

IN SENATE OF THE UNITED STATES.

MAY 8, 1850.

Submitted, and ordered to be printed.

Mr. CLAY, from the select committee appointed the 10th April, 1850,  
made the following

REPORT:

[To accompany bills S. No. 225 and S. No. 226.]

*The Senate's Committee of Thirteen, to whom were referred various resolutions relating to California, to other portions of the territory recently acquired by the United States from the republic of Mexico, and to other subjects connected with the institution of slavery, have, according to order, had these resolutions and subjects under consideration, and beg leave to submit the following report :*

The committee entered on the discharge of their duties with a deep sense of their great importance, and with earnest and anxious solicitude to arrive at such conclusions as might be satisfactory to the Senate and to the country. Most of the matters referred have been not only subjected to extensive and serious public discussion throughout the country, but to a debate in the Senate itself, singular for its elaborateness and its duration; so that a full exposition of all those motives and views which, on the several subjects confided to the committee, have determined the conclusions at which they have arrived, seems quite unnecessary. They will, therefore, restrict themselves to a few general observations, and to some reflections which grow out of those subjects.

Out of our recent territorial acquisitions, and in connexion with the institution of slavery, questions most grave have sprung, which, greatly dividing and agitating the people of the United States, have threatened to disturb the harmony, if not to endanger the safety, of the Union. The committee believe it to be highly desirable and necessary speedily to adjust all those questions, in a spirit of concord, and in a manner to produce, if practicable, general satisfaction. They think it would be unwise to leave any of them open and unsettled, to fester in the public mind, and to prolong, if not aggravate, the existing agitation. It has been their object, therefore, in this report, to make such proposals and recommendations as would accomplish a general adjustment of all those questions.

Among the subjects referred to the committee which command their first attention, are the resolutions offered to the Senate by the senator from Tennessee, Mr. Bell. By a provision in the resolution of Congress annexing Texas to the United States, it is declared that "new States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent

of said State, be formed out of the territory thereof, which shall be *entitled to admission* under the provisions of the federal constitution; and such States as may be formed out of that portion of said territory lying south of 36° 30' north latitude, commonly known as the Missouri compromise line, *shall be* admitted into the Union with or without slavery, as the people of each State asking admission may desire."

The committee are unanimously of opinion, that whenever one or more States, formed out of the territory of Texas, not exceeding four, having sufficient population, with the consent of Texas, may apply to be admitted into the Union, they are entitled to such admission, beyond all doubt, upon the clear, unambiguous, and absolute terms of the solemn compact contained in the resolution of annexation adopted by Congress and assented to by Texas. But, whilst the committee conceive that the right of admission into the Union of any new States carved out of the territory of Texas, not exceeding the number specified, and under the conditions stated, cannot be justly controverted, the committee do not think that the formation of any such new States should now originate with Congress. The initiative, in conformity with the usage which has heretofore prevailed, should be taken by a portion of the people of Texas themselves, desirous of constituting a new State, with the consent of Texas. And in the formation of such new State, it will be for the people composing it to decide for themselves whether they will admit or will exclude slavery. And however they may decide that purely municipal question, Congress is bound to acquiesce, and to fulfil in good faith the stipulations of the compact with Texas. The committee are aware that it has been contended that the resolution of Congress annexing Texas was unconstitutional. At a former epoch of our country's history, there were those (and Mr. Jefferson, under whose auspices the treaty of Louisiana was concluded, was among them) who believed that the States formed out of Louisiana could not be received into the Union without an amendment of the constitution. But the States of Louisiana, Missouri, Arkansas, and Iowa have been all, nevertheless, admitted. And who would now think of opposing the admission of Minnesota, Oregon, or other new States formed out of the ancient province of Louisiana, upon the ground of an alleged original defect of constitutional power? In grave national transactions, while yet in their earlier or incipient stages, differences may well exist; but when once they have been decided by a constitutional majority, and are consummated, or are in a process of consummation, there can be no other safe and prudent alternative than to respect the decision already rendered, and to acquiesce in it. Entertaining these views, a majority of the committee do not think it necessary or proper to recommend, at this time, or prospectively, any new State or States to be formed out of the territory of Texas. Should any such State be hereafter formed, and present itself for admission into the Union, whether with or without the establishment of slavery, it cannot be doubted that Congress will, under a full sense of honor, of good faith, and of all the high obligations arising out of the compact with Texas, decide, just as it will decide, under the influence of similar considerations, in regard to new States formed of or out of New Mexico and Utah, with or without the institution of slavery, according to the constitutions and judgment of the people who compose them, as to what may be best to promote their happiness.

In considering the question of the admission of California as a State into the Union, a majority of the committee conceive that any irregularity by which that State was organized without the previous authority of an act of Congress ought to be overlooked, in consideration of the omission by Congress to establish any territorial government for the people of California, and the consequent necessity which they were under to create a government for themselves best adapted to their own wants. There are various instances, prior to the case of California, of the admission of new States into the Union without any previous authorization by Congress. The sole condition required by the constitution of the United States in respect to the admission of a new State is, that its constitution shall be republican in form. California presents such a constitution; and there is no doubt of her having a greater population than that which, according to the practice of the government, has been heretofore deemed sufficient to receive a new State into the Union.

In regard to the proposed boundaries of California, the committee would have been glad if there existed more full and accurate geographical knowledge of the territory which those boundaries include. There is reason to believe that, large as they are, they embrace no very disproportionate quantity of land adapted to cultivation. And it is known that they contain extensive ranges of mountains, deserts of sand, and much unproductive soil. It might have been, perhaps, better to have assigned to California a more limited front on the Pacific; but even if there had been reserved on the shore of that ocean a portion of the boundary which it presents for any other State or States, it is not very certain that an accessible interior of sufficient extent could have been given to them to render an approach to the ocean through their own limits of any very great importance.

A majority of the committee think that there are many and urgent concurring considerations in favor of admitting California with the proposed boundaries, and of securing to her at this time the benefits of a State government. If, hereafter, upon an increase of her population, a more thorough exploration of her territory, and an ascertainment of the relations which may arise between the people occupying its various parts, it should be found conducive to their convenience and happiness to form a new State out of California, we have every reason to believe, from past experience, that the question of its admission will be fairly considered and justly decided.

A majority of the committee, therefore, recommend to the Senate the passage of the bill reported by the Committee on Territories for the admission of California as a State into the Union. To prevent misconception, the committee also recommend that the amendment reported by the same committee to the bill be adopted, so as to leave incontestable the right of the United States to the public domain and other public property in California.

