

DISTURBED CONDITION OF THE COUNTRY.

JANUARY 14, 1861—Ordered to be printed, and made the special order for Monday, the 21st instant, at one o'clock, and continued from day to day until disposed of.

Mr. CORWIN, from the select committee of thirty-three, submitted the following

REPORT.

The select committee, to whom was referred so much of the President's message as relates to the present perilous condition of the country, have instructed their chairman to report the bills and resolutions passed by them, with such comment thereon as he should deem proper.

The terms of the resolution of reference were such as to advise the committee of the magnitude of the subjects referred to them, and were regarded as an earnest appeal for their prompt action. By advert- ing to that portion of the President's message referred to the com- mittee, it will be seen that, in his opinion, the causes of the present discontents are to be found in the history of our public affairs, dating back to the year 1835—comprehending the legislative enactments of several States, the agitations of the public mind on the subject of slavery, the improper circulation of papers tending to produce appre- hension of domestic insurrection in the slaveholding States, and the forcible opposition to the peaceful execution of the laws of Congress for the recovery of fugitive slaves.

The matters here alleged as having given rise to the present dis- turbed condition of the public mind of the south are of a character which could only be ascertained by a knowledge of the current history of our politics, as exhibited in the newspaper press in the grounds assumed by the various political parties, and manifested by the votes of the people in electing State and federal officers.

Publications emanating from the newspaper or periodical press, having a tendency to promote domestic insurrection in any of the States, and circulated with that intent, are, in the judgment of the committee, highly criminal, and should be so treated by the laws of the several States. The right of free discussion, whilst it is regarded as absolutely necessary to the maintenance of free government, may be expected, in times of great excitement, to run into occasional licentiousness. The corrective of this evil remains with the State governments, and the committee do not doubt that the desired cor- rective will be promptly applied in all cases when the evil shall have

assumed a formidable aspect ; while the just and rational freedom of speech and of the press will be carefully preserved.

The enactment of laws, by some of the States, tending to oppose or embarrass the execution of the acts of Congress for the recovery of fugitives from labor has been alleged as a prominent complaint on the part of those States of the Union in which slavery exists. The committee had been impressed with the belief that this was one of those grievances referred to in the President's message to which the southern States attached great importance. The resolves of popular assemblies in southern States ; the addresses of speakers to southern audiences ; the frequent and earnest references to it by the newspaper press of the south as a great and flagrant violation of the Constitution and the fraternal relation of the free to the slave States ; the denunciation of those laws by southern members of Congress in both branches of the national legislature for the last three or four years, have, together, given to this subject great and, in the judgment of the committee, undue importance. With whatever intent or design such laws may have been enacted in any State, they cannot be regarded as having had any effect in preventing or obstructing the recapture of fugitives from labor. The laws of the United States for the recovery of fugitive slaves are executed exclusively by the United States courts, and commissioners appointed by them. As a necessary consequence it follows that any State law which offers any obstacle to the full and perfect execution of the laws of the United States would be void and of no effect whatever, and would be so declared by the United States courts and commissioners. Such laws, if any there be, are, therefore, incompetent to do any mischief to any one concerned in the recapture of a fugitive slave, and, at most, can be considered only as an exhibition of opposition to a law which some of the States regard as containing provisions dangerous to the rights of *free* persons residing within their limits. Whilst, therefore, the committee have not been able to perceive that the State laws complained of can really affect the rights or interests of southern people or States, yet, from an anxious desire to conciliate the feelings, as well as to protect the interests of our fellow-citizens of the south, the committee have respectfully requested all non-slaveholding States carefully to revise their legislative acts, and repeal all laws which come in conflict with the Constitution of the United States, or with the laws enacted by Congress for the recapture of fugitives from labor, and have submitted a resolution to that effect for adoption by the House.

We have seen with satisfaction that the governors of several States, within the last week, have brought the subject to the notice of their respective legislatures, and recommended legislative action in accordance with the views of the committee. We entertain no doubt that the feelings, as well as the interests of all the non-slaveholding States, will combine to effect the great object so much to be desired—the restoration of mutual respect and confidence between all the States of the Union.

