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# Clearfield Republican.

A WEEKLY PAPER: DEVOTED TO LITERATURE, AGRICULTURE, MORALITY, AND FOREIGN AND DOMESTIC INTELLIGENCE.

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**ARRAIGNMENT OF A GIRL FOR THE MURDER OF HER LOVER.**—Agnes Anderson, the young woman now in confinement charged with the murder of Mr. Taylor, was brought up for arraignment this morning, in the fifth District Court. The court room was crowded on the occasion. Agnes had on a black silk dress, a bonnet, and a green veil, and looked fatigued and care worn. When called to the bar, she advanced from her seat with a steady step, but when the clerk commenced reading the indictment and the finding of the grand jury, her assumed fortitude gave way, and before the document was read she became terribly agitated. When the clerk had finished reading the indictment, he put the usual question, "Are you guilty or not guilty?" to which she replied, "I am guilty in self defence and I wish I was hung and be done with it. I'll die for him; I love him; I wish I was hung for it. I don't want to live in chains." Her language here became incoherent, and in the midst of her excitement of the scene, the Judge very properly ordered the officer to remove her from the court room.—Augusta, Ga., Sentinel.

Men have their faults and men have likewise their good parts. Their faults may be many—in the best of men they are not few—yet shurely none are so utterly sunk into the gulf of iniquity as to have left no trace of that which is good. It cannot be. The fellow who is in a prison cell, condemned to die in expiation of the direst crime, has still a cord within his breast, which, if you can but touch, he'll rattle to tears. If once a certain string is drawn he will cling to you as a brother; perhaps, might say, he'd die to do your service.

The good man, whose soul is buoyed up by all that's noble, outstrips conception in his yearnings after virtuous deeds, yet feels a sense of bitterness when any plan is thwarted—discontent and envy can grow apace, until the whole heart is changed—until an almost saint becomes a demon. It has been thus. Proud Lucifer, once an angel of light, a specious worshipper among the hosts of Heaven, a spirit born in celestial purity, felt the sting of envy in his bosom; the wound thus made, rankled and festered until, no longer fit for Heaven he fell to Hell. The first born son of nature fell from a state of immaculate innocence, how then are his children free—free from the chance to fall, since contaminated from the parent stem?

The watch word of the brave is, "There is no such word as fail," but ah! with greater emphasis may every child of Adam, in view of human frailties, exclaim, there is such a word as FALL! And an unknown thing is a FAULTLESS MAN.—Penn'a.

**A SICK BACHELOR.**—The N. Y. Times has heads a long article on this subject: "A sick bachelor! A dying camel in the desert! A sailor on a hen coop in the middle of the Atlantic! All the same. The same incident from different points of view. The same subject with varied accessories. If there is a preponderance of misery on any side it is on the side of the sick bachelor. The camel, however intelligent it may be, is still scarcely as sensitive as the human sufferer, and the sailor floating on a hen coop a thousand miles from shore is at least spared the misery of knowing that there is help within call.—The sick bachelor is the *ne plus ultra* of human misery."

Last week an Iowa editor, "just to try his readers," published a chapter, from the *Songs of Solomon*. The next day one of his patrons addressed him a complimentary letter, concluding as follows: "Devilish good. Who wrote it? Not Bob Simerson, did he?" Iowa, we should think from this, offers a fine field for the ploughing up of our missionary friends. We hope that they will attend to it.

A writer for the newspapers from "away down in Old Virginia," says that since the ministers have been preaching to the slaves about the immorality of dancing, nearly the whole of them—so great is their conviction—have "laid down the fiddle and the bow"—and taken to "gamboling."

One watch set right will do to set many by; but on the other hand, one that goes wrong may be the means of misleading a whole neighborhood; and the same may be said of the example we individually set to those around us.

Ship Frank Pierce arrived at Boston on Sunday, with 710 passengers, principally from Ireland. When the ship left Liverpool, she had only 699.

"A gentleman," it is announced, "is one who promptly pays for his newspaper." What truth and simplicity! How brief, and yet how complete!

Very few people are truly wise, but a great many, an immense majority are otherwise.

