

They beg leave further to report that they have understood that two citizens of the State of Pennsylvania who acted as agents of James S. Mitchell, in capturing his slaves, have been convicted of the crime of kidnapping, and sentenced to the Penitentiary of that State. Believing, as your committee do, that the taking and delivering to the said Mitchell, by the said agents, of the child of the fugitive slave woman of the said Mitchell, was not a crime under the federal constitution, but in strict conformity thereto; and feeling as they do, the deepest sympathy for the said agents, they beg leave to report the following resolutions:

*Resolved*, That the Executive of this State be requested to instruct the Attorney General to cause such proceedings to be set on foot, as that the case of said agents may be brought before the Supreme Court of the United States for its adjudication.

*Resolved, further*, That one thousand copies of correspondence between the Governor of this State and the Governor of Pennsylvania, with the accompanying documents, be printed for the use of the members of this Convention.

Mr. PHELPS called for the reading of the above report and resolutions, and they were read accordingly.

Mr. CHAMBERS said, he rose for the purpose rather of suggesting the propriety of referring this business to the Legislature, than with any view to present a distinct motion.

It was very true the Convention had on one occasion assumed a sort of irregular organization, when they expressed their opinion, in the shape of a series of resolutions, in regard to certain most important political questions. They then assumed somewhat the character of representing the people in their political relation to the rest of the United States. It might be said, they were not exercising powers properly belonging to any particular department of the Government. He held it proper that we should not assume a duty which, in the regular distribution of powers and duties amongst the different departments, was vested in one of them.

He would therefore suggest, whether the matters to which these resolutions relate were not properly within the range of ordinary legislative cognizance? and if so, whether it would not be best to turn over the whole subject to the Legislature? It probably will happen that further action must be had in regard to this movement. Indeed, the movement now suggested for our adoption looks to a consummation by means which will necessarily require further legislative action. He was as willing and as ready as any one, when the occasion should offer, to act with becoming earnestness and decision; but having some doubt as to the effect of any measure adopted by us as a Convention, he had made these suggestions to receive what consideration they are entitled to.

Mr. SOLLERS said, that the committee to whom this subject had been referred, deemed it of such paramount importance, that they thought it their duty not only to adopt a report, but resolutions also. The Convention would see by the resolu-

tions that they did not instruct the Governor, but merely made suggestions to him. He [Mr. S.] did not know whether this Convention had the power to act in the matter, but the question might arise whether we were not the people in Convention assembled. We were the agents, at least, of the people, and this was a mere request, made by this body to the Executive, to cause certain proceedings to be commenced in the Supreme Court of the United States. And if this subject was referred to the Legislature, they could not do more than we had proposed to do. They could not command the Governor to do more than we had suggested—for, what the Legislature could do, this Convention could do. Prompt action was required, and it was not only our desire, but that of the people of Maryland, that immediate measures should be adopted to protect the man who captured the fugitive slaves.

Mr. SPENCER had felt a great interest on this subject ever since it had come to his knowledge. He (Mr. S.) thought we had a precedent, if not in this form, in another, for our guidance. The members of this Convention had met, it was true, to form a constitution, but at the outset of their proceedings they had passed strong resolutions connected with this subject, expressive of their sense of the value and perpetuity of the Union, and complimentary to our Senators and members in Congress. He presumed that none of our constituents found fault with us for doing so. He had had occasion, at an early stage of those proceedings, to refer to this very case, and to express his opinion that it was proper, when men were seized and put into the Penitentiary of another State, for services rendered our citizens in arresting their fugitive slaves, that the State should take some course to shield them from injury; that if this was not done, we might as well give up our property.

If the resolutions were so couched as to express, as a mere opinion of this Convention, that the Governor would be fully authorized to exercise the power he now had, he (Mr. S.) thought that would be sufficient. If the gentleman (Mr. Sollers) would alter the resolutions so as to read "ought to exercise," instead of as they did at present, every purpose would be answered.

Mr. SOLLERS. I have no objection at all. There is no difference of opinion whatever; we only request the Governor to exercise his power.

Mr. HOWARD. Do I understand the gentleman from Calvert (Mr. Sollers) to agree to the modification? I should prefer the present phraseology.

Mr. SOLLERS. So would I.

Mr. HOWARD said, he preferred the language of the resolution as it was at present, because it was stronger than the modification suggested by the gentleman from Queen Anne's (Mr. Spencer) would make it. He (Mr. H.) felt anxious that this Convention should act promptly in this matter, and not postpone it till the next meeting of the Legislature, because he thought there was a most urgent claim upon every body in the State of Maryland, in a public capacity, in any way in which their interest could be