

be impaired, or their exercise impeded or embarrassed in any degree without violating both the letter and spirit of this provision.

The relation of master and servant is not to be varied or changed. The owner's title is as entire and perfect, within the jurisdiction of the State to which the Slave may have fled, as it was in the one from which he escape!. Such, substantially, is the language in which this article of the constitution has been expounded by many of the courts of judicature in those States where involuntary servitude has long ceased to exist as a civil institution. The commentary is in the same patriotic and conciliatory spirit, with which the provision itself was adopted.

The second Congress, as you know, passed an act (I allude to that of the 12th February, 1793.) which directs the mode in which fugitives from labour shall be apprehended and surrendered. I will not trouble you by detailing its provisions. I would merely remark, that the power of legislating upon this subject was plainly intended, as it seems to me, to be exclusively conferred upon Congress. Its nature and objects required that it should be so. The whole value of the constitutional guarantee depended on it. Even a matter, in relation to which, so much excitement prevailed, and public opinion was so much divided, the power of State legislation would infalibly have produced the very mischief, which it was the sedulous care of the formers of the constitution to guard against.

But if the States have a concurrent right to legislate, as some have supposed, it is as inoperative as if it never had existed.—Congress has exercised the power;—the act of 1793 covers the whole subject of the grant, and nothing is left to State legislation. This principle of constitutional law has long since been settled beyond all controversy.

I am aware that some doubt has been thrown upon the constitutionality of this act of Congress, on the ground that there is no express delegation of legislative power, and that none can be fairly inferred. This doubt, however, has not found the slightest favour in any of our courts. So far as judicial decision has gone, the act of Congress has been held to be constitutional.

But if it were otherwise, if the provision in question was, as some have said, perfect in itself, working its own object a d purpose, and therefore rendering federal legislation unnecessary, it would seem to follow that the State power is equally precluded, not only for the same reason, but also because the constitution being the supreme law of the land, all State legislation, repug-