

pose a demand had been made by England, under that treaty, for a person accused of forgery, can it be contended that the United States Government could have justly refused, on the ground that the papers accompanying the requisition, shewed that the particular act charged, did not constitute the crime of forgery, according to our laws? Surely not—and why? The stipulation, in its character, shews that it was designed for the benefit of England. She included this class of offenders, because she was a commercial nation. The severest penalties are annexed, because the crime strikes at her prosperity, and may affect her standing among nations, by destroying her trade and commerce. Hence she never pardons the offender. She pursues him even beyond the ocean, and brings him home, that his punishment may have its due effect. These circumstances gave an importance to that crime there, that it did not possess here; and although we might well think that the punishment was too severe, and not proportioned to the offence, according to our code, yet we could not have withheld the offender from her justice, because the demand would have been made for her security, not for ours. If she deemed the safety of commerce and the security of her people's property depended upon the death of the offender, we could not have gainsaid her judgment; we could not have enquired into the truth of the charge, the justice of the law, or the extent of the punishment.

So in the present case, our institutions are so different from those of some of the States, as to make that criminal here, which is not so regarded in them. They are as much obliged to regard and respect our peculiar condition, and to aid us in protecting ourselves against violations of this description of property, as the United States in the case put, would have been to assist in vindicating the laws of England.

The States have an interest in the question co-extensive with the range of their criminal jurisdiction. It is not a mere question between the North and the South about the rights of slaveholders, or any domestic policy particularly,—it affects all property. It relates to all manner of felonies and other crimes, on the punishment of which so much depends in maintaining the peace of society, and preserving the public morals.

The Executive of New York also contends, that the right of demand and obligation to surrender, according to the law of nations, is not extended by the constitution of the United States; that it merely sanctions such claims ac-