Whilst a majority of the committee believe it to be necessary and proper, under actual circumstances, to admit California, they think it quite as necessary and proper to establish governments for the residue of the territory derived from Mexico, and to bring it within the pale of the federal authority. The remoteness of that territory from the seat of the general government; the dispersed state of its population; the variety of races—pure and mixed—of which it consists; the ignorance of some of the races

of our laws, language, and habits; their exposure to inroads and wars of savage tribes; and the solemn stipulations of the treaty by which we acquired dominion over them,—impose upon the United States the imperative obligation of extending to them protection, and of providing for them government and laws suited to their condition. Congress will fail in the performance of a high duty if it does not give, or attempt to give, to them the benefit of such protection, government, and laws. They are not now, and for a long time to come may not be, prepared for State government. The territorial form, for the present, is best suited to their condition. A bill has been reported by the Committee on Territories dividing all the territory acquired from Mexico not comprehended within the limits of California into two Territories, under the names of New Mexico and Utah, and proposing for each a territorial government.

The committee recommend to the Senate the establishment of those territorial governments; and in order more certainly to secure that desirable object, they also recommend that the bill for their establishment be incorporated in the bill for the admission of California, and that, united together, they both be passed.

The combination of the two measures in the same bill is objected to on various grounds. It is said that they are incongruous, and have no necessary connexion with each other. A majority of the committee think otherwise. The object of both measures is the establishment of government suited to the conditions, respectively, of the proposed new State and of the new Territories. Prior to their transfer to the United States, they both formed a part of Mexico, where they stood in equal relations to the government of that republic. They were both ceded to the United States by the same treaty. And in the same article of that treaty, the United States solemnly engaged to protect and govern both. Common in their origin, common in their alienation from one foreign government to another, common in their wants of good government, and conterminous in some of their boundaries, and alike in many particulars of physical condition, they have nearly everything in common in the relations in which they stand to the rest of this Union. There is, then, a general fitness and propriety in extending the parental care of government to both in common. If California, by a sudden and extraordinary augmentation of population, has advanced so rapidly as to mature her for State government, that furnishes no reason why the less fortunate Territories of new Mexico and Utah should be abandoned and left ungoverned by the United States, or should be disconnected with California, which, although she has organized for herself a State government, must be legally and constitutionally regarded as a Territory until she is actually admitted as a State in the Union.

It is further objected, that, by combining the two measures in the same bill, members who may be willing to vote for one and unwilling to vote for the other would be placed in an embarrassing condition. They would be constrained, it is urged, to take or to reject both. On the other hand, there are other members who would be willing to vote for both united, but would feel themselves constrained to vote against the California bill if it stood alone. Each party finds in the bill which it favors something which commends it to acceptance, and in the other something which it disapproves. The true ground, therefore, of the objection to the union of the measures is not any want of affinity between them, but because of the favor or disfavor with which they are respectively regarded. In this

conflict of opinion, it seems to a majority of the committee that a spirit of mutual concession enjoins that the two measures should be connected together; the effect of which will be, that neither opinion will exclusively triumph, and that both may find in such an amicable arrangement enough of good to reconcile them to the acceptance of the combined measure. And such a course of legislation is not at all unusual. Few laws have ever passed in which there were not parts to which exception was taken. It is inexpedient, if not impracticable, to separate these parts, and embody them in distinct bills, so as to accommodate the diversity of opinion which may exist. The constitution of the United States contained in it a great variety of provisions, to some of which serious objection was made in the convention which formed it, by different members of that body; and when it was submitted to the ratification of the States, some of them objected to some parts, and others to other parts, of the same instrument. Had these various parts and provisions been separately acted on in the convention, or separately submitted to the people of the United States, it is by no means certain that the constitution itself would ever have been adopted or ratified. Those who did not like particular provisions found compensation in other parts of it. And in all cases of constitutions and laws, when either is presented as a whole, the question to be decided is, whether the good which it contains is not of greater amount, and does not neutralize anything exceptionable in it. And as nothing human is perfect, for the sake of that harmony so desirable in such a confederacy as this, we must be reconciled to secure as much as we can of what we wish, and be consoled by the reflection that what we do not exactly like is a friendly concession, and agreeable to those who, being united with us in a common destiny, it is desirable, should always live with us in peace and concord.

A majority of the committee have, therefore, been led to the recommendation to the Senate that the two measures be united. The bill for establishing the two Territories, it will be observed, omits the Wilnot proviso, on the one hand, and, on the other, makes no provision for the introduction of slavery into any part of the new Territories. That proviso has been the fruitful source of distraction and agitation. If it were adopted and applied to any Territory, it would cease to have any obligatory force as soon as such Territory were admitted as a State into the Union. There was never any occasion for it, to accomplish the professed object with which it was originally offered. This has been clearly demonstrated by the current of events. California, of all the recent territorial acquisitions from Mexico, was that in which, if anywhere within them, the introduction of slavery was most likely to take place; and the constitution of California, by the unanimous vote of her convention, has expressly interdicted it. There is the highest degree of probability that Utah and New Mexico will, when they come to be admitted as States, follow the example. The proviso is, as to all these regions in common, a mere abstraction. Why should it be any longer insisted on? Totally destitute, as it is, of any practical import, it has, nevertheless, had the pernicious effect to excite serious, if not alarming, consequences. It is high time that the wounds which it has inflicted should be healed up and closed. And, to avoid, in all future time, the agitations which must be produced by the conflict of opinion on the slavery question, existing as this institution does in some of the States

and prohibited as it is in others, the true principle which ought to regulate the action of Congress in forming territorial governments for each newly-acquired domain is to refrain from all legislation on the subject in the Territory acquired, so long as it retains the territorial form of government—leaving it to the people of such Territory, when they have attained to a condition which entitles them to admission as a State, to decide for themselves the question of the allowance or prohibition of domestic slavery. The committee believe that they express the anxious desire of an immense majority of the people of the United States, when they declare that it is high time that good feelings, harmony, and fraternal sentiments should be again revived, and that the government should be able once more to proceed in its great operations to promote the happiness and prosperity of the country undisturbed by this distracting cause.

As for California—far from feeling her sensibility affected by her being associated with other kindred measures—she ought to rejoice and be highly gratified that, in entering into the Union, she may have contributed to the tranquillity and happiness of the great family of States, of which, it is to be hoped, she may one day be a distinguished member.

