

Parker then supposed to be Eliza Procus, the fugitive  
 slave of Mr. Dickeyhut. It is also certain that he carried  
 with him the authority of a power of attorney from  
 the owner of the alleged fugitive, or her agent, designing  
 to act under it in good faith. It is likewise well known that  
 he captured Rachel Parker, believing her to be Eliza Procus.  
 Neither can it be denied that he had good reason for so be-  
 lieving, not only from the information received in the  
 neighborhood, but also from the extraordinary likeness,  
 which exists between Rachel Parker and Eliza Procus, and  
 upon which some of the most respectable citizens of Baltimore  
 were prepared to swear to the fact of identity. From these prem-  
 ises, the conclusion is irresistibly drawn, that Thomas (McBreary  
 is not a criminal. The presumption of malicious intent  
 necessary to constitute crime is absolutely rebutted by the  
 facts of the case. If guilty at all under the law, his guilt is  
 purely technical. He is morally innocent beyond the shadow  
 of a doubt. The first question which arises, therefore, is, would  
 it be just for the laws of Pennsylvania to punish a man  
 under such circumstances? The next question is, can I con-  
 sent that a citizen of Maryland should be exposed to the  
 hazard of an unjust prosecution? It is unnecessary for me  
 to assure you that the people and Government of this  
 State hold the crime of kidnaping in the deepest ab-  
 horrence, and that our laws visit it with the severest  
 punishment. But that is not the enquiry here. The  
 question is, whether or not being perfectly satisfied of  
 the moral innocence of the accused, I shall send him  
 into another state for trial. It is extremely unpleasant  
 to make any allusions, whatsoever, which may be sup-  
 posed to reflect ungraciously upon any of the citizens of  
 another and friendly state; nevertheless it is my duty  
 to remind your Excellency that very strong and un-  
 reasonable prejudices, touching the subject matter of  
 Mr. McBreary's alleged offence, prevail in the County where  
 he ~~was~~ <sup>has been</sup> indicted, which would render the result of  
 his trial exceedingly uncertain. I could not, therefore,  
 consent to expose him to the risk, unless I felt con-  
 strained to do so, by the mandate of the Federal Con-  
 stitution. Without entering into an argument upon  
 this point, it is sufficient to say, that I consider the  
 case of McBreary fully within the scope of that dis-  
 cretion in regard ~~to~~ to requisition, which  
 has always been claimed and exercised by the  
 Executives of the different States of the Union.