During the month of May, there arrived, at some fifteen of the principal hotels in Philadelphia, fifteen thousand strangers.

The fly is said to be doing great damage to the wheat in York, Adams, and Lancaster counties.

**IMPORTANT CORRESPONDENCE.**  
 From the Harrisburg Union.

The following correspondence between Gov. Low, of Maryland, and Gov. Bigler, of this state, will excite unusual interest. The public have long been somewhat familiar with the subject matter of this controversy. It has undergone discussion by the press in all parts of the State, in the course of which, Gov. Bigler has come in for a full share of misrepresentations and abuse. At one time it was asserted that he had refused to make a requisition for Messrs. M'Creary and Merrit, the alleged fugitives from justice; and then again, that he had made the requisition, but subsequently withdrew it at an instance of Gov. Low. Indeed so vigilant had become the efforts of a certain class of political philosophers to misrepresent the action of the Governor, and so violent the execrations heaped upon him, that official declaration of his action became a matter of duty to himself as a public officer. At the instance of citizens of Chester county, therefore, he finally consented to furnish a copy of the correspondence for publication.

In this, as in the case of Archibald Ridgely, who killed the fugitive slave, Smith, at Columbia, in May, 1852; and as in every other case in which Governor Bigler's official acts have been assailed, it will be perceived that he has steadily pursued the line of duty, and with becoming dignity and firmness, maintained the rights of his native state.

It is difficult to foresee what will be the final issue of this unpleasant affair; nor have we time or space to-day to enter upon the discussion of the merits of the controversy.

The perusal of this correspondence will satisfy every unprejudiced mind that Gov. Bigler, has done every thing that could be done in reference to this matter; and we hope it will be disposed of without exciting the least unkind feeling between the citizens of the two States.

**EXECUTIVE DEPARTMENT,**  
 Annapolis, Md., May 2, 1853.  
 To His Excellency,  
 The Governor of Pennsylvania:

SIR:—I have maturely considered the requisition made by your Excellency, for the apprehension and delivery of Thomas M'Creary and John Merrit, charged with the crime of kidnaping a certain Rachael Parker. I must respectfully decline to comply with it for the following reasons:

You will perceive by the statement of L. A. Schoolfield, Esq., (the truth of which has not been, and I presume, will not be controverted,) that Thomas M'Creary went to Pennsylvania, not as a kidnapper, but for the sole purpose of capturing Rachael Parker, then supposed to be Eliza Crocus, the fugitive slave of Mrs. Dickelut. It is also certain that he carried with him the authority of a power of attorney from the owner of the alleged fugitive, or her agent, designing to act under it, in good faith.—It is likewise well known that he captured Rachael Parker, believing her to be Eliza Crocus. Neither can it be denied that he had good reason for so believing, not only from the information received in the neighborhood, but also from the extraordinary likeness which exists between Rachael Parker, and Eliza Crocus, and upon which some of the most respectable citizens of Baltimore were prepared to swear to the fact of identity. From these premises, the conclusion is irresistibly drawn, that Thes. M'Creary is not a criminal. The presumption of malicious intent, necessary to constitute crime, is absolutely rebutted by the fact of the case. If guilty at all, under the law, his guilt is purely technical. He is morally innocent, beyond the shadow of a doubt. The first question which arises, therefore, is, would it be just for the laws of Pennsylvania to punish a man under such circumstances? The next question which I can consent that a citizen of Maryland be exposed to the hazard of an unjust prosecution? It is unnecessary for me to assure you that the people and government of this State hold the crime of kidnaping in the deepest abhorrence, and that our laws visit it with the severest punishments. But, that is not the inquiry here. The question is, whether or not, being perfectly satisfied of the moral innocence of the accused, I shall send him to another State for trial? It is extremely unpleasant to make any allusions whatsoever, which may possibly be supposed to reflect ungraciously upon any of the citizens of another and friendly State; nevertheless, it is my duty to remind your Excellency that very strong and unreasonable prejudices, touching the subject-matter of M'Creary's alleged offence, prevail in the county where he has been indicted, which would render the result of his trial exceedingly uncertain. I could not, therefore, consent to expose him to the risk, unless I felt constrained to do so by the mandate of the Federal Constitution. Without entering into an argument upon this point, it is sufficient to say, that I consider the case of M'Creary fully within the scope of that discretion, in regard to requisitions, which has always been claimed and exercised by the Executives of the different States of the Union. Not only the Governor's but the Courts also, on habeas cor-

pus, have repeatedly gone behind requisitions, and have examined into and decided upon the merits of the cases themselves.

