

legal manner.

He distinctly avers that he himself was not personally within the limits of Pennsylvania engaged in the recovery of the Woman and Child, but that they were delivered to him at Elkton, in this State, the place of his residence, by the agents whom he had employed for that purpose. Mr Mitchell is represented to me as being a most worthy citizen. This of itself would add to my obligation to investigate the facts of the case, before subjecting him to the possible degradation of a conviction and sentence under the law of Pennsylvania touching the issue involved in this case, which is known to be wholly at variance with the law of Maryland, and which I regard as inconsistent with the federal Constitution.

But there are other considerations of paramount importance, altogether far outweighing any anxiety, however great which I may naturally be supposed to feel for the protection of the rights and liberties of a citizen of a state, over which I have the honor to preside.

The case before me is one of great public interest. No citizen of Maryland can fail to consider the case his own, for his own security may be affected by the principle which I am called upon to recognize through my action herein. I am frank to say to your Excellency, that I promptly assured Mr Mitchell, in the interview before mentioned, that, if the statement made by him, to me, was ascertained to be correct, and my official obligations, under the Constitution of Maryland, and the United States, authorized me to look behind the requisition of your Excellency, into the merits of the case, I would respectfully decline to ~~give~~ <sup>deliver</sup> him up, to be punished by the law of Pennsylvania, for that which is expressly recognized as lawful in Maryland, and in my judgment, guaranteed by the federal and paramount law.

These points presented themselves for my consideration:

1<sup>st</sup> First, how far (if at all) had I the right under the federal Constitution, to go behind the requisition, and judge of its propriety?

2<sup>nd</sup> This right conceded, it remained to be asked, could a resident of Maryland, who, had never in fact been personally present in Pennsylvania, in connexion with an alleged offence, but was only chargeable as accessory within the territory of Maryland, be considered a fugitive from the justice of Pennsylvania?

And 3<sup>rd</sup> Had Pennsylvania the right to adjudicate freedom to the issue of a fugitive slave, because born within her territory, and therefore to charge the master of the mother with the crime of kidnapping, because in taking possession of the slave mother, he also took the child, which by the law of Maryland expressly and by the federal Constitution imperientially, is held to be a slave. Upon these two last points, I entertained no doubt or hesitation. I conceived that the 1<sup>st</sup> article, 2 section <sup>of the Constitution</sup> of the United States, which provides for Executive requisitions, clearly contemplates the case where a criminal has fled from the offended laws of the state, whence the requisition