

# THE BRADFORD REPORTER.

VOLUME XLV.

"REGARDLESS OF DENUNCIATION FROM ANY QUARTER."

NUMBER 2.

PUBLISHED EVERY SATURDAY AT TOWANDA, BRADFORD COUNTY, PA., BY E. O'NEARA GOODRICH.

TOWANDA:  
Saturday Morning, June 25, 1853.

## Selected Poetry.

TRUST IN GOD AND PERSEVERE.

BY OLIVER OAKWOOD.

Brother, life's morning clouded,  
Has the sunlight ceased to shine?  
Is the earth in darkness shrouded?  
Wouldst thou at thy lot repine?  
Cheer up, brother—let thy vision  
Look above—see! light is near:  
Soon will come the next transition—  
"Trust in God and persevere!"

Brother, has life's hopes receded?  
Has thy path its joys in vain?  
Friends proved false when mostly needed,  
Foes rejoicing at thy pain?  
Cheer up, brother!—there's a blessing  
Waiting for thee—never fear;  
Foes forgiving, sinners confessing,  
"Trust in God and persevere!"

Brother, all things round are calling,  
With united voice, "Be strong!"  
Though the wrongs of earth beguiling,  
They must lose their strength, ere long.  
Yes, my brother, though life's troubles  
Drive thee near to dark despair,  
Soon 'twill vanish like a bubble—  
"Trust in God and persevere!"

He, from his high throne in heaven,  
Watches every step you take;  
He will see each fever taken,  
Which your foes in anger make.  
Cheer up, brother—He has power  
To dry up the bitter tears;  
And, though darkest tempter lower,  
"Trust in God and persevere!"

Brother, there's a quiet slumber  
Waiting for thee in the grave;  
Brother, there's a glorious number  
Christ, in mercy reigns to save.  
Wait, then, till life's quiet even,  
Clouds round thee calm and clear,  
And, till called from earth to heaven,  
"Trust in God and persevere!"

A DISCONSOLATE WIDOW—Less than five weeks ago, a young man in Medford died after a brilliant career, leaving a young and interesting wife. The young man mourned his early decease, but her grief was not such as often crushes the life-blood from a heart. Her weeping gave a new charm to her eyes—she won the heart of a sympathizing friend who tempered her grief by listening to his tale of woe, and on Tuesday last the pair were married. Her grief has not yet begun to spring upon her late husband's grave.—*Boston Chronicle.*

Widow's griefs are short lived. Once upon a time runs an Oriental story, a young and lovely woman was called upon to mourn the death of her husband. As she loved him in life with all the fervor of affection, her grief at his decease was violent and inconsolable. She filled the air with plaints; declared herself the most wretched of women; and in the bitterness of her grief made a vow that she would no new lord till the stream that ran by her lower should reverse its course. A few weeks after she was observed busily engaged in washing up the stream!

Goldsmith, in the "Citizen of the World," relates a similar story. A lady on the death of her husband, vowed that she would not marry another until the grave of her first loved, perennially moistened by her own and the tears of heaven, should become dry. Not many days after the dear creature was seen vigorously fanning the grave, in order that it might become sooner dry.

The partial blindness of pride is seen in this, that those are the proudest that have nothing to be proud of. Such pride is the manifestation of essential selfishness—that love of self which exists in all men, more or less, and unholy.

"Won't you sing a song, sir?" said a lady to her lover, as they were alone one evening. The other soon commenced the popular air, "I won't go home till morning." And sure enough he didn't!

A lady, who was not wholly indebted to nature for her blooming red cheeks, was seen passing the other day with a written label on her back. "Beware of paint."

It was told of Lord Newbury that when passing the sentence of death upon a man for stealing a watch, he said to the culprit:  
"My good fellow, you made a grasp at time, but caught eternity!"

A man's dress has a wonderful influence on his character. Dress like a rowdy, and in less than a month you will commence acting like one.

A Western editor says of a contemporary, the only time he ever worked, was the day he took castor oil for honey.

Mean men have no small vices. Who ever heard of a miser going on a bust, or speak well of tobacco chewing? We pause for a reply.