The committee beg leave next to report on the subject of the northern and western boundary of Texas. On that question a great diversity of opinion has prevailed. According to one view of it, the western limit of Texas was the Nueces; according to another, it extended to the Rio Grande, and stretched from its mouth to its source. A majority of the committee, having come to the conclusion of recommending an amicable adjustment of the boundary with Texas, abstain from expressing any opinion as to the true and legitimate western and northern boundary of that State. The terms proposed for such an adjustment are contained in the bill herewith reported, and they are, with inconsiderable variation, the same as that reported by the Committee on Territories.

According to these terms, it is proposed to Texas that her boundary be recognised to the Rio Grande, and up that river to the point commonly called El Paso, and running thence up that river twenty miles, measured thereon by a straight line, and thence eastwardly to a point where the hundredth degree of west longitude crosses Red river; being the southwest angle in the line designated between the United States and Mexico, and the same angle in the line of the territory set apart for the Indians by the United States.

If this boundary be assented to by Texas, she will be quieted to that extent in her title. And some may suppose that, in consideration of this concession by the United States, she might, without any other equivalent, relinquish any claim she has beyond the proposed boundary: that is, any claim to any part of New Mexico. But, under the influence of a sentiment of justice and great liberality, the bill proposes to Texas, for her relinquishment of any such claim, a large pecuniary equivalent. As a consideration for it, and considering that a portion of the debt of Texas was created on a pledge to her creditors of the duties on foreign imports, transferred by the resolution of annexation to the United States, and now received and receivable in their treasury, a majority of the committee recommend the payment of the sum of ——— millions of dollars to Texas, to be applied in the first instance to the extinction of that portion of her debt for the reimbursement of which the duties on foreign imports were pledged as aforesaid, and the residue in such manner as she may direct.

The said sum is to be paid by the United States in a stock, to be created, bearing five per cent. interest annually, payable half yearly, at the treasury of the United States, and the principal reimbursable at the end of fourteen years.

According to an estimate which has been made, there are included in the territory to which it is proposed that Texas shall relinquish her claim, embracing that part of New Mexico lying east of the Rio Grande, a little less than 124,933 square miles, and about 79,957,120 acres of land. From the proceeds of the sale of this land, the United States may ultimately be reimbursed a portion, if not the whole, of the amount of what is thus proposed to be advanced to Texas.

It cannot be anticipated that Texas will decline to accede to these liberal propositions; but if she should, it is to be distinctly understood that the title of the United States to any territory acquired from Mexico east of the Rio Grande will remain unimpaired, and in the same condition as if the proposals of adjustment now offered had never been made.

A majority of the committee recommend to the Senate that the section containing these proposals to Texas shall be incorporated into the bill embracing the admission of California as a State and the establishment of territorial governments for Utah and New Mexico. The definition and establishment of the boundary between New Mexico and Texas have an intimate and necessary connexion with the establishment of a territorial government for New Mexico. To form a territorial government for New Mexico, without prescribing the limits of the Territory, would leave the work imperfect and incomplete, and might expose New Mexico to serious controversy, if not dangerous collisions, with the State of Texas. And most, if not all, the considerations which unite in favor of combining the bill for the admission of California as a State and the territorial bills, apply to the boundary question of Texas. By the union of the three measures, every question of difficulty and division which has arisen out of the territorial acquisitions from Mexico will, it is hoped, be adjusted, or placed in a train of satisfactory adjustment. The committee, availing themselves of the arduous and valuable labors of the Committee on Territories, report a bill, herewith annexed, (marked A,) embracing those three measures, the passage of which, uniting them together, they recommend to the Senate.

The committee will now proceed to the consideration of, and to report upon, the subject of persons owing service or labor in one State escaping into another. The text of the constitution is quite clear: "No person held to labor or service 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 the claim of the party to whom such service or labor may be due." Nothing can be more explicit than this language—nothing more manifest than the right to demand, and the obligation to deliver up to the claimant, any such fugitive. And the constitution addresses itself alike to the States composing the Union and to the general government. If, indeed, there were any difference in the duty to enforce this portion of the constitution between the States and the federal government, it is more clear that it is that of the former than of the latter. But it is the duty of both. It is now well known and incontestable that citizens of slaveholding States encounter the greatest difficulty in obtaining the benefit of this provision

of the constitution. The attempt to recapture a fugitive is almost always a subject of great irritation and excitement, and often leads to most unpleasant, if not perilous, collisions. An owner of a slave, it is quite notorious, cannot pursue his property, for the purpose of its recovery, in some of the States, without imminent personal hazard. This is a deplorable state of things, which ought to be remedied. The law of 1793 has been found wholly ineffectual, and requires more stringent enactments. There is, especially, a deficiency in the number of public functionaries authorized to afford aid in the seizure and arrest of fugitives. Various States have declined to afford aid and cooperation in the surrender of fugitives from labor, as the committee believe, from a misconception of their duty arising under the constitution of the United States. It is true that a decision of the Supreme Court of the United States has given countenance to them in withholding their assistance. But the committee cannot but believe that the intention of the Supreme Court has been misunderstood. They cannot but think that that court merely meant that laws of the several States which created obstacles in the way of the recovery of fugitives were not authorized by the constitution, and not that State laws affording facilities in the recovery of fugitives were forbidden by that instrument.

The non-slaveholding States, whatever sympathies any of their citizens may feel for persons who escape from other States, cannot discharge themselves from an obligation to enforce the constitution of the United States. All parts of the instrument, being dependent upon, and connected with, each other, ought to be fairly and justly enforced. If some States may seek to exonerate themselves from one portion of the constitution, other States may endeavor to evade the performance of other portions of it; and thus the instrument, in some of its most important provisions, might become inoperative and invalid.

But, whatever may be the conduct of individual States, the duty of the general government is perfectly clear. That duty is, to amend the existing law, and to provide an effectual remedy for the recovery of fugitives from service or labor. In devising such a remedy, Congress ought, whilst, on the one hand, securing to the owner the fair restoration of his property, effectually to guard, on the other, against any abuses in the application of that remedy.

In all cases of the arrest, within a State, of persons charged with offences; in all cases of the pursuit of fugitives from justice from one State to another State; in all cases of extradition provided for by treaties between foreign powers,—the proceeding uniformly is summary. It has never been thought necessary to apply, in cases of that kind, the forms and ceremonies of a final trial. And when that trial does take place, it is in the State or country from which the party has fled, and not in that in which he has found refuge. By the express language of the constitution, whether the fugitive is held to service or labor or not, is to be determined by the laws of the State from which he fled; and, consequently, it is most proper that the tribunals of that State should expound and administer its own laws. If there have been any instances of abuse, in the erroneous arrest of fugitives from service or labor, the committee have not obtained knowledge of them. They believe that none such have occurred, and that such are not likely to occur. But, in order to guard against the possibility of their occurrence, the committee have prepared,

and herewith report, (marked B,) a section, to be offered to the fugitive bill now pending before the Senate. According to this section, the owner of a fugitive from service or labor is, when practicable, to carry with him to the State in which the person is found a record, from a competent tribunal, adjudicating the facts of elopement and slavery, with a general description of the fugitive. This record, properly attested and certified under the official seal of the court, being taken to the State where the person owing service or labor is found, is to be held competent and sufficient evidence of the facts which had been adjudicated, and will leave nothing more to be done than to identify the fugitive.

