refuse to be removed to any place out of the St. then the Bd. shall inform the Sheriff of the county of such refusal, and the Sheriff shall ~~to arrest~~ upon forthwith arrest them, and transport them beyond the limits of the State.

Sec. 4 – provides (you know) for the renunciation of freedom by a slave so manumitted, because of the separation of families, if he or she, be unwilling to be removed on that acct. it being done in open court; he or she, continuing thereby a slave.

Sec. 6 – gives the power to the Bd. to hire them out, until those wages shall produce a sum sufficient to defray all expenses attending their removal &c.

From these Sts, we collect that: –

The Clerks of Cts & Regrs of Wills must furnish lists with copies of all manumissions &c. – that

The Bd. must notify the Society: & that if the Society will remove them they shall be delivered over: –

That if they refuse to go to Liberia, the Bd. must remove them wherever they may elect; and if they refuse to quit the State, the Sheriff must be notified & he shall transport them out of the State.

Now with regard to the Supplement bearing on this case. That of 1832 Ch. 145 provides that when the Sheriff is notified by the Bd. of Mans. of the refusal of Mans. slaves to remove, and they shall have provided a sum sufficient to defray said removal &c. and the Sheriff refuses within the term of one month to remove them, he shall forfeit 50 dolls. for each person, recoverable by action of debt or indictment.

Mem. – Contracts made prior to the act of 31 Ch. 281, for the purchase of freedom when consummated to entitle the parties to remain as free in this State – &c. – Smith's Decs 11th July '43.

You will perceive from what has gone before that there is no difficulty in bringing the law to bear, by the Sheriff, except that of his fee per person. If as Mr Duvall suspects, the Sheriff regulates his fee by the penalty, or by usage in the case of taking convicts to Balto., which is $50 in both cases, it would cost 300 dolls to gratify the Smith case alone. I am warned great of a replevin by a lawyer here for the 2 boys ——— and ——— who claim of the mother ——— years service for his fee in pleading and gaining the case upon their petition for freedom under the Act. This is a bugbear, got up to frighten some timid agent, and I do not profess to possess more moral courage, than any other man who possesses no more than I do. It must be remembered that these persons enjoy freedom, but they enjoy it in violation of the terms of the Act, or rather of its operation, and any contract made with them is voidable, for the Act of 1831 rules their case as completely now as it did the instant the deed was recorded and the decision which sustains it. But let the case under the replevin threatened, be once tried,

Maryland Historical Society

The Maryland State Colonization Society Papers

II. Correspondence Received
A. Letter Books

10. 1847--1848--1849

1848