The committee deemed it incumbent on them, in connexion with the foregoing subject, to revise, to some extent, the laws now in force for the recovery of fugitives from labor. After the most careful ex-

amination of the subject, the committee have framed an amendment to the existing laws, which it is believed will much improve them.

The law of 1850 was supposed to contain a provision which positively required any citizen, who might be called on for that purpose, to aid the owner of a fugitive, or his agent, or the marshal of the United States, in searching for and capturing such fugitive, whether forcible resistance were apprehended or not. This idea, whether well or ill-founded, has, to a very great extent, become the popular belief in many of the States, and, in the opinion of the committee, has had the effect to render the law distasteful and offensive. It is obvious that such belief would operate to cripple the efficiency of the law, and to some extent prevent its prompt and peaceful execution where that belief prevailed. It is reasonable to suppose that this odious provision, believed to be a part of the law, has given rise to much of that opposition to it, so much complained of by the south. The second section of the bill presented by the committee, it is believed, will relieve the law from all objection of that kind, and tend materially to its easy and speedy execution; thus improving its efficacy as a remedy by making it more acceptable to the people amongst whom it is to be enforced, and by whose aid, in case of forcible resistance, it is to be made effectual.

The provisions of the first section of the bill, it is believed, will secure the fugitive (if he alleges he is free) a fair and impartial trial, more certainly than the law as it now stands. The committee believe that this uncertainty, as to the fate of one arrested as a fugitive, has given rise to the few instances known to us of forcible resistance to the law. The same objection to the present law has undoubtedly stimulated the passage, in most instances, of what are called "personal liberty bills" in some of the States. It should be borne in mind that the objections urged by the northern people are not to a law for the recovery of fugitives who *really* owe labor, but they are founded in the belief that the present law may, and does, permit the seizure of persons who are free, and subjects them to servitude contrary to both law and right. The committee believe it to be unjust to the free States to assert that any considerable number of persons in those States are opposed to the reclamation of persons who, by the laws of any State, owe labor or service to another. If any such class exist, it is that known as abolitionists. This class asserts its opposition to the Constitution, because it does authorize the pursuit and recapture of fugitive slaves. In whatever light the persons composing this class may be regarded, it is certain their numbers are so small, compared with the entire voting population of the free States, that no danger can result to the constitutional rights of any portion of the Union from their peculiar opinions, or their modes of commending them to the general public. It is certainly true that this class does not act with any of the great political parties of the day, and that its chief leaders and most talented orators were most strenuously opposed to the republican party in the late presidential contest, and denounced it and its doctrines in bitter and unsparing terms. The great mistake which is now urging on the public mind to the wildest excesses consists in confounding that class of men known by the name of abolitionists with the great mass of the republican party of the north

and west. Similar to this, and growing mainly out of it, is a belief which seems to have obtained, very generally, in the south, that the people of the non-slaveholding States having succeeded in electing a President, entertain a secret design to accumulate political power in both branches of Congress until, through congressional action, it will abolish slavery in the States where it may then exist. How this purpose would be accomplished we are not informed. This prediction has been poured into the ears of excited multitudes from the mouths of popular orators, and placed before their eyes in the pages of partisan presses until, in the southern mind, it seems to have assumed the form of a plausible fact. The party charged with this purpose, when it met in convention at Chicago to nominate its candidates previous to the last presidential election, declared its doctrine on this point in the following words: "That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its domestic institutions according to its own judgment *exclusively*, is essential to that balance of power on which the perfection and endurance of our political fabric depends; and we denounce the lawless invasion by armed force of the soil of any State or Territory, no matter under what pretext, as among the gravest of crimes."

Notwithstanding the preposterous character of this idea, the committee have deemed the belief in it, in some portions of the south, sufficiently important to demand a notice at this time.

