

go behind the requisition, and examine into the true merits of the case, in such mode as might appear proper, in my judgment. I, thereupon, addressed to His Excellency, the Governor of Pennsylvania, a communication, setting forth the views, entertained by me, both of the law and the facts; and I enclosed to him a copy of the written opinion of the Attorney General. I stated to His Excellency that, a commission should immediately go out to take the required testimony; and that, if the statement made to me by Mr. Mitchell (which I communicated to his Excellency,) should be substantiated by competent proof, I would feel compelled respectfully to decline acting under the requisition. At the same time, I gave the assurance, that if, on the other hand, it should appear, that, Mr. Mitchell had violated the laws of Pennsylvania, by the perpetration of a recognized crime, and had afterwards fled from her jurisdiction, I would most cheerfully unite with His Excellency, in bringing him to justice. I accordingly appointed an officer of this Department the Commissioner, for the purpose designated; who, after due notice first given, proceeded to Elkton, and took the depositions of highly credible witnesses. This testimony clearly established the truth of Mr. Mitchell's statement, in each particular. Whereupon, I notified His Excellency, the Governor of Pennsylvania, that Mr. Mitchell could not be surrendered. I have given you a very brief statement of this important case, because, it will hereafter form a precedent, the extent and application of which cannot now be fully ascertained nor foreseen. The decisions of the Courts of Pennsylvania had declared the issue of fugitive slaves, born in that State, *to be free*, without regard to the law of the State, whence the fugitive may have fled. This principle I repudiated, as being in manifest contravention of the spirit and intendment of the Federal Constitution; which, by acknowledging the *fugitive condition*, in expressly providing for the arrest and extradition of fugitives from service, may be considered, by evident propriety of construction, as having recognized all incidental rights, growing out of the laws of the State, from which the slave may have escaped. Upon the other point, it has been decided that, no one can be demanded, as a fugitive from the justice of a State, unless he has been actually present, within its jurisdiction, engaged in the commission of the act charged.

The Constitutional Convention being in session, during the pendency of this case, manifested a very great interest in its result. After my decision became known, the Convention was pleased to express its approbation of my course, by resolutions unanimously passed. In one of those resolutions, I was requested to "instruct the Attorney General to cause such proceedings to be set on foot, as that, the case of said Agents (of Mitchell,) may be brought before the Supreme Court of the United States, for adjudication." Those Agents were George F. Alberti and James Frisby Price, both residents of the State of Pennsylvania; who had been previously tried and convicted, upon indictments similar to the one