

of the one, without equally involving the rights of the other. The Governor is therefore of opinion that Maryland should be represented, as a party to the proceedings instituted or which may hereafter be instituted, by Counsel resident in your State, and he has directed me to notify you of your appointment as such, which you will please acknowledge at your earliest convenience if you accede to the terms herein proposed. The Governor has no sufficient authority, by law, to enter into any contract with you for fees, and must refer you, hereafter, to the liberality of the General Assembly. If you determine to act, the Governor instructs me to say that he does not desire you to pursue a course prejudicial to the rights of the City of Baltimore, farther than is ^{rendered} necessary in vindicating the rights of this State, against the heirs at law of the testator, should it be manifest that the legacy to the City must be defeated. It is presumable that the State of Maryland would not have made an issue with the City of Baltimore, as it was the clear intention of the testator to make that City the recipient of his bounty, and the trustees for the execution of his benevolent designs. If however in your opinion the contest must be ultimately narrowed down to the heirs at law, and the States of Louisiana and Maryland, then you are instructed by the Governor to use every effort to maintain the rights of this State, and it will be for the Legislature of this State hereafter, in its wisdom to determine upon the application of the proportion of the Estate falling to Maryland, should success attend her suit. (You will please from time to time, keep the Governor fully advised of the progress of Affairs.

Very Respectfully &c
 Tho. H. O'Real,
 Secretary of State.

New Orleans, Feb. 1st 1851

Hon Thomas H. O'Real

Secretary of State for the State of Maryland,
 Dear Sir,

Your communication in behalf of the Governor of the State of Maryland of the 21st ult. has been received. In reply thereto we have to say, we cheerfully accept the proposal made upon the subject of our fee in the McDonough case. We are entirely willing to leave the amount & conditions of it to the Legislature. As our services will be of immense advantage to the State of Maryland in case of success, and of very little if unsuccessful, we would suggest, that the most equitable mode of Compensation would be one based upon those contingencies.

In order to explain clearly our views as to the course to be pursued by the State of Maryland, it will be necessary to refer to the policy and the proceedings taken by the State of Louisiana.

Shortly after the Will of McDonough had been admitted to probate, it was generally understood that the legal heirs of the deceased intended attacking the dispositions made of the great bulk of his property.