutions—rather than fail to extend to him all the legitimate and constitutional aid in our power.

This is not a case for individual action, nor for private liberality. It is emphatically a State affair. The judicial power of the commonwealth of Pennsylvania is invoked by blind and reckless fanatics and abolitionists to crush a citizen of Maryland for lending his aid and assistance to maintain and preserve a vital institution of your State. It is under the shield of *her* sovereignty, that this injustice and oppression is practised. It is essential to the safety of the prisoner;—it is material to the preservation of the institution of Slavery, that some power, higher than that of a mere individual should be seen to sympathise in his wrongs and to step forward in his defence. The cause of Jonathan Little is the common cause of every slaveholder in the Union;—it is more especially the common cause of every slaveholder in Maryland, from your continual exposure to similar outrages, and because he is a citizen of Maryland, and has a right to look to *your State* for protection and defence.

The Constitution of the United States, secures to us the right to seize and recapture our fugitive Slaves in every State and Terri.

tory over which its power extends. It is a provision, without the adoption of which, not one Southern State would ever have become a party to the existing Federal compact. The legislation and action of the non-slaveholding States, under this sacred and fundamental guaranty of the Constitution, exhibit, perhaps, the most striking and atrocious example of a violation of public faith, that is to be found in the annals of modern history. We can expect nothing from them. The whole course of their legislation is so contrived as to embarrass, defeat and destroy our rights.—Congress has, so far, failed to perform the high duties which the Constitution has devolved upon it, and such is the progress of fanaticism in that body, that it would exhibit an insane credulity to suppose, that any adequate provision will ever be adopted by them, to protect and enforce our rights. We are, consequently, thrown back upon ourselves to repel aggression, and to guard our rights from invasion. And if the Southern States do not prove faithful and true to their own interests and to the rights of their own citizens, desperate and degraded must our condition become.

This pending prosecution in Huntingdon county, is one of those rabid abolitionary movements, which is not limited in its results to the individual fate, hard as that may be, of Jonathan Little. It purposely aims, in this act, a fatal stab at the institution of Slavery. Its purpose, is to deter all persons hereafter, from going to Pennsylvania in pursuit of their fugitive Slaves. Its object is to annihilate the constitutional rights of the slaveholder, and to nullify, by judicial force and oppression, the sacred guarantees of the Federal compact. It is intended to proclaim to the Slave, that in Pennsylvania he may secure an asylum from pursuit,—a place of refuge, into which his white pursuer dare not enter. And if the citizen of a slaveholding State, in the exercise of his acknowledged constitutional rights, may thus, upon a false charge be arrested—thrown into prison, loaded with irons, and treated with a barbarity which is now almost universally repudiated in the case of the worst of felons; if there be no voice of sufficient power to reach his oppressor, no arm of sufficient strength to rescue him from impending infamy and peril;—if he is to be left to his fate, undefended and without the active sympathies of those having a common cause with him, who can fail to perceive how disastrous must be the influence of a single fact like this, upon the general interests of the slaveholders of the South? What a stimulent to the slave to escape from his master! What an encouragement to the abolitionists to pursue his wicked machinations amongst us! What an insuperable difficulty to the recapture of slaves absconding from us! the fate of Jonathan Little would at once spread an alarm amongst all that class of men, both in Maryland and Pennsylvania, upon whose services we can alone rely for the recapture of the slaves that escape from us.

In most of the free States, the fugitive Slave is, by express law, defended in his right to freedom at the *public cost*. And this, as a

rule of general policy. Is it then too much for me in a *single instance* to ask, that the Governor of a slaveholding State, shall from the Executive fund at his disposal, appropriate so much as may be necessary to defend, at the public cost, a citizen of your State, whose very liberty will probably depend on this small appropriation? There is no fear that such cases will often arise for similar drafts on the Executive fund. If it did, I maintain there could be no more beneficial appropriation of it. But they will not often occur. It is only necessary for one or two examples to be exhibited, by which it will appear that the State is determined to see justice done to her own citizens, and the aggressors upon their rights, brought before the Federal tribunals for punishment, and we shall hear no more of such outrages. The men who go in pursuit of fugitive Slaves are usually poor. Much of the calculations, of the abolitionists in prosecutions of this character, is based upon the poverty and supposed unfriended condition of such persons. They know the difficulty and expense of procuring witnesses from the distant Slave States; and, how few of such persons are in condition to incur such expense. They know, that according to the fundamental laws of *their* States, all persons, whether black or white, are presumed to be free, until the contrary is shown. They know the *fact of Slavery*, can only be established by testimony, and they make their calculations, that from the expense of procuring such testimony, witnesses will not be forthcoming, and conviction becomes inevitable. But let it be once understood amongst them, that rather than suffer their nefarious purposes to be carried into effect, the State will defray the expenses of the defence, and my solemn belief is, that you at once crush all that gives vitality and existence to such atrocious prosecutions. It is my full belief, that the interposition of the State in more than one or two such cases will never be necessary.

In conclusion, then, allow me to say, that whilst I do not tender my own services to your Excellency, as counsel in the case above referred to, presuming if you act favorably at all upon the suggestions of my letter, that you would prefer to select counsel from your own State, still I should be false to all the impulses of my heart, and regardless of the solicitations of the friends of Mr. Little, if I did not say, that if any such responsibility is devolved upon me, I will assume the duty and discharge it with pleasure.

