

nant to any of its provisions, or to the full and perfect enjoyment of the rights which it confers and intended to secure, must be necessarily void.

In any view of this subject then, Maryland holds that the act passed by the Legislature of Pennsylvania, on the 25th of March 1826, is unconstitutional, and of consequence that the prosecutions in question, which are expressly for a violation of that act, cannot be sustained. For it requires no labour of analysis to shew, that so far as it relates to fugitive slaves, it violates the constitution in letter and spirit, and actually attempts a repeal of the act of Congress of 1793. It assumes the power of prescribing the only manner in which fugitives from labour shall be reclaimed. It determines the mode and measure of proof.— It authorises the continuance of cases, at the instance of the fugitive, but at the expense of the owner. It burdens him with recognizances, and finally subjects him, as a kidnapper and felon, to grievous fines and protracted imprisonment, even tho' he strictly and literally conforms to all the requisitions of the act of Congress.

While Maryland complains of this law, however, in its operation upon her citizens, she instructs me to say, that she intends no imputation upon the Legislature that enacted it, nor can she believe that Pennsylvania feels a less scrupulous regard to her federal obligations, than the most loyal and patriotic State of the Union.

I have thus very briefly stated the grounds on which I am directed to place the application for a dismissal of the indictments referred to.

If, however, contrary to the expectation I indulge, the Legislature of Pennsylvania, on a careful re-consideration of the act of 1826, shall fail to see in its provisions any repugnancy to the constitution or Law of the United States, then I am further instructed to offer a submission of this difference of opinion between the two States to the judgement of the Supreme Court of the United States, as the only constitutional arbitrator in such cases; on a single condition however, so just and proper in itself, that I will anticipate no objection to its acceptance, the personal safety of the accused, until a final decision shall be pronounced; such an arrangement may be easily effected by legislative assistance.

But if in that spirit of magnanimity which illustrates her annals, Pennsylvania, seeing the error of her legislation, should correct it by a repeal of the act of 1826, I am authorised to say