I respectfully call your attention to a letter addressed to me by the Hon. James Campbell, late Attorney General of Pennsylvania, a copy of which is herewith enclosed. The late Attorney General expressly states, that, at the trial on the petition for freedom, filed by Rachael Parker in the Circuit Court of Baltimore county, it was distinctly understood and agreed between the counsel for the petitioner and the claimant, respectively, that no criminal proceedings should be instituted against M'Creary in Pennsylvania, if the claimant would abandon the claim, and permit a verdict to be taken in favor of the petitioner; and that he (the late Attorney General) would, without any hesitation, have entered a *nolle prosequi* on the indictment lately found against him (M'Creary) in Chester county, had he the power to do so.

From this statement of the late Attorney General, it must be supposed that M'Creary was not regarded by the counsel as morally guilty, if guilty at all. In pursuance of the arrangement entered into between the counsel, a verdict in favor of the petitioner was rendered by the jury. It is not for me to inquire how far the State of Pennsylvania might consider herself bound by the deliberate act of the counsel appointed by your Excellency, at the request of the Legislature of your State. I must regard those counsel, thus appointed, as the representatives of Pennsylvania, authorized to act in her behalf. I must, consequently, assume that Pennsylvania has admitted the moral innocence of M'Creary; because upon the opposite hypothesis (which is wholly inadmissible) that a felony had been committed, in order that the freedom of Rachael Parker might thereby be secured. It cannot be doubted that the counsel, on both sides, acted from the highest and purest motives; and that, being satisfied of the moral innocence of M'Creary, the counsel for Pennsylvania considered that a prosecution for kidnaping would not only be unjust to M'Creary, but might tend very strongly to excite unpleasant feelings between two great States, which have always cherished, and, I sincerely trust, always will continue to cherish the warmest mutual respect and attachment. Here, then, by the force of the facts themselves, as well as by the admission of Pennsylvania, clearly implied from the act of her acknowledged legal representatives, I am brought to the certain conclusion that Thomas M'Creary is an innocent man.

The case of John Merrit rests upon the same facts and is governed by the same principles.—He was but the assistant of M'Creary; and of course should not be held accountable, if M'Creary be declared irresponsible.

Under these circumstances, I must decline to comply with the requisition of your Excellency.

I have the honor to be, with the highest respect, your obedient servant,  
 E. LOUIS LOWE.

**EXECUTIVE CHAMBER,**  
 Harrisburg, May 20, 1853.  
 To His Excellency, E. Louis Lowe,  
 Governor of Maryland:

Your Excellency's communication of the 2d instant informing me that you had declined to issue a warrant for the arrest and delivery of Thomas M'Creary and John Merrit, alleged fugitives from the justice of this State, came to hand by due course of mail. An unusual pressure of other official duties must plead my apology to your Excellency for having so long delayed to acknowledge its receipt.

I have examined with some solicitude and much care the reasons thus communicated to me by your Excellency, for your refusal to comply with the requisition of the Governor of this State for a warrant to arrest the said fugitives, and regret that I should feel required to say, after all this consideration, that I cannot regard the reasons assigned as sufficient; indeed I feel constrained by a high sense of official duty to dissent almost entirely from the doctrines promulgated by your Excellency, touching this unfortunate affair.