Numerous petitions have been presented praying for a trial by jury, in the case of arrest of fugitives from service or labor, in the non-slaveholding States. It has been already shown that this would be entirely contrary to practice and uniform usage in all similar cases. Under the name of a popular and cherished institution—an institution, however, never applied in cases of preliminary proceeding, and only in cases of final trial—there would be a complete mockery of justice, so far as the owner of the fugitive is concerned. If the trial by jury be admitted, it would draw after it its usual consequences, of continuance from time to time, to bring evidence from distant places; of second or new trials, in cases where the jury is hung, or the verdict is set aside; and of revisals of the verdict and conduct of the juries by competent tribunals. During the progress of all these dilatory and expensive proceedings, what security is there as to the custody and forthcoming of the fugitive upon their termination? And if, finally, the claimant should be successful, contrary to what happens in ordinary litigation between free persons, he would have to bear all the burdens and expense of the litigation, without indemnity, and would learn, by sad experience, that he had by far better have abandoned his right in the first instance, than to establish it at such unremunerated cost and heavy sacrifice.

But whilst the committee conceive that a trial by jury in a State where a fugitive from service or labor is recaptured would be a virtual denial of justice to the claimant of such fugitive, and would be tantamount to a positive refusal to execute the provision of the constitution, the same objections do not apply to such a trial in the State from which he fled. In the slaveholding States, full justice is administered, with entire fairness and impartiality, in cases of all actions for freedom. The person claiming his freedom is allowed to sue in *forma pauperis*; counsel is assigned him; time is allowed him to collect his witnesses and to attend the sessions of the court; and his claimant is placed under bond and security, or is divested of the possession during the progress of the trial, to insure the enjoyment of these privileges; and if there be any leaning on the part of courts and juries, it is always on the side of the claimant for freedom.

In deference to the feelings and prejudices which prevail in the non-slaveholding States, the committee propose such a trial in the State from which the fugitive fled, in all cases where he declares to the officer giving the certificate for his return that he has a right to his freedom. Accordingly, the committee have prepared, and report herewith, (marked C,) two sections, which they recommend should be incorporated in the fugitive bill pending in the Senate. According to these sections, the claimant is placed under bond, and required to return the fugitive to that county in the State from which he fled, and there to take him before a competent

tribunal, and allow him to assert and establish his freedom if he can, affording to him for that purpose all needful facilities.

The committee indulge the hope that if the fugitive bill, with the proposed amendments, shall be passed by Congress, it will be effectual to secure the recovery of all fugitives from service or labor, and that it will remove all causes of complaint which have hitherto been experienced on that irritating subject. But if in its practical operation it shall be found insufficient, and if no adequate remedy can be devised for the restoration to their owners of fugitive slaves, those owners will have a just title to indemnity out of the treasury of the United States.

It remains to report upon the resolutions in relation to slavery and the slave trade in the District of Columbia. Without discussing the power of Congress to abolish slavery within the District, in regard to which a diversity of opinion exists, the committee are of opinion that it ought not to be abolished. It could not be done without indispensable conditions, which are not likely to be agreed to. It could not be done without exciting great apprehension and alarm in the slave States. If the power were exercised within this District, they would apprehend that, under some pretext or another, it might be hereafter attempted to be exercised within the slaveholding States. It is true that at present all such power within those States is almost unanimously disavowed and disclaimed in the free States. But experience in public affairs has too often shown that where there is a desire to do a particular thing, the power to accomplish it, sooner or later, will be found or assumed.

Nor does the number of slaves within the District make the abolition of slavery an object of any such consequence as appears to be attached to it in some parts of the Union. Since the retrocession of Alexandria county to Virginia, on the south side of the Potomac, the District now consists only of Washington county, on the north side of that river; and the returns of the decennary enumeration of the people of the United States show a rapidly-progressive decrease in the number of slaves in Washington county. According to the census of 1830, the number was 4,505; and in 1840 it was reduced to 3,320: showing a reduction in ten years of nearly one-third. If it should continue in the same ratio, the number, according to the census now about to be taken, will be only a little upwards of two thousand.

But a majority of the committee think differently in regard to the slave trade within the District. By that trade is meant the introduction of slaves from adjacent States into the District, for sale, or to be placed in depot for the purpose of subsequent sale or transportation to other and distant markets. That trade, a majority of the committee are of opinion, ought to be abolished. Complaints have always existed against it, no less on the part of members of Congress from the South than on the part of members from the North. It is a trade sometimes exhibiting revolting spectacles, and one in which the people of the District have no interest, but, on the contrary, are believed to be desirous that it should be discontinued. Most, if not all, of the slaveholding States have, either in their constitutions or by penal enactments, prohibited a trade in slaves as merchandise within their respective jurisdictions. Congress, standing in regard to the people of this District on this subject in a relation similar to that of the State legislatures to the people of the States, may safely follow the examples of the States. The committee have prepared; and

herewith report, a bill for the abolition of that trade, (marked D,) the passage of which they recommend to the Senate. This bill has been framed after the model of what the law of Maryland was when the general government was removed to Washington.

The views and recommendations contained in this report may be recapitulated in a few words :

1. The admission of any new State or States formed out of Texas to be postponed until they shall hereafter present themselves to be received into the Union, when it will be the duty of Congress fairly and faithfully to execute the compact with Texas by admitting such new State or States ;

2. The admission forthwith of California into the Union, with the boundaries which she has proposed ;

3. The establishment of territorial governments, without the Wilmot proviso, for New Mexico and Utah, embracing all the territory recently acquired by the United States from Mexico not contained in the boundaries of California ;

4. The combination of these two last-mentioned measures in the same bill ;

5. The establishment of the western and northern boundary of Texas, and the exclusion from her jurisdiction of all New Mexico, with the grant to Texas of a pecuniary equivalent ; and the section for that purpose to be incorporated in the bill admitting California and establishing territorial governments for Utah and New Mexico ;

6. More effectual enactments of law to secure the prompt delivery of persons bound to service or labor in one State, under the laws thereof, who escape into another State ; and,

7. Abstaining from abolishing slavery ; but, under a heavy penalty, prohibiting the slave trade in the District of Columbia.

