

J. H. BLOUNT,

ATTORNEY AT LAW

VS.

AND

SOLICITOR 1ST DISTRICT.

Hartford, N. C., June 12<sup>th</sup> 1893

Frank Auburn Eyr.  
Att'y General -  
Raleigh N. C.

My dear Sir.

At the Inter-State-Extradition  
convention held in New York in 1887, certain rules  
of procedure were agreed upon between those  
states participating in the same. North Carolina  
being one of them. On page 85. of the proceedings of  
said convention is found the form of the warrant  
to be used by the Extraditing Government. This is pro-  
vided that the sheriff or other officer <sup>making</sup>  
the arrest shall give to the party arrested <sup>opportunities</sup> to see  
out a writ of habeas corpus &c. Recently our  
Government granted this warrant in honor of a  
Requisition from the Government of Pennsylvania  
for the arrest and delivery of one Sutton (I  
think his name was) who resided in New  
York N. C. In the warrant issued by our  
Government there was no such direction as that  
mentioned above, to give the citizen an op-



porting - to see ~~off~~ the writ of habeas corpus.  
The Sheriff of Crowe County, not knowing any better,  
under the presence & orders of the Agent sent by  
the demanding state, waited until ten min-  
utes before time for the steamer to leave,  
arrested Sullivan, refused to allow him to see  
or speak to his family, to change his clothes,  
or provide himself with any money before  
leaving home, & "hunted" him about the dock.  
This in my judgment, was as high handed  
an invasion of the rights of the citizen as  
was ever be committed of. In fact it was  
a wilful act of oppression on the part of  
these officers. Is there not some remedy? For-  
tunately in this case there was a large party  
& the boat was delayed & thus the man was  
allowed to see out the writ, & Judge Stake did  
not hesitate to liberate him upon the  
merits of the case. Had it not been for this  
delay of the boat this citizen of North  
Carolina would now in all probability  
be imprisoned in some prison in the de-  
manding state - at the instance of a  
creditor. I have thus stated these facts  
which come under my personal ob-



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reference to freely illustrate the point that I would call to your attention. Suppose there had been made no such suggestion as that referred to above, as to the direction to the Officer making the arrest, to give the party arrested to see out the writ, do you not think in the absence of any act of our Legislature, or of Congress upon this subject, that our Executive, who must prescribe the form of his warrant of extradition, has the right to insert some such humane provision in his warrant as a guard to the rights of the Calijer, as well as a direction to the officer as to how they shall execute this important writ? Is there any question that he has the power to do so? In view of the great door to oppression and tyranny that would be flung open in the absence of such a provision can there be any doubt as to the propriety of such a course? There is a combination of nothing unscrupulous now, when business it is



to have exhibited, & tried for obtaining money or under  
false pretences, all merchants who purchase  
goods from them, refuse estimates or state-  
ments, made at the time of the purchase,  
and who afterwards fail, whether honestly  
or otherwise, to pay their bills. These estimates or  
statements are made generally without books  
data or information. Are usually inaccurate  
& false. Sometimes honestly so & sometimes cor-  
ruptly so. Of course the requisition papers  
always show on their faces that they are  
not made for the purpose of collecting a  
debt so. A man fails, honestly, who has made  
an inaccurate statement as to his financial  
standing - prefers creditors sufficient to exhaust  
his assets. The creditor left out applies for a  
Requisition. It must be granted, but I maintain,  
and I hope you can agree with me, that it ought  
not to be granted without informing the officer  
executing it, that he must respect the rights of  
the man arrested, that he must not be treated as  
an outlaw and that he is entitled to time  
to consult with counsel and to sue out the writ  
if he desires to do so. I feel a great interest  
in this question because I believe the citizen



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has this right to consult his lawyer, and obtain the writ of habeas corpus - and that the State of North Carolina has no right to deprive him of it, by placing it in the mercy of the Agent of the demanding State. I am further interested because I am expecting a client of mine to be arrested every day - He is as reputable a citizen as lives in Antietam county, and if he be given the opportunity, will undoubtedly receive his discharge if arrested.

While I have never had the pleasure of your acquaintance, I know your reputation as a lawyer and shall feel satisfied at such advice as you see fit to give the Government - Please let me hear from you & have your views upon this subject - To my mind it is a very interesting one, & one of undoubted importance -

Yours respectfully,

J. H. Blount





Hon. Frank Osborne.  
Atty. General.  
Raleigh N. C.



RALEIGH  
N.C.  
JUN 10 1880