

by New York, we hope it may not be considered unkind if Maryland obeys the promptings of a common duty in the assertion of a common right. It would be unbecoming in the Legislature to indulge in censure or to impute unjust motives towards the Executive of New York. Acting under a sense of our responsibility, we cannot deny to him the right of judging of the obligations of his station. Believing that his course was induced by a sense of duty, and that the same motive may effect a change in his action, your committee cannot but hope that an interchange of opinions among the other States will serve to convince him that New York stands alone in the position she has assumed.

It has been the practice of civilized nations to surrender for trial offenders against the laws of others. It is unimportant to know whether this has been done in virtue of an acknowledged perfect right on the one side to demand, and of an obligation on the other to deliver, or whether it has been founded on comity among nations. In either view of the question, the ground taken by New York cannot be maintained. If there be a perfect right to demand in any case which cannot be denied without injustice, the claim of Virginia cannot be resisted, because the parties demanded are accused of an act highly criminal by her laws, and the usual forms necessary to render the demand perfect, have been complied with. And if on the contrary the practice has been predicated solely on national comity, there are no governments among whom there exists a stronger necessity for the observance of this courtesy than the States of this union.

But it is said that this right extends only to those cases where the acts complained of are recognized as crimes by the universal law of all nations, and as the present offence is not treasonable, felonious, or criminal by the laws of New York, the demand cannot be successfully made. This ground assumes that the constitution confers no greater rights in matters of this kind than the States would have possessed if that instrument had been silent on that subject. It also assumes that the nation to which the offender has fled may judge of the character of the acts complained of, and determine whether they constitute a crime or not, and the place where they are or are not criminal. And it would lead to this conclusion, that a State need not aid in maintaining the supremacy of the law in a neighboring State, unless she herself may derive some benefit from the proceeding.