If such of these several measures as require legislation should be carried out by suitable acts of Congress, all controversies to which our late territorial acquisitions have given rise, and all existing questions connected with the institution of slavery, whether resulting from those acquisitions or from its existence in the States and the District of Columbia, will be amicably settled and adjusted, in a manner, it is confidently believed, to give general satisfaction to an overwhelming majority of the people of the United States. Congress will have fulfilled its whole duty in regard to the vast country which, having been ceded by Mexico to the United States, has fallen under their dominion. It will have extended to it protection, provided for its several parts the inestimable blessing of free and regular government adapted to their various wants, and placed the whole under the banner and the flag of the United States. Meeting courageously its clear and entire duty, Congress will escape the unmerited reproach of having, from considerations of doubtful policy, abandoned to an undeserved fate territories of boundless extent, with a sparse, incongruous, and alien, if not unfriendly, population, speaking different languages, and accustomed to different laws, whilst that population is making irresistible appeals to the new sovereignty to which they have been transferred for protection, for government, for law, and for order.

The committee have endeavored to present to the Senate a comprehensive plan of adjustment, which, removing all causes of existing excitement and agitation, leaves none open to divide the country and disturb

the general harmony. The nation has been greatly convulsed, not by measures of general policy, but by questions of a sectional character, and, therefore, more dangerous and more to be deprecated. It wants repose. It loves and cherishes the Union. And it is most cheering and gratifying to witness the outbursts of deep and abiding attachment to it which have been exhibited in all parts of it, amidst all the trials through which we have passed and are passing. A people so patriotic as those of the United States will rejoice in an accommodation of all troubles and difficulties by which the safety of that Union might have been brought into the least danger. And, under the blessings of that Providence who, amidst all vicissitudes, has never ceased to extend to them His protecting care, His smiles, and His blessings, they will continue to advance in population, power, and prosperity, and work out triumphantly the glorious problem of man's capacity for self-government.

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A.

*A bill to admit California as a State in the Union, to establish territorial governments for Utah and New Mexico, and making proposals to Texas for the establishment of her western and northern boundaries.*

Whereas the people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message, dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

**SEC. 2.** *And be it further enacted,* That until the representatives in Congress shall be apportioned according to an actual enumeration of the inhabitants of the United States, the State of California shall be entitled to two representatives in Congress.

**SEC. 3.** *And be it further enacted,* That the said State of California is admitted into the Union upon the express condition that the people of said State, through their legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax or assessment of any description whatsoever upon the public domain of the United States; and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor: *Provided,* That nothing herein contained shall be construed as recognising or rejecting the propositions tendered by the people

of California as articles of compact in the ordinance adopted by the convention which formed the constitution of that State.

SEC. 4. *And be it further enacted,* That all laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of California as elsewhere within the United States.

SEC. 5. *And be it further enacted,* That all that part of the territory of the United States included within the following limits, to wit, bounded on the west by the State of California, on the north by the Territory of Oregon, and on the east and south by the dividing ridge which separates the waters flowing into the great basin from those flowing into the Colorado river and the gulf of California, be, and the same is hereby, created into a temporary government, by the name of the Territory of Utah: *Provided,* That nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion of said Territory to any other State or Territory of the United States.

SEC. 6. *And be it further enacted,* That the executive power and authority in and over said Territory of Utah shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve of all laws passed by the legislative assembly before they shall take effect; he may grant pardons for offences against the laws of said Territory, and reprieves for offences against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 7. *And be it further enacted,* That there shall be a secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year, to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or other necessary absence of the governor from the Territory, the secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the governor during such vacancy or necessary absence; or until another governor shall be duly appointed to fill such vacancy.

SEC. 8. *And be it further enacted,* That the legislative power and authority of said Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall consist of twenty-six members, possessing the same qualifications

as prescribed for members of the council, and whose term of service shall continue one year. The apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the districts for which they may be elected, respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken; and the first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and he shall at the same time declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council; and the person or persons authorized to be elected having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall be declared by the governor to be duly elected members of the house of representatives: *Provided*, That in case of a tie between two or more persons voted for, the governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place, and on such day, as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: *Provided*, That no one session shall exceed the term of forty days.

SEC. 9. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office, at all subsequent elections, shall be such as shall be prescribed by the legislative assembly: *Provided*, That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognised as citizens by the treaty with the republic of Mexico concluded February second, eighteen hundred and forty-eight.

SEC. 10. *And be it further enacted*, That the legislative power of the Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act; but no law shall be passed interfering with the primary disposal of the soil, nor in respect to African slavery; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect.

SEC. 11. *And be it further enacted,* That all township, district, and county officers not herein otherwise provided for shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of Utah. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint, all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives and all other officers.

SEC. 12. *And be it further enacted,* That no member of the legislative assembly shall hold or be appointed to any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

SEC. 13. *And be it further enacted,* That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts, by one of the justices of the supreme court, at such time and place as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts, and of justices of the peace, shall be as limited by law: *Provided,* That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner, and under the same regulations, as from the circuit courts of the United States, where the value of the property, or the amount in controversy, to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction in all cases

arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeal in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of Oregon Territory now receive for similar services.

SEC. 14. *And be it further enacted*, That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Oregon. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the present Territory of Oregon; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 15. *And be it further enacted*, That the governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed, by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified, and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid: and afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen hundred dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest

usually travelled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the governor, to defray the contingent expenses of the Territory; and there shall also be appropriated, annually, a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 16. *And be it further enacted,* That the legislative assembly of the Territory of Utah shall hold its first session at such time and place in said Territory as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said governor and legislative assembly. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of Utah, to be applied by the governor and legislative assembly to the erection of suitable public buildings at the seat of government.

SEC. 17. *And be it further enacted,* That a delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly: *Provided,* That said delegate shall receive no higher sum for mileage than is allowed by law to the delegate from Oregon.

SEC. 18. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended, by and under the direction of the said governor of the Territory of Utah, in the purchase of a library, to be kept at the seat of government, for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 19. *And be it further enacted,* That when the lands in the said Territory shall be surveyed, under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 20. *And be it further enacted*, That, temporarily, and until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 21. *And be it further enacted*, That all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of Utah as elsewhere within the United States.