Before proceeding to discuss the important features of this unpleasant controversy, it would seem proper that I should at least attempt to remove from your mind the apprehensions, not disguised in your communication, that the prosecution of the fugitives may have proceeded from prejudice or unfriendly feeling on the part of certain citizens of Pennsylvania. I can, I am happy to say, see nothing in the preliminaries of this case to warrant this impression. The vindication of the law and the punishment of the crime, I beg to assure you, were the only objects sought.—The very amicable relations which have long existed between Maryland and Pennsylvania should be sufficient, it seems to me, to relieve your Excellency from apprehensions as to the just intentions of the authorities of this State. There is surely nothing in the history of Pennsylvania to excite distrust in the justice of her laws or the purity of her administration. Some

excitement very naturally grew out of the circumstances connected with this affair; but I cannot conceive that it is of such a character as to hazard the supremacy of the law, or endanger the integrity of trial by jury; and I regret exceedingly that your Excellency should have found it necessary to "make any allusions whatever, which may possibly be supposed to reflect ungraciously upon any of the citizens of another and friendly State." Excitement and misdirected feelings may, on certain occasions, prevail without, but the sacred portals of justice, in this orderly Commonwealth, are seldom if ever invaded by popular clamor. The guilt or innocence of parties is ever established according to the rules and principles of the law. Far be it from me, therefore, to recognize the right of your Excellency, under the law or rules of comity, to refuse to surrender the accused on the allegation that a fair trial might not be had by a jury of this State, nor can I agree with you that the interest manifested by the citizens of Chester county, in the girls, Elizabeth and Rachael Parker, whom they knew to have been carried off from their midst in violation of law, should be regarded as "a very strong and unreasonable prejudice," nor that such a state of feeling in a community is to render the ends of justice "exceedingly uncertain."

I shall not attempt to answer at length the plea of innocence which you have been pleased to interpose for the fugitives, for I must deny its legitimacy entirely.—One or two points, however, would seem to demand a passing notice. You allege that "Mr. M'Creary went to Pennsylvania, not as a kidnapper, but for the sole purpose of capturing Rachael Parker, then supposed to be Eliza Crocus the fugitive slave of Mrs. Dickelut." The answer to this is, that the laws of Congress prescribe a mode of retaining a fugitive from labor, and had Mr. M'Creary respected these forms there would now be no indictment against him. Had he taken the alleged Eliza Crocus before the U. S. Commissioner, to establish her identity, as the law requires, the fact would have been developed that the person whom he was about to carry off was not Eliza Crocus, but Rachael Parker. At best, therefore, it will be seen that Mr. M'Creary carried off Rachael Parker in violation of the law and your Excellency will certainly agree with me, that he should bear the consequences.

But this whole inquiry into the guilt or innocence of the accused parties, is unauthorized, and, to my mind, in clear derogation of the letter and spirit of the Constitution and laws of the United States; nor can I agree with you that "the case of Mr. M'Creary comes within the scope of that discretion in regard to requisitions which has always been claimed and exercised by the Executive of the different States of the Union." I have also searched in vain for the cases in which "not only the Governors but the courts on habeas corpus have repeatedly gone behind the requisition and have examined into and decided upon the merits of the cases themselves." This examination, so far from bringing me to a concurrence in your Excellency's views, has confirmed me in the belief, that there is nothing in the Constitution of the United States, in the laws of Congress, or the practice of the Governors of the respective States, to warrant an Executive in going behind a correct record, to decide upon the facts. Every suggestion which you have made in defence of the accused, constitutes subject matter for the consideration of a Pennsylvania jury when trying the question of guilt or innocence, and should not, I apprehend, have attracted the notice of the Executive of Maryland, when enquiring into the forms of the requisition.

The Constitution of the United States provides "that a person charged in any State with treason, felony, or other crime, who shall flee from justice and be found in another State shall on demand of the Executive authority of the State from which he fled, be delivered up to be removed to the State having jurisdiction of the crime." The law of Congress declares "that whenever the Executive authority of any person in the Union shall demand any person as a fugitive from justice, of the Executive authority of any State or Territory to which such persons shall have fled, and shall moreover, produce a copy of the indictment found, or an affidavit made before a magistrate of any such State or Territory, charging the person so demanded with having committed treason, felony or other crime, certified as authentic by the Governor or Chief Magistrate of the State or Territory from whence the persons so charged fled, it shall be the duty of the Executive authority of any State or Territory to cause him or her to be arrested and secured and delivered to the Executive authority making the demand, or his agent."

