

property depended upon the death of the offender, we could not have gainsaid her judgment. We could not have enquired into the truth of the charge, the justice of the law, or the extent of the punishment.

So in the present case our institutions are so different from those of some of the States, as to make that criminal here which is not so regarded in them. They are as much obliged to regard and respect our peculiar condition, and to aid us in protecting ourselves against violations of this description of property, as the United States, in the case put, would have been to assist in vindicating the laws of England.

The States have an interest in the question co-extensive with the range of their criminal jurisdiction. It is not a mere question between the North and the South about the rights of slaveholders, or any domestic policy particularly. It affects all property. It relates to all manner of felonies and other crimes, on the punishment of which so much depends in maintaining the peace of society, and preserving the public morals.

The Executive of New York also contends that the right of demand and obligation to surrender according to the law of nations, is not extended by the Constitution of the United States; that it merely sanctions such claims according to that law so far as to make the States sovereign in that respect. Your committee have examined this part of the subject very minutely, but have not been able to concur with the Governor of New York in his conclusions, or to discover the force of the argument used to establish the position. Writers on National law have differed in opinion on this subject. Grotius, Puffendorff, Heinecius, Vattel, Burlamaqui, Martens, Lord Coke, Beccaria and others have given the world their labours. They all disagree more or less as to the particular cases in which the demand may be made, and some deny the right altogether, except as founded in national courtesy. The adjudications in this country have uniformly acknowledged the right, with a single exception, as far as your committee have discovered, and those in New York have admitted it. The framers of the constitution of course knew the difficulties that the question presented, and which might arise under any attempt to exercise the power. They therefore had sufficient motive for making it part of that instrument, and in thus attempting to remove difficulties we must impute to them the intention of placing the constitution above the law of nations, and of rendering certain