A contemporary, speaking of the report on gentlemen's fashion, says, "there is not much change in gentlemen's pants this month." Very likely.

Men scanning the surface count the wicked happy; they know not the frightful dreams that crowd a mad man's pillow.

A man wants just so much knowledge as he has the wisdom to use. Eat no more than you can digest.

The epaulets worn by Prince Albert, when in full costume, are worth the trifling sum of 500 £. A small farm on each shoulder.

Who lives only to benefit himself gives the world a benefit when he dies.

## IMPORTANT CORRESPONDENCE, BETWEEN GOV. LOWE AND GOV. BIGLER.

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 Merritt, charged with the crime of kidnapping a certain Rachel Parker. I must respectfully decline to comply with it, for the following reasons: You will perceive by the statement of L. A. Schofield, 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 Rachel Parker, then supposed to be Eliza Crocus, the fugitive slave of Mrs. Dickeyhut. 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 Rachel 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 Rachel 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 Thomas M'Creary is not a criminal.—The presumption of malicious intent, necessary to constitute crime, is absolutely rebutted by the facts 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 is, can I consent that a citizen of Maryland shall 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 kidnapping in the deepest abhorrence, and that our laws visit it with the severest punishments. But, that is not the enquiry here. The question is, whether or not, being perfectly satisfied of the moral innocence of the accused, I shall send him into 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 a 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 Governors, but the Courts also, on habeas corpus, have repeatedly gone behind requisitions, and have examined 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 Rachel Parker, in the Circuit Court for 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, I should be driven to the conclusion (which is wholly inadmissible) that a felony had been compounded, in order that the freedom of Rachel 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 kidnapping 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 Merritt 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 26, 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 Merritt, 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 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 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 their 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 a friendly State." Excitement and misdirected feeling may, on special 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 Rachel Parker, whom they knew to have been carried off from their mid- 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 Rachel Parker, then supposed to be Eliza Crocus, the fugitive slave of Mrs. Dickeyhut." The answer to this is, that the laws of Congress prescribe a mode of reclaiming 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 an United States 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 Rachel Parker. At best, therefore, it will be seen that Mr M'Creary carried off Rachel 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 Executives of the different States of the Union." I have not only 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 Executives 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 State in the Union shall demand any person as a fugitive from justice, of the Executive authority of any State or Territory to which such person 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 person 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 terms of the requisition is positive. If 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 Merritt are claimed on the indictment 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 Executives 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, you 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 a 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 the 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 Con-

gress. 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 supercedes 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 Wendel, 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, under the Constitution and laws of the United States, 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 has 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 State, 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. That 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 danger to the integrity of our institutions. Next to this is the right to be tried by 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 case, it can be exercised in a general one. If your Excellency has the right to pass upon the guilt of M'Creary and Merritt, in order to avoid the hazard of an unfair and prejudicial 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 be a true one? If the right exist all, it exists for the purpose 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 would be no bar to a second trial, for the same offence, in the State from whence he 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, when it would follow that the duty of an Executive is a plain one. If satisfied that the forms required by the Constitution and laws of Congress, have been complied with, and 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 laws providing for the rendition of fugitives from justice has been confided to the Executive authority of the State 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 proceedings on habeas corpus almost the only authorities bearing on the questions arising out of the subject, are the opinions of State Executives. So far as I have been able to examine them I find them against the position assumed by your Excellency. These controversies have had reference mainly to the sufficiency of affidavits in the terms of requisition and the construction that should be given to the terms "other crimes" as used in the Constitution.

Prior to the act of 1793, Mr. Edmund Randolph, the Attorney General of the United States, in discussing the very point raised by your communication of the 2d, says: "In the present instance a grand jury convened before two of the Justices of

the Supreme Court of Pennsylvania have made it (the charge of guilt) and thus have furnished the ground for bringing the foregoing persons for formal trial. Should such a procedure as this, be declared to be incompetent as a charge, the object of this article in the Constitution must either be defeated or be truly oppressive. For, between an indictment and trial there is no intermediate examination of the facts and to wait for an examination of an absent culprit, before a demand would compel a judgment to be rendered behind his back.