In what feature of this plain and mandatory law is found the right to go behind the record and try the case? The injunction to deliver the fugitive under the prescribed forms of the requisition is positive. It had been contemplated that the Governor upon whom the requisition is made should inquire into the merits of the case, why did not Congress so declare? M'Creary and Merrit are claimed on the in-

dictment of a grand jury, the highest grade of a prima facie case that can be made out; and still your Excellency has felt required to go behind this charge and inquire into the facts of the case, and even into the feelings of the people who might be called upon to act as jurors.

Much controversy has been held between the Executive of the respective States of the Union, as to the meaning of the terms "other crimes" as expressed in the Constitution and touching the forms of requisition; but in no instance that I have been able to discover before the present, has an Executive claimed the right to go behind an admittedly correct record and dismiss the accused on the facts of the case. No objection is made to the form or substance of the requisition, and the crime charged according to the language of your Excellency, is as "odious in Maryland as in Pennsylvania." But whilst admitting the sufficiency of the requisition as to form, assume or infer from an unauthorized inquiry into the facts, the innocence of the accused and then ask "if it would be right for the laws of Pennsylvania to punish a man under such circumstances," and "if you should give your consent that a citizen of Maryland should be exposed to an unjust prosecution." The answer is that the law must be administered as it is. It is not for an Executive officer to account for the consequences nor is it safe to doubt the justice of the law. The idea that it is my duty as an Executive to foreknow the kind of trial which is to await parties claimed on the requisition of your Excellency or the Governor of any other State is truly startling. Why Sir, to my mind no Executive should pretend to understand the facts or the consequences; he should be content to obey the mandates of the Constitution, confiding the rights and interests of accused parties to their peers and the laws of the land. Your view of the subject, it will be readily seen would impose upon the Executive a most onerous and delicate duty not contemplated by the act of Congress. If it be the right of the Executive, upon whom a requisition is made to go behind the indictment to notice the facts for the protection of the accused, it is his duty to do so. If he has the right to do so in one case, he is bound to do so in all, a duty utterly impracticable and never should be attempted. Should an Executive be expected to reverse the action of a grand jury in the absence of all the testimony on which the indictment against the accused may have been found? Should an accused party be tried before arrest? Should judgment be rendered in the absence of both the prosecutor and accused? The inevitable effect of your Excellency's position would be to lead to a system thus impracticable and dangerous. If, therefore, I were entirely satisfied of the innocence of the accused, I could not consent to participate in the establishment of a precedent so fraught with dangerous consequences to the peace of the country and the ends of justice, as to acquiesce in the right of an Executive to go behind the indictment of a jury, and a requisition in regular form, to decide the merits of the case.

The provisions of the Constitution must have the paramount effect of a treaty stipulation between Sovereign and Independent States, and are not only positive and mandatory in their requirements but contain a manifest intimation as to the jurisdiction of the offence charged. If it had been intended to vest the slightest discretionary power in the authority of the State to which the person charged may have fled, beyond the right to know that the offence charged is a crime in the State where committed, then the mandate, that he or she be removed to the State having jurisdiction would be superfluous. If the right claimed by your Excellency exists for all purposes of protection—even as to a citizen of the State to which he has fled, it follows that it also exists for all the purposes of trial and punishment; a principle entirely repugnant to the well settled policy of the criminal law, the jurisdiction as to the guilt or innocence of the accused being vested exclusively in the courts of the State or place where the offence was committed. Nor is it necessary to argue that legislative jurisdiction over this subject is vested solely and exclusively in Congress.

