

Your committee will not discuss the question whether slaves can be the subject of property. It is familiar to every one that before the organization of this government, and ever since, the laws of the States—to say nothing of the constitution,—recognized them as the subject of property, and at this very moment when the flame of abolition continues to burn in some of the States, their Legislatures have not repealed the laws by which the recovery of fugitive slaves is provided for. But even New York herself, now denying that a slave can be stolen, has recently transmitted to this General Assembly a copy of a law, by which the right of the owner may be asserted in that State. Your committee are at a loss to imagine how that State can deny that a theft can be committed of a negro slave; where her laws recognize them as liable to be recovered by their claimants as property, and where larceny is defined to be the “felonious taking and carrying away of the property of another.” It is contended that the act complained of must be a crime according to the laws of New York. Neither the law of nations nor the constitution allows such a construction. The demand is not made for the benefit of New York. It concerns Virginia to vindicate her own institutions against reproach, and violence, and every obstacle which any State casts in her way unjustly, is a reproach to that State, and a violation of the rights of Virginia. Suppose in a trifling offence where the act complained of was equally against the law of New York and Virginia, a demand of this kind were made, does it appear necessarily proper that the surrender should follow? Would New York be under a perfect obligation to respect the demand merely because the act was a crime against both States? By no means. The sympathy between the States becomes no stronger by reason of the identity of their laws. There is no obligation thereby created that did not exist before. This is shewn by its effects in two cases that may exist at the same time. If Maryland had made a demand, at the same time with Virginia in this case, for the surrender of a man who had committed larceny, or any small offence, criminal also in New York, our demand would have been gratified, according to this rule, while that of Virginia would have been rejected, although seeking to punish a larceny of the highest character. And this distinction is founded in the circumstance that a horse may be stolen in New York, when a negro slave cannot. Thus if the rule be correct as applicable to slaves :