

to vindicate her own institutions against reproach and violence; and every obstacle which any State casts in her way unjustly, is a reproach to that State, and a violation of the rights of Virginia. Suppose, in a trifling offence, where the act complained of, was equally against the law of New York and Virginia, a demand of this kind were made, does it appear necessarily proper that the surrender should follow? Would New York be under a perfect obligation to respect the demand merely because the act was a crime against both States? By no means. The sympathy between the States becomes no stronger by reason of the identity of their laws. There is no obligation thereby created that did not exist before. This is shewn by its effects in two cases that may exist at the same time. If Maryland had made a demand at the same time with Virginia in this case, for the surrender of a man who had committed larceny or any small offence, criminal also in New York, our demand would have been gratified according to this rule, while that of Virginia would have been rejected, although seeking to punish a larceny of the highest character; and this distinction is founded in the circumstance that a horse may be stolen in New York, when a negro slave cannot. Thus, if the rule be correct, as applicable to slaves, it is equally so as to all property of which theft may not be committed in any State, (if indeed there be one,) no matter how valuable the property may be in the State where it is a crime to "steal, take and carry it away;" and the argument tends necessarily to this result, that, if the act be not recognized as a crime in all nations, as being of a heinous character, or if it be not criminal in the State of which the demand is made, it need not be gratified, and the offender may be protected. Does the genius of our institutions sanction this doctrine? Can the security of the States or the interests of the people be promoted by practices in accordance with it? The law of the State making the demand, must be the guide; and, if it be disregarded, collisions and ill feeling will arise among them, and disturb the "ties of friendship and good neighborhood," which should always be observed, and which it is one of the purposes of the Union to cement.

This subject sometimes enters into treaties between foreign nations, not because the practice would not be observed independently of treaty regulation, but in order to give greater force and certainty to the demand when made. By our treaty with England, (Jay's treaty,) we agreed to deliver up persons charged with murder or forgery. Sup-