SEC. 22. *And be it further enacted*, That all that portion of the territory of the United States acquired from Mexico by the treaty concluded February second, one thousand eight hundred and forty-eight, and not included within the limits of the State of California, nor within the limits of the Territory of Utah as prescribed in this act, be, and the same is hereby, erected into a temporary government by the name of the Territory of New Mexico: *Provided*, that nothing in this act contained shall be construed to inhibit the government of the United States from dividing said Territory into two or more Territories, in such manner and at such times as Congress shall deem convenient and proper, or from attaching any portion thereof to any other Territory or State.

SEC. 23. *And be it further enacted*, That the executive power and authority in and over said Territory of New Mexico shall be vested in a governor, who shall hold his office for four years, and until his successor shall be appointed and qualified, unless sooner removed by the President of the United States. The governor shall reside within said Territory, shall be commander-in-chief of the militia thereof, shall perform the duties and receive the emoluments of superintendent of Indian affairs, and shall approve of all laws passed by the legislative assembly before they shall take effect; he may grant pardons for offences against the laws of said Territory, and reprieves for offences against the laws of the United States until the decision of the President can be made known thereon; he shall commission all officers who shall be appointed to office under the laws of the said Territory, and shall take care that the laws be faithfully executed.

SEC. 24. *And be it further enacted*, That there shall be a secretary of said Territory, who shall reside therein, and hold his office for four years, unless sooner removed by the President of the United States; he shall record and preserve all the laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and one copy of the executive proceedings, on or before the first day of December in each year to the President of the United States, and, at the same time, two copies of the laws to the Speaker of the House of Representatives and the President of the Senate, for the use of Congress. And in case of the death, removal, resignation, or other necessary absence of the governor from the Territory, the secretary shall have, and he is hereby authorized and required to execute and perform, all the powers and duties

of the governor during such vacancy or necessary absence, or until another governor shall be duly appointed to fill such vacancy.

SEC. 25. *And be it further enacted*, That the legislative power and authority of said Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The council shall consist of thirteen members, having the qualifications of voters as hereinafter prescribed, whose term of service shall continue two years. The house of representatives shall consist of twenty-six members, possessing the same qualifications as prescribed for members of the council, and whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable, among the several counties or districts, for the election of the council and representatives, giving to each section of the Territory representation in the ratio of its population, Indians excepted, as nearly as may be. And the members of the council and of the house of representatives shall reside in, and be inhabitants of, the districts for which they may be elected, respectively. Previous to the first election, the governor shall cause a census or enumeration of the inhabitants of the several counties and districts of the Territory to be taken; and the first election shall be held at such time and places, and be conducted in such manner, as the governor shall appoint and direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts shall be entitled under this act. The number of persons authorized to be elected having the highest number of votes in each of said council districts for members of the council shall be declared by the governor to be duly elected to the council; and the person or persons authorized to be elected having the greatest number of votes for the house of representatives, equal to the number to which each county or district shall be entitled, shall be declared by the governor to be duly elected members of the house of representatives: *Provided*, That in case of a tie between two or more persons voted for, the governor shall order a new election to supply the vacancy made by such tie. And the persons thus elected to the legislative assembly shall meet at such place, and on such day, as the governor shall appoint; but thereafter, the time, place, and manner of holding and conducting all elections by the people, and the apportioning the representation in the several counties or districts to the council and house of representatives according to the population, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: *Provided*, That no one session shall exceed the term of forty days.

SEC. 26. *And be it further enacted*, That every free white male inhabitant above the age of twenty-one years, who shall have been a resident of said Territory at the time of the passage of this act, shall be entitled to vote at the first election, and shall be eligible to any office within the said Territory; but the qualifications of voters and of holding office at all subsequent elections shall be such as shall be prescribed by the legislative assembly. That the right of suffrage and of holding office shall be exercised only by citizens of the United States, including those recognized as citizens by the treaty with the republic of Mexico concluded February second, eighteen hundred and forty-eight.

SEC. 27. *And be it further enacted*, That the legislative power of the

Territory shall extend to all rightful subjects of legislation consistent with the constitution of the United States and the provisions of this act: but no law shall be passed interfering with the primary disposal of the soil, nor in respect to African slavery; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents. All the laws passed by the legislative assembly and governor shall be submitted to the Congress of the United States, and, if disapproved, shall be null and of no effect.

SEC. 28. *And be it further enacted,* That all township, district, and county officers, not herein otherwise provided for, shall be appointed or elected, as the case may be, in such manner as shall be provided by the governor and legislative assembly of the Territory of New Mexico. The governor shall nominate, and, by and with the advice and consent of the legislative council, appoint, all officers not herein otherwise provided for; and in the first instance the governor alone may appoint all said officers, who shall hold their offices until the end of the first session of the legislative assembly, and shall lay off the necessary districts for members of the council and house of representatives and all other officers.

SEC. 29. *And be it further enacted,* That no member of the legislative assembly shall hold, or be appointed to, any office which shall have been created, or the salary or emoluments of which shall have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of said Territory.

SEC. 30. *And be it further enacted,* That the judicial power of said Territory shall be vested in a supreme court, district courts, probate courts, and in justices of the peace. The supreme court shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and who shall hold a term at the seat of government of said Territory annually, and they shall hold their offices during the period of four years. The said Territory shall be divided into three judicial districts, and a district court shall be held in each of said districts, by one of the justices of the supreme court, at such time and place as may be prescribed by law; and the said judges shall, after their appointments, respectively, reside in the districts which shall be assigned them. The jurisdiction of the several courts herein provided for, both appellate and original, and that of the probate courts and of justices of the peace, shall be as limited by law: *Provided,* That justices of the peace shall not have jurisdiction of any matter in controversy when the title or boundaries of land may be in dispute, or where the debt or sum claimed shall exceed one hundred dollars; and the said supreme and district courts, respectively, shall possess chancery as well as common-law jurisdiction. Each district court, or the judge thereof, shall appoint its clerk, who shall also be the register in chancery, and shall keep his office at the place where the court may be held. Writs of error, bills of exception, and appeals, shall be allowed in all cases from the final decisions of said district courts to the supreme court, under such regulations as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in said court. The supreme court, or the justices thereof, shall appoint its own clerk, and

every clerk shall hold his office at the pleasure of the court for which he shall have been appointed. Writs of error and appeals from the final decisions of said supreme court shall be allowed, and may be taken to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath or affirmation of either party or other competent witness, shall exceed one thousand dollars; and each of the said district courts shall have and exercise the same jurisdiction in all cases arising under the constitution and laws of the United States as is vested in the circuit and district courts of the United States; and the first six days of every term of said courts, or so much thereof as shall be necessary, shall be appropriated to the trial of causes arising under the said constitution and laws; and writs of error and appeals in all such cases shall be made to the supreme court of said Territory, the same as in other cases. The said clerk shall receive, in all such cases, the same fees which the clerks of the district courts of Oregon Territory now receive for similar services.

