

confined in her jail after they had been brought within her jurisdiction by parties acting without her authority; and that, therefore, their detention under its writ is in violation of the provision of the Constitution to which I have just referred, and of the law enacted by Congress to carry the same into effect.

If this is not a fair statement of the argument for the prisoners on this point, there can be no argument about it. But admitting every syllable of the premises stated to be true, they utterly fail to warrant the conclusion claimed on the other side.

In the first place it must be borne in mind, that there is a material difference between the action of a State and the act of any number of individuals, even though they may be its own citizens. A State can act only through its legally authorized agencies, whose power and duties are prescribed by law, and if any of the agencies thus constituted transcend the limits of its prescribed authority, his act becomes his own wrong, and upon no principle of reason or law can be imputed to the State as an entity. The whole argument may be answered, therefore, by a simple statement of the fact, that however flagitious the seizure of these parties in the State of Virginia may have been, it was neither advised, authorized nor commanded by the State of Kentucky, but was effected by a party of unauthorized persons, each acting under his own individual will; and that the State of Kentucky did not pretend to act in the matter at all until after the prisoners had been brought within her own jurisdiction, where they were seized and detained by her officers, in pursuance of her own laws.

Nor can it make a particle of difference, sir, where their citizenship may have been. It is true, as stated by Mr. St. Clair, that under the Constitution of the United States, the citizens of each State are entitled to all the privileges and immunities of the citizens of the several States. Nobody ever denied that. But certainly it can not be claimed that a citizen of one State is entitled to any greater immunity in another State than that State guarantees to its own citizens, for it is a well-settled principle, universally recognized under the law of nations, that every person whether citizen, denizen or alien who violates the laws of any State is amenable to punishment under those laws. It is immaterial therefore whether these prisoners were citizens of Kentucky, or of West Virginia, or were the subjects of a foreign government; once within reach of criminal process in this State, no matter how, whether through the regular process of extradition, or by the act of