

maintained. If there be a perfect right to demand in any case which cannot be denied without injustice, the claim of Virginia cannot be resisted, because the parties demanded are accused of an act highly criminal by her laws, and the usual forms necessary to render the demand perfect, have been complied with; and if on the contrary, the practice has been predicated solely on national comity, there are no governments among whom there exists a stronger necessity for the observance of this courtesy, than the States of this union.

But it is said that this right extends only to those cases where the acts complained of, are recognised as crimes by the universal law of all nations; and as the present offence is not treasonable, felonious, or criminal by the laws of New York, the demand cannot be successfully made. This ground assumes that the constitution confers no greater rights in matters of this kind than the States would have possessed if that instrument had been silent on the subject. It also assumes, that the nation to which this offender has fled, may judge of the character of the acts complained of, and determine whether they constitute a crime or not, and the place where they are or are not criminal. And it would lead to this conclusion that a State need not aid in maintaining the supremacy of the law in a neighboring State, unless she herself may derive some benefit from the proceeding. What is the law of nations on the subject? "Whoever offends the State, or does it a prejudice in any manner whatsoever, declares himself its enemy, and exposes himself to be justly punished for it. If the offended State has in her power the individual who has done the injury, she may without scruple bring him to justice and punish him." While the offender then remains in the nation, whose laws he has violated, there is a perfect right to punish him according to its laws, and the nation of which he may be a citizen, cannot complain. Why? Because whoever enters a nation, submits himself to its jurisdiction, and tacitly undertakes to respect its laws and institutions. "If the offender has escaped and returned to his own country, the offended nation ought to apply to his sovereign to have justice done in the case, and since he ought not to suffer his subjects to molest the subjects of other States, or do them an injury—much less to give open, audacious offence to foreign powers—he ought to compel the transgressor to make reparation for the damage, if possible, or to inflict on him an exemplary punishment; or finally, according to the nature and circumstances of the case, to deliver