SEC. 31. *And be it further enacted,* That there shall be appointed an attorney for said Territory, who shall continue in office for four years, unless sooner removed by the President, and who shall receive the same fees and salary as the attorney of the United States for the present Territory of Oregon. There shall also be a marshal for the Territory appointed, who shall hold his office for four years, unless sooner removed by the President, and who shall execute all processes issuing from the said courts, when exercising their jurisdiction as circuit and district courts of the United States; he shall perform the duties, be subject to the same regulation and penalties, and be entitled to the same fees, as the marshal of the district court of the United States for the present Territory of Oregon; and shall, in addition, be paid two hundred dollars annually as a compensation for extra services.

SEC. 32. *And be it further enacted,* That the governor, secretary, chief justice and associate justices, attorney, and marshal, shall be nominated, and, by and with the advice and consent of the Senate, appointed, by the President of the United States. The governor and secretary to be appointed as aforesaid shall, before they act as such, respectively, take an oath or affirmation, before the district judge, or some justice of the peace in the limits of said Territory duly authorized to administer oaths and affirmations by the laws now in force therein, or before the chief justice or some associate justice of the Supreme Court of the United States, to support the constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person by whom the same shall have been taken, and such certificates shall be received and recorded by the said secretary among the executive proceedings: and the chief justice and associate justices, and all other civil officers in said Territory, before they act as such, shall take a like oath or affirmation, before the said governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, which said oath or affirmation shall be certified and transmitted, by the person taking the same, to the secretary, to be by him recorded as aforesaid; and afterwards, the like oath or affirmation shall be taken, certified, and recorded, in such manner and form as may be prescribed by law. The governor shall receive an annual salary of fifteen

hundred dollars as governor, and one thousand dollars as superintendent of Indian affairs. The chief justice and associate justices shall each receive an annual salary of eighteen hundred dollars. The secretary shall receive an annual salary of eighteen hundred dollars. The said salaries shall be paid quarter-yearly, at the treasury of the United States. The members of the legislative assembly shall be entitled to receive three dollars each per day during their attendance at the sessions thereof, and three dollars each for every twenty miles' travel in going to and returning from the said sessions, estimated according to the nearest usually travelled route. There shall be appropriated annually the sum of one thousand dollars, to be expended by the governor, to defray the contingent expenses of the Territory; and there shall also be appropriated annually a sufficient sum, to be expended by the secretary of the Territory, and upon an estimate to be made by the Secretary of the Treasury of the United States, to defray the expenses of the legislative assembly, the printing of the laws, and other incidental expenses; and the secretary of the Territory shall annually account to the Secretary of the Treasury of the United States for the manner in which the aforesaid sum shall have been expended.

SEC. 33. *And be it further enacted*, That the legislative assembly of the Territory of New Mexico shall hold its first session at such time and place in said Territory as the governor thereof shall appoint and direct: and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said Territory at such place as they may deem eligible; which place, however, shall thereafter be subject to be changed by the said governor and legislative assembly. And the sum of twenty thousand dollars, out of any money in the treasury not otherwise appropriated, is hereby appropriated and granted to said Territory of New Mexico, to be applied by the governor and legislative assembly to the erection of suitable public buildings at the seat of government.

SEC. 34. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve during each Congress of the United States, may be elected by the voters qualified to elect members of the legislative assembly, who shall be entitled to the same rights and privileges as are exercised and enjoyed by the delegates from the several other Territories of the United States to the said House of Representatives. The first election shall be held at such times and places, and be conducted in such manner, as the governor shall appoint and direct; and at all subsequent elections, the times, places, and manner of holding the elections shall be prescribed by law. The person having the greatest number of votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly: *Provided*, That such delegate shall receive no higher sum for mileage than is allowed by law to the delegate from Oregon.

SEC. 35. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby, appropriated, out of any moneys in the treasury not otherwise appropriated, to be expended, by and under the direction of the said governor of the Territory of New Mexico, in the purchase of a library, to be kept at the seat of government, for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of said Territory, and such other persons, and under such regulations, as shall be prescribed by law.

SEC. 36. *And be it further enacted*, That when the lands in the said Territory shall be surveyed, under the direction of the government of the United States, preparatory to bringing the same into market, sections numbered sixteen and thirty-six in each township in said Territory shall be, and the same are hereby, reserved for the purpose of being applied to schools in said Territory, and in the States and Territories hereafter to be erected out of the same.

SEC. 37. *And be it further enacted*, That, temporarily, and until otherwise provided by law, the governor of said Territory may define the judicial districts of said Territory, and assign the judges who may be appointed for said Territory to the several districts, and also appoint the times and places for holding courts in the several counties or subdivisions in each of said judicial districts, by proclamation to be issued by him; but the legislative assembly, at their first or any subsequent session, may organize, alter, or modify such judicial districts, and assign the judges, and alter the times and places of holding the courts, as to them shall seem proper and convenient.

SEC. 38. *And be it further enacted*, That all laws of the United States which are not locally inapplicable shall have the same force and effect within the said Territory of New Mexico as elsewhere within the United States.

SEC. 39. *And be it further enacted*, That the following propositions shall be, and hereby are, offered to the State of Texas, which, being agreed to by the said State, in an act passed by the General Assembly thereof, within \_\_\_\_\_ months from the day of the passage of this act, shall be binding and obligatory on the United States:

*First.* The northern boundary of said State shall be as follows: Beginning at the point on the Rio del Norte commonly called El Paso, and running up that river twenty miles, measured by a straight line thereon, and thence eastwardly to a point where the hundredth degree of west longitude crosses Red river; being the southwest angle in the line designated between the United States and Mexico; and the same angle in the line of the territory set apart for the Indians by the United States.

*Second.* The United States cede to the State of Texas all right, claim, and title which they have to any territory lying south of the line aforesaid. And the said State of Texas cedes to the United States any right, claim, and title which it has to any territory lying north of the said line.

*Third.* The State of Texas relinquishes to the United States all claim upon them for liability for any portion of the debts of Texas, and for compensation and indemnity for the surrender to the United States of her ships, forts, arsenals, custom-houses, revenue derived from foreign imports, arms and munitions of war, and public buildings, with their sites, which became the property of the United States at the time of the annexation of Texas.

