

alive: and for this service, as a part of their ordinary duty, they are paid out of the Treasury of the United States. So, should they escape into the Indian country. We treat with these Indians, to be sure, as if they were sovereign, forming independent communities—but, according to Mr. Attorney General Cushing, they are subjects of the United States, and can offer no resistance to his new fugitive act. The fugitives must be given up: if the Indians assert the rights of hospitality, the United States must use force, and, if war result, the Indians must be slaughtered, till they submit, and then, as were the Seminoles, be banished from their homes.

In this way, and in innumerable ways, by the action of a Federal Executive, used as the instrument of slaveholders, are the People of the United States implicated deeply, damnably, in the guilt of fostering and perpetuating Slavery. Elect a Republican President, and you put a period to the whole tribe of Cushing Constitution expounders. The rule of strict construction, and the doctrine of State rights, will characterize an Anti-Slavery Administration, and the real Principle of Non-Intervention, for the first time, be fully carried into operation, the result of which would be, not the nationalization, but the denationalization, of Slavery.

## THE WORK OF NATIONALIZING SLAVERY.

The work of nationalizing Slavery goes on. The Administration evidently considers it the American Institution, claiming paramount regard and protection. The Fugitive Slave Act being too limited in scope, Mr. Attorney General Cushing has lately amended it, so as to make it universal in its operation on all American soil. We copy from the *National Intelligencer* an abstract of the new enactment:

### OPINION OF THE ATTORNEY GENERAL.

Attorney General Cushing has given an opinion in regard to the reclamation of "fugitives from service" in organized Territories, of which the following are the main and most interesting points:

"1. The constitutional right of a citizen of the United States to reclaim a fugitive from his lawful service extends not only to the States and to the organized Territories, but also to all the unorganized territorial possessions of the United States.

"2. If in such Territory there be no commissioners of the United States to act, the claimant may proceed by recapture without judicial process.

"3. Any such fugitive from service in the Indian country is there unlawfully, and, as an intruder, is subject to arrest by the Executive authority of the United States.

"4. Such fugitive cannot be protected from extradition by an Indian tribe or nation; for the Indians are themselves the mere subjects of the United States, and have no power in conflict with the Constitution of the United States.

"5. By the local law of the organized political communities of the Cherokees, Choctaws, and Chickasaws, there is ample provision for the delivery up of fugitives from service in any of the States."

The "constitutional right" of persons claiming fugitives from service or labor, according to the Constitution, not Caleb Cushing, is thus defined:

"No person held to service or labor in one State, under the laws thereof, *escaping into another*, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up, on claim of the party to whom such service or labor may be due."

It has always been held by civilized jurists that Slavery is an exception to natural right, and that, therefore, any provision in relation to it should be construed *strictly*. It has always been held by the oracles of Democracy, and especially by Slaveholding politicians, that the Federal Government possesses only derivative powers, conferred by the Federal Constitution, and that it can exercise no power, not expressly given, or absolutely necessary to the exercise of one that is so conferred. Examined in the light of these two principles of construction, the constitutional provision in relation to fugitives from service or labor, invests the Federal Government with no power at all. Neither in terms nor by implication does it impose a duty, or confer a right, upon it. Whatever obligation it prescribes, is laid upon the *States* individually.

This view is sanctioned by the doctrine of State Rights, and by natural right. Slavery rejects this view, and the principles on which it is founded. Where there is doubt, it claims the benefit of it. Where an act admits of two constructions, it insists upon that which shall inure to its interests, no matter though forced and unnatural. And, while affecting to stand upon State authority, it uniformly aims to extend and strengthen itself by Federal action, in this way becoming the ally of the most dangerous Centralism.

It begins by converting an obligation laid upon the States, into a duty imposed on Congress, transferring from the States to the Federal Government the right to act upon the subject of fugitives from service or labor. The Constitution says that such fugitives shall not be discharged from such service or labor by the laws of any State, but shall be delivered up. Slavery enacts that officers constituted by the *Federal Government*, shall deliver them up.

The Constitution says that such fugitives, *escaping from one State into another State*, shall be delivered up. Slavery, through its Fugitive Act, says that such fugitives *escaping into another State or Territory*, shall be given up.

The first usurpation paves the way for the second, and this for the third, namely, the amendment of Mr. Cushing to the Fugitive Act, which declares that such fugitives, *escaping not only into another State or Territory, but into unorganized territory, or into the Indian country*, shall be subject to recapture; and to make this effective, inasmuch as the Fugitive Slave Act has not provided the means, Caleb Cushing, the Attorney for Slavery, enacts that the claimant may recapture by force such fugitives in unorganized Territory, and the Federal Executive seize them and deliver them up by force, when found in the Indian country.

And all these gross, outrageous usurpations are founded upon an utter perversion of the simple constitutional provision, "that no person held to service or labor in one State, under the laws thereof, *escaping into another*, shall be discharged from such service or labor," &c.

Look at the practical working of this Cushing amendment. A dozen fugitives escape into a portion of the unorganized territory of the United States. There are no commissioners, for the Fugitive Slave Act does not embrace such Territory. The claimant finds himself unable to recapture them—they resist—and he calls upon the Federal Executive to help him. Forthwith Secretary Davis issues orders for a detachment of United States troops to march upon the fugitives and capture them, dead or