

is equally so as to all property of which theft may not be committed in any State, if indeed there be one, no matter how valuable the property may be in the State where it is a crime to steal, take, and carry it away." And the argument tends necessarily to this result, that if the act be not recognized as a crime in all nations, as being of a heinous character, or if it be not criminal in the State of which the demand is made, it need not be gratified, and the offender may be protected. Does the genius of our institutions sanction this doctrine? Can the security of the States, or the interests of the people be promoted by practices in accordance with it? The law of the State making the demand must be the guide, and if it be disregarded, collisions and ill-feeling will arise among them and disturb the ties of "friendship and good neighborhood," which should always be observed, and which it is one of the purposes of the Union to cement.

This subject sometimes enters into treaties between foreign nations, not because the practice would not be observed independently of treaty regulations, but in order to give greater force and certainty to the demand when made. By our treaty with England, (Jay's treaty,) we agreed to deliver up persons charged with murder or forgery. Suppose a demand had been made by England under that treaty for a person accused of forgery, can it be contended that the United States government could have justly refused, on the ground that the papers accompanying the requisition shewed that the particular act charged did not constitute the crime of forgery according to our laws? Surely not, and why? The stipulation in its character shews that it was designed for the benefit of England. She included this class of offenders, because she was a commercial nation. The severest penalties are annexed, because the crime strikes at her prosperity, and may affect her standing among nations by destroying her trade and commerce. Hence she never pardons the offender. She pursues him even beyond the ocean, and brings him home that his punishment may have its due effect. These circumstances gave an importance to that crime there that it did not possess here, and although we might well think that the punishment was too severe, and not proportioned to the offence, according to our code, yet we could not have withheld the offender against her justice, because the demand would have been made for her security, not for ours. If she deemed the safety of commerce, and the security of her people's