*Fourth.* The United States, in consideration of the three preceding articles, and considering that to a portion of the creditors of Texas were pledged the duties on foreign imports receivable in her ports, as a security for the reimbursement of the loans and advances which they made to the said State, and that the said duties, since the annexation of the said State to the United States, have been received and are receivable by them, will pay to the State of Texas the sum of \_\_\_\_\_ dollars, in a stock bearing five per cent. interest, payable half-yearly, at the treasury of the

United States, the principal to be redeemable at the end of fourteen years; which said stock shall be first applied to the extinction of any debt for which the duties on imports were pledged as aforesaid, and the residue thereof in such manner as the said State may direct: *Provided*, That nothing herein contained is to be construed to imply or admit the liability of the United States for any portion of the public debt of Texas.

*Fifth.* Immediately after the President of the United States shall have officially received an authentic copy of the act of the General Assembly of Texas accepting these propositions, he shall cause the stock aforesaid to be issued and delivered to the lawful agent of the State of Texas, as provided for in the fourth article aforesaid; and this compact shall be binding and obligatory on the United States and the said State of Texas.

*Sixth.* If the said State of Texas shall refuse or decline to accede to the preceding articles, they shall become null and void, and the United States shall be remitted back to all their territorial rights, in the same state and condition as if these articles of compact had never been tendered to the acceptance of the State of Texas.

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B.

SEC. — *And be it further enacted*, That when any person held to service or labor in any State or Territory, or in the District of Columbia, under the laws thereof, shall escape therefrom, the party to whom such service or labor shall be due, his, her, or their agent, attorney, guardian, or trustee, may apply to any court of record therein and make satisfactory proof to such court of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matters so proved, and also of a general description of the person so escaping, with such convenient certainty as may be; and a transcript of such record, authenticated by the attestation of the clerk and of the seal of the said court, being produced in any other State, Territory, or District, in which the person so escaping may be found, and being exhibited to any judge, commissioner, or other officer, authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, shall be held and taken to be full and conclusive evidence of the fact of escape, and that the service or labor of the person escaping is due to the party in such record mentioned. And upon the production by the said party of other and further evidence, if necessary, either oral or by affidavit, in addition to what is contained in the said record of the identity of the person escaping, he or she shall be delivered up to the claimant. And the said court, commissioner, judge, or other person authorized by this act to grant certificates to claimants of fugitives, shall, upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped.

C.

*And be it further enacted,* That in case the alleged fugitive shall declare to the court, judge, or commissioner, or other officer before whom he is brought, that he is a free man and not a slave, and the said court, judge, or commissioner, or other officer, shall decide to grant the certificate herein authorized, empowering the removal of the said fugitive to the State from which he or she shall have fled, the said court, judge, or commissioner, or other officer, shall require of the claimant or his agent to enter into a bond, without surety, to the United States, in the sum of one thousand dollars, that the said fugitive shall be removed to the State and into the county, parish, or district thereof, from whence he or she may have fled, and then and there, after the return of said fugitive, he or she shall be taken by the said claimant or his agent before a court of competent jurisdiction, at its first term after such return, and be permitted by the said claimant or his agent to try by a jury the right to freedom of such fugitive, in such form of action as shall be conformable to the laws of the State in that behalf.

SEC. —. *And be it further enacted,* That the following shall be the form of the bond required of the claimant or his agent in the next preceding section, viz:

“Know all men by these presents, that I, \_\_\_\_\_, of the county (parish or district, as the case may be) of \_\_\_\_\_, in the State of \_\_\_\_\_, am held and firmly bound to the United States in the sum of one thousand dollars, to be paid to the said United States or their lawful agent or representative, to which payment, well and truly to be made, I bind myself, my heirs, and legal representatives. Witness my hand and seal, this \_\_\_\_\_ day of \_\_\_\_\_, eighteen hundred and \_\_\_\_\_.

“The condition of the above obligation is such, that if the above-bound \_\_\_\_\_ shall remove a certain person named \_\_\_\_\_, who is claimed by the said obligor as a fugitive from labor, into the State of \_\_\_\_\_, from the county (parish or district, as the case may be) of \_\_\_\_\_, and take the alleged fugitive before a court of competent jurisdiction therein, at its first term, and then and there permit the said alleged fugitive to try by a jury his or her right to freedom, in such form of action as shall be conformable to the laws of said State in that behalf, and afford the said alleged fugitive the facilities necessary to a fair trial, then this obligation shall cease and be void; otherwise, the said obligor shall pay to the United States the said sum of one thousand dollars, which shall be recoverable in a proper action before any circuit or district court of the United States.”

And the said bond, having the blanks properly filled up, and being duly executed by the said claimant or his agent, shall be delivered to the said court, judge, or commissioner, or other officer acting as aforesaid, who shall immediately enclose, seal, and transmit the same, by mail, to the district attorney of the United States for the State or district into which the said alleged fugitive may have been removed. And it shall be the duty of the said attorney, on the forfeiture of the said bond, to proceed for the recovery of the penalty thereof; and for his services in the prosecution and recovery of the same, he shall be entitled to ten per cent. of the amount recovered, the residue to be paid into the treasury of the United

States; and he shall be also allowed, for his services in the prosecution of the suit, the sum of twenty-five dollars, whether there be any recovery or not. But if the obligor in the said bond shall comply with the condition thereof, or if, upon the return of the said fugitive to the place from which he or she had fled, he or she shall declare before the court aforesaid that he or she has no right to freedom, and therefore does not wish the prosecution of any suit therefor, the said attorney shall, in either of those cases, surrender to the obligor the said bond.

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D.

*A bill to suppress the slave trade in the District of Columbia.*

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the — day of ——— next, it shall not be lawful to bring into the District of Columbia any slave whatever for the purpose of being sold, or for the purpose of being placed in depot, to be subsequently transported to any other State or place. And if any slave shall be brought into the said District by its owner, or by the authority or consent of its owner, contrary to the provisions of this act, such slave shall thereupon become liberated and free.

*SEC. 2. And be it further enacted,* That it shall and may be lawful for each of the corporations of the cities of Washington and Georgetown, from time to time, and as often as may be necessary, to abate, break up, and abolish any depot or place of confinement of slaves brought into the said District as merchandise, contrary to the provisions of this act, by such appropriate means as may appear to either of the said corporations expedient and proper. And the same power is hereby vested in the county court of Washington, if any attempt shall be made within its limits to establish a depot or place of confinement for slaves brought into the said District as merchandise, for sale, contrary to this act.