That nothing possible should be left unattempted by the committee, in order to efface these false impressions, they have prepared and submit an amendment to the Constitution, whereby any power to interfere with slavery in the States is forever denied to Congress, until every State in the Union, by its individual State action, shall consent to its exercise. They entertain a confident belief that this amendment will be approved by the number of States required by the Constitution to secure its adoption. If this shall not secure slavery in the States against the possibility of interference by federal power, we are wholly incapable of conceiving any form of constitutional guarantee which will, or which will satisfy those who demand further security for their rights.

The committee are well aware that the frequent agitation of the subject of slavery in political contests has given rise in the minds of many to fearful forebodings of disunion. It has undoubtedly contributed much to the present alienation of feeling between the northern and western, and southern and southwestern sections of the republic. Investigations into the rightfulness or policy of what is properly called forced labor, when conducted by thoughtful and discreet minds in calm temper, guided by the laws of sound, moral, and political philosophy, could scarcely be attended with danger to the peace of society, and might be productive of much good. It is equally true that discussion, touching the constitutional powers of the federal government, and the powers of the States over the subject of slavery, when properly conducted, would have the effect to elicit truth rather than to endanger public tranquillity. But when this subject is brought into the arena of party politics, our experience has shown that it too frequently fails to attain the desired end without disturbing, to a dangerous extent

the harmony and good will so much desired between all sections of the republic.

The truth of this remark will be fully shown by a brief reference to our history. In 1821 Missouri was admitted as a slave State, and slavery was at the same time prohibited in all the territory lying north of the parallel of $36^{\circ} 30'$ north latitude. At that time so great was the agitation that men not at all prone to regard imaginary in the light of real danger, entertained great fears for the stability of the government. The public mind, however, became calm, and, yielding to the suggestions of true patriotism, harmony was restored, and public prosperity advanced with its usual rapid steps. The next event which brought the subject of slavery into public consideration was the annexation of Texas. The presidential election of 1844 was made to turn almost entirely upon this single question. The great majority of the people of the free States were much dissatisfied with the result; but, with their views of duty as citizens of a free republic, they submitted with regret, but with no disposition to make improper opposition to the will of the people expressed in accordance with all the forms of law. Between this period and that of 1821, the public mind was not agitated, nor the public peace at all endangered by discussion, or by federal legislation, touching the subject of slavery.

The late war with Mexico resulted in the acquisition of territory. From the moment of this acquisition the question of the occupation of the territory, ceded by the treaty of peace, with slave or free labor, again called into action all the conflicting opinions and ideas which have been, and perhaps always will be, held on the subject of slavery, until all men shall be agreed as to the moral and economical principles on which it rests. This struggle was attended with all the angry discussions which had so signally marked the two previous contests. Then, as now, disunion was threatened; public bodies resolved on secession, and for two years scarcely any other question of interest was known or discussed in Congress. At length, in September, 1850, Congress acted finally on the subject, and a peaceful, though in some quarters, sullen acquiescence followed. The leading men, however, of all parties at that time vowed fidelity to that compromise, and the public mind had reason to hope that our dominion having reached the Pacific Ocean, future acquisition of territory would not be desired, and, by consequence, this disturbing question could not again arise. In 1854, however, by the repeal of the law of 1821, known as the Missouri compromise, and the attempt to extend slavery into territory, where, by that venerable law, it had been prohibited, this question was again opened. Out of the grave in which it had been buried in 1850 this fearful spirit of discord arose. The present deplorable condition of the country bears witness to the mischiefs it has wrought. We see strong and powerful parties maintaining opposite opinions on this very question. These hostile opinions are strenuously adhered to on each side, leaving little or no hope of agreement without a surrender of convictions honestly entertained. An adjustment founded upon legal principles in which all will agree seems quite impossible. The expedient of withdrawing the subject-matter of controversy from this conflict of opinion, and by another mode of settlement, giving to the south and the north all

that each, under existing circumstances, could expect, or should desire to obtain, seemed to the committee the best, if not the only, mode of peaceful adjustment left us.

The committee were impressed with a belief, growing