

found against Mr. Mitchell, and sentenced to a long term of confinement in the Penitentiary of that State. They are still there. It cannot be justly regarded as an unwarrantable interference with the affairs of another State, if I make some comments upon the case of these unfortunate men. If Mitchell was innocent of the commission of any crime against the law, in receiving, then certainly Alberti and Price were equally guiltless, in delivering to him the child of his fugitive slave. The rights of Mitchell, under the Federal Constitution, which is paramount to the laws of Pennsylvania, should have been a shield to his Agents. Moreover, it has been represented to me by one of the Counsel of Alberti and Price, that the child was not, in fact, born in Pennsylvania, but in New Jersey; which should have given additional strength to the defence, looking solely to the local adjudications, under which the parties were convicted. The all-sufficient defence, in morals, however, was, that those very agents, themselves, fearing to incur possible responsibilities, had repeatedly refused to take the child, with the mother; until, finally, overcome by the entreaties of the mother herself, they yielded to their feelings of benevolence, and assumed the risk, which has resulted in their severe and unmerited punishment. The evidence of this fact, as I am informed, was ruled out at the trial. I have had reliable assurances that, this entire proceeding met with the unqualified condemnation of many of the ablest and best men of the Philadelphia Bar; one of the most distinguished of whom has, recently, published a masterly review of the whole case, in consonance with the opinions here expressed. Thus, the unconstitutional decisions of the courts of Pennsylvania have prevailed. Unfortunately for the prisoners, the judgment cannot be carried up to the Supreme Court of the United States, for revision, in such a form, as to disclose the true merits of the case, and to elicit an adjudication of the important principle involved. If it could, I entertain no doubt, but that the learned Tribunal, to whose acknowledged wisdom our chartered liberties have been so largely entrusted, would expunge this illogical theory from the judicial reports of Pennsylvania. An appeal, as the case now stands, would carry up nothing but the record below; the indictment, the verdict, and the sentence. The indictment is in the ordinary form, setting forth none of the controlling facts. It does not appear, from its averments, that the boy, alleged to have been kidnapped, was the child of Mr. Mitchell's fugitive slave. On the contrary, he is described as free. Upon the indictment, therefore, the verdict and sentence would appear to stand justified. You will perceive, from the preceding remarks, that, however anxious I might be to comply with the request of the Convention, I nevertheless would have no means, at my command, to accomplish the ends proposed. In deference to their wishes, I instructed the Attorney General to proceed, at an early day, to the City of Philadelphia; and, there, to examine into, and report to me the facts of the case, with his advice as to the most judicious course to be pursued. He