This point has been clearly maintained by the Supreme Court of the United States. Under this view of the case, as settled by the highest tribunal known to the law, the position contended for by your Excellency derives no strength from a supposed analogy to the proceedings under a writ of habeas corpus, or the duties of a committing magistrate. In these, I apprehend the proceeding is regulated by the statute of the respective States, or settled by the practice of the courts, and can only, in any case, apply to the arrest and detention, under the local law—it cannot interfere with the paramount authority of the Constitution and acts of Congress. Assuming, for illustration, that your Excellency had complied with the requisition, and after the arrest and delivery of the accused to the agent of Pennsylvania, a writ of habeas corpus, had issued for their liberation, the legality of their detention

could be the only subject of inquiry before the court. If, in the language of the Supreme Court, already referred to, the act of Congress supersedes all State Legislation on the subject, and by necessary implication prohibits it, how can the Executive of a State exercise a power expressly withheld from the Legislature, upon the most important considerations. Even in the ordinary practice, under the writ of habeas corpus, I submit, that the only matter properly examinable would be the legality of the detention of the accused and the bailable nature of the offence. It would seem a novel proceeding indeed to go behind the record of the committing magistrate, and inquire in this collateral way into the guilt or innocence of the accused. Be this as it may however, the very point is settled in New York and doubtless in other States. In the case of Clark, recorded in 9th, Mendel, page 212. The person charged had been arrested on a requisition to the Executive of New York and delivered to the proper authority, and a writ of habeas corpus awarded for his liberation, Chief Justice Savage decided that:

"On habeas corpus, a court or judge, before whom is brought a prisoner arrested as a fugitive from justice, by a warrant from the Executive of one State on the requisition of an Executive of another State, will not inquire as to the probable guilt of the accused. The only inquiry is whether the warrant on which he is arrested states that the fugitive has been demanded by the Executive of the State from which he is alleged to have fled and that a copy of the indictment or an affidavit charging him with having committed treason, felony or other crime, certified by the Executive demanding him as authentic, have been presented."

From this view of the question, it follows then, that the only proper inquiry by the Executive authority of a State upon which a requisition is made, is the strict legality of the proceedings. Your Excellency may be understood by your silence to concede, 1st. That the demand of the Executive of Pennsylvania was in proper form. 2d. That a copy of the indictment found, accompanied the requisition, and 3d. That the offence with which the parties were charged, is a crime in Pennsylvania. If there had been a doubt on your mind as to the latter point, it must be removed by the case just cited, where it is also held, that an offence made indictable by a statute, is a crime within the meaning of the Federal Constitution. By statute, the offence of kidnapping is made indictable in your State as well as in this, and the crime regarded as odious in both.

If a State Executive cannot then, under the Constitution and laws, exercise the right of inquiring into the guilt or innocence of a party charged with crime, what is there in public policy or in the characteristics of the case under consideration, to sustain such a dangerous assumption of power. The right of trial by jury, the most sacred and time-honored of human institutions is justly regarded as the great safe guard of our liberty and prosperity.—Any other mode of establishing our rights judicially must be regarded as a usurpation of power and dangerous to the integrity of our institutions. Next to this is the right to be tried by a jury of the vicinage which in criminal accusation is a duty as well as a right. As already intimated if the power to go behind the record to examine the facts, exist in a particular sense, it can be exercised in a general one. If your Excellency has the right to pass upon the guilt of M'Creary and Merrit, in order to avoid the hazard of an unfair and prejudiced trial in Pennsylvania, what limit would you assign to the exercise of this power? Where shall the duties of the Executive end and those of the jury commence? Let it be the ordinary case of a fugitive from justice, without the claims of citizenship, and no distinction in principle can be drawn, what protection could the accused have, if the principle contended for be the true one? If the right exists at all, it exists for the purposes of trial—and the inevitable consequences would be, that the accused might be twice tried and jeopardized for the same offence. If tried and even acquitted in the State to which he had fled. It is thus apparent, that the doctrine or right contended for is not only a virtual disregard of the law, but might, in practice, be utterly destructive to the rights of the accused. The letter of the Constitution certainly gives no latitude to Executive discretion and if not a necessary result from its spirit or the policy of the law, then it would follow that the duty of an Executive is a plain one. If satisfied that the form required by the Constitution and laws of Congress have been complied with, that the offence charged is a crime where committed, there can be no other determination than to deliver up the alleged fugitive from justice to the authority lawfully demanding him.

The administration of the Constitution and the laws providing for the rendition of fugitives from justice has been confined to the Executive authority of the States and in the absence of a revisory tribunal some irregularity in practice has necessarily arisen. With the exception of a few decisions emanating from individual judges