Jno. B. Bowen, A. L. Jones & J. D. Moore of the Episcopal mission as arbitrators, according to Chapter 15, the section 12th of our Code. They sat nearly two days and then brought in a balance of in favor of Sanzay.

To this decision Mr Kelley filed objections, and promised to make manifest several errors if allowed to do so; time was allowed him according to Code Chap. 15th – section 8th, when the Court again met to hear him & Sanzay's counsel.

The whole case then came again under review; & though Mr Kelley had persuaded Sanzay to sign papers the purport of which he hardly knew, still in his eagerness to take advantage of the poor man, he had neglected to bind himself to pay any thing in writing – in the contract: the Court then concluded, they were not bound to decide by the first contract as it was imperfect, and what lawyers call "nudum pactum". Every one knew that if Sanzay labored for Mr Kelley he was bound to pay him; still when Mr Kelley insisted that Sanzay was bound by the first contract, it then became necessary to examine the document & see if it was according to the letter of the law: it was not, & therefore was pronounced of no value, "more pro tanto it". So call pr it. In fixing overhauling the arbitration, the Court could not see that they could mend matters and gave their decision accordingly allowing arbitrators only five dollars each

This is the whole of Mr Kelley's case which he lost as he cast Sanzay in the second, a repetition is unnecessary. Matters might have been arranged had Mr Kelley not indulged the idea that he was about to frighten every body by an appeal to lawyers in US. He was told before it went into Court, there was no appeal – why not arbitrate as other missionaries advised him – as I begged him privately.

I enclose his note to me

Your Obdt Servt
Jno B Russwur
A. M. L. C. S.

It may not be amiss to inform the Board of the arrival of seven Catholic missionaries & three servants from France in December. Rumor says this mission is about to be transferred to a society in France. Mr Kelley is on the eve of leaving for US with Capt Brown daily looked for. The missionaries have not been introduced by Mr Kelley though he intended & offered to a few days after arrival. One has died of fever – also Mr Kelley's servant Dennis.

Maryland Historical Society

The Maryland State Colonization Society Papers

II. Correspondence Received
A. Letter Books

8. 1843—1844

1844