I beg leave to invite the prompt attention of your Excellency, to the communication, as the Court of Huntingdon county, is held in the month of January—the precise time I do not know, and some time will be necessary to notify the witnesses, who are located in different parts of your State.

I am, Dear Sir,

With the highest respect,

Very truly, yours,

CHAS. JAS. FAULKNER.



## STATE OF VIRGINIA,

*Berkeley County, Sc:*

This day, Joseph Kensell, a citizen of Washington county, State of Maryland, personally appeared before me, a Justice of the Peace in and for the county aforesaid, and made oath that sometime in the month of August 1849, this affiant with a certain Jonathan Little, a citizen of Washington county, State of Maryland, and two other persons, to wit. Thomas Miller and Thomas Rockwell, seized and arrested Jacob Tenley, a runaway slave, the property, as he is informed and believes, of Elizabeth McClean, a widow lady of Frederick county, Maryland. The said seizure and arrest was made in Huntingdon county, Pennsylvania. The said slave was rescued from the possession of Thomas Miller and Thomas Rockwell, as they were conveying him to his mistress. This affiant further states that some time so subsequent to this, he thinks, in October 1849, the said Jonathan Little having returned to said county of Huntingdon, was arrested upon the charge of kidnapping the said Jacob Tenley, thrown into the Jail of Huntingdon county, where he has been closely confined ever since, heavily laden with irons, and treated as a felon and malefactor. This affiant knows from a personal communication with the McCleans', that the seizure and arrest of the slave Jacob Tenley, met their entire approbation and consent. The said Little is a poor man, has a wife and several children dependent upon him solely for their support, and is unable to advance or pay the necessary fees to employ counsel to appear on his behalf, or pay the expenses of the attendance of witnesses. This affiant would further add, that it is difficult, if not utterly impracticable, in that portion of the State of Pennsylvania, to procure counsel, who, in a case like that of Jonathan Little, will do justice to the prisoner. He, therefore, as a citizen of the State of Maryland, most respectfully prays, that the Governor of the State of Maryland, may feel himself authorised from the contingent fund of the State, to appropriate so much as may be necessary, to vindicate the rights of this oppressed and imprisoned citizen of the State of Maryland, who has done nothing in the premises, in violation of the Constitution and Laws of the country, and whose fate, if his enemies and pursuers can have their way, must materially depreciate the value of slave property in the State of Maryland, by deterring others from going in its pursuit.

Given under my hand this 20th day of December 1849.

WILLIAM DORSEY, J. P.

## STATE OF VIRGINIA,

*Berkeley County, Sc:*

This day, Stewart T. Herbert, personally appeared before me a Justice of the Peace in and for the county aforesaid, (the said Herbert also being a citizen of Washington county, State of Mary-

land,) and made oath, that in November 1849, he accompanied Joshua McClean and James McClean, children of Elizabeth McClean, to be present at the trial of Jonathan Little, then lying in the Jail of Huntingdon county, State of Pennsylvania, charged with kidnapping Jacob Tenley, a runaway slave of the said Elizabeth McClean. This affiant then and there saw the said Little confined in the Jail of said county. He was confined in a narrow cell not more than four feet wide, heavily ironed and handcuffed, and treated, so far as this affiant could judge, as one of the vilest felons and malefactors. The said Little, with the two McCleans and others, at that time there as his witnesses, to prove the fact that Jacob Tenley was a slave, and that he had been seized and arrested by the consent, authority and approbation of the owner, was really and anxious that his trial should proceed, but the parties engaged in carrying on the prosecution, contrived so soon as they learned that fact, to have the cause continued over to the January Court, 1850. This affiant called to see said Little before he left Huntingdon, and found him very much distressed at the postponement of his trial, and more especially at the motives and purposes for which it was so postponed. He seemed to have no doubt, from his own inability, to procure counsel from the cruel and barbarous treatment which he received in jail, that his fanatical prosecutors would contrive to continue the case whenever his witnesses attended, and would force a trial when they are absent, and thus procure an unjust verdict of conviction against him. This affiant further states that the said Jonathan Little is a citizen of Maryland—his family being still in Washington county, Maryland—that he is a very poor man, and is unable to employ counsel or to defray the costs of the attendance of the necessary witnesses at his trial, and unless the State of Maryland can in some form, interpose for his relief, his personal liberty, already grossly violated and outraged, will be further so outraged. This affiant, therefore, as a citizen of the State of Maryland, prays that the Governor of that State may find that he has ample authority to appropriate so much from the Executive contingent fund, as may be necessary to employ able, intrepid and daring counsel, to undertake the defence of said Little, and also to defray the expense of the witnesses attendance, who are poor men and cannot afford to travel to the place of trial without compensation. This affiant, further, does not hesitate to express the opinion, that if Jonathan Little is now left to his fate, and undefended, and is sent to the Penitentiary of Pennsylvania for the offence, for which he is so unjustly charged, that it must materially depreciate the value of slave property in Maryland, by deterring others from going hereafter in pursuit of runaway slaves.

Given under my hand this 20th day of December 1849.

WILLIAM DORSEY, J. P.