Governor M'Donald, of Georgia, in a communication to Gov. Seward, of New York, in June 1841 when insisting upon the delivery of a fugitive on a requisition sustained by affidavits only remarks:—"The object of the Constitution is to secure the arrest of a criminal in the State to which they may flee, to be tried in the State within whose jurisdiction the offence was committed and not to try them before arrest in the State where they are found. All that the Constitution intended is, that when a person charged with treason, felony or other crimes, in one State shall escape into another, the officers of the United, or if your Excellency please, of the State in which he may be found, shall arrest him upon the same evidence of guilt and no more than would have justified his arrest in the State whence he fled. An indictment is nothing more, than an accusation or charge of crime, and it cannot be pretended that the evidence on which the Grand Jury based their charge should be communicated to enable your Excellency to determine whether their conclusions were erroneous in law."

That learned gentleman further remarks, "that no discretion to pass upon its sufficiency was intended to be conferred upon the Executive upon whom the requisition is made, by the act of Congress requiring a copy of the bill of indictment to accompany the demand in certain cases, and yet the submission of a copy of the bill of indictment would "not be an idle ceremony," nor the provisions of law directing it "unmeaning, and useless," for as the bill of indictment is an authority in the State where it is found to the presiding judge to issue his warrant for the apprehension of the accused, so is an authenticated copy of it authority in the State to which he may have fled for a warrant or order for his arrest there."

In a case before Judge Ray, of South Carolina, decided in 1844, "where certain persons were brought before him by habeas corpus, who were under arrest by order of the Executive of South Carolina for the purpose of being delivered to an agent of the Governor of New York, who had demanded them as fugitives from justice in that State, bills of indictment having been found against them, their discharge was moved for on various grounds; but the judge decided that he had no power or authority to discharge the prisoners, or in any way whatever to interfere with the mandate of the Executive—that the rendition of fugitives from justice, is a ministerial duty imposed upon the Executive authority, by the Constitution and laws, and that it must be considered as a case excepted out of the State Habeas Corpus act by the constitution of the United States."

As to the plea that an impression was created or an understanding had between the attorneys in the trial for the freedom of Rachel and Elizabeth Parker, I cannot see that it can relieve you or myself from our obligation to carry out the demands of the law, in the prosecution against M'Creary, I cannot doubt that Judge Bell and Judge Campbell, attorneys on the part of Pennsylvania, as well as also attorneys on the part of your State, did what they considered to be right under all the circumstances. But I can recognize no official connection between the trial for freedom of the Parker girls, and the prosecution against Thomas M'Creary and John Merritt, for an offence against the laws of the State Judge Campbell did not appear in the defence of the Parker Girls, in the capacity of Attorney General but as one of the attorneys selected by the Governor, under the resolutions of the Legislature. His powers were the same as those of his associate, Judge Bell, and no more. But as Attorney General, under the late law of the State, he could exercise no greater than an advisory power over the proceedings. The power to stay the prosecution against the accused, is vested solely in the Court and District Attorney, of Chester County. Had these officials seen in the proceedings in the case of the Parker Girls, reason sufficient for entering a *nolle prosequi*, the prosecution would have terminated. They deem it to be their duty, however, to send the case to the grand jury, and a bill of indictment was found against the accused. On the presentation of a copy of this indictment I conceived it to be my duty, under the law, to make a requisition on your Excellency for the arrest and delivery of the accused and I can see no relief for them, save in a trial by a jury of this State. Whatever facts and circumstances there may be connected with the trial for the freedom of Rachel Parker, which should be pleaded in defence of M'Creary and Merritt, will be subject matter for the consideration of the court and jury, when inquiring into the facts of the case.

In conclusion allow me express my regret that a difference of opinion should have arisen between your Excellency and myself on any subject, and to say that I sincerely trust this unpleasant affair may not, to the slightest extent, disturb the amicable relations which have so long existed between the people of the two States.

With the highest consideration, I remain your Excellency's obedient servant,

WM. BIGLER.

To Cleanse Water—Wash on the hand may be cured by washing them several times a day in strong soda water, and allowing them to dry without wiping.

The more we satisfy the demands of conscience the stronger they become.

Let us carry our neighbors crimes in sight, but throw our own over our shoulders.