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## Documents Online

**Title:** Letter from James Buchanan to John Davis

**Date:** March 19, 1846

**Location:** I-AsbellY-2002-45

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Department of State  
Washington March 19<sup>th</sup> 1846

Sir,

I have the honor to acknowledge the receipt of your letter of the 14<sup>th</sup> January, enclosing a petition addressed to this Department by Mrs. Sally Blake, relating to the expense incurred by her, in the case of one William Baird, who having fled into the Province of New Brunswick, after committing a burglary and robbery in her house in Boston, was delivered up by the British Authorities to a constable of that City, upon a requisition issued by this Department, under the 10<sup>th</sup> Article of the Treaty of August 1842.

Baird was afterwards tried, and convicted of this burglary and robbery, in the municipal Court of the City of Boston, and sentenced to the State's prison.

Mrs. Blake represents "that she  
"has incurred great cost and expenses, all  
"to the amount of \$772.45, in pursuing  
"and apprehending the said William  
"Baird, and bringing him within the  
"jurisdiction of Massachusetts" and

"She

"she prays the Department of State, that she may be reimbursed to the amount of said costs and expenses according to the provisions of the 10<sup>th</sup> article of the aforesaid treaty."

The question here presented, received the attention of the Executive at an early day after the Treaty went into operation, and the result is seen in the enclosed copy of a circular of this Department, which was prepared and printed at that time.

When the offence committed is one, of which the Courts of the United States have cognizance, in such case the duty of apprehending the fugitive rests upon their officers; the whole proceeding against him is the concern of this Government, and the expense is defrayed by it. When the offence consists in the violation of a State or Territorial law, the delivery of the fugitive is required to be made to the authorities of the State or Territory, and this Government has nothing to do with the expense attending his apprehension and delivery. Its agency in the matter consists simply and solely in issuing the "requisition requesting the delivery

delivery of the person charged" to "the authorities of such State or Territory". All else is left to those authorities. It is for them to determine what the proceedings shall be for apprehending the fugitive, and for bringing him back within their jurisdiction; and to decide at whose expense such proceedings shall be had; whether at that of the public or of the individual prosecutor.

Such are the rules which were established at the time referred to. After a careful consideration of the subject, I cannot perceive any reason whatever for reversing them, or departing from them in any way. On the contrary, it is my own opinion also, most clearly and decidedly, that the expense attending the apprehension of fugitives charged with offences against the laws of one of the States, and their delivery to the authorities of such State, should not be borne by the United States.

Under the supposition that the vouchers and other documents accompanying the petition may be wanted by Mrs Blake, they are  
herewith

herewith returned.

I am Sir, Very respectfully  
Yours Obedt Servt  
James Buchanan

<sup>B</sup>  
Papers in the matter of  
Nathan Nichols

Hon. John Davis  
Senate.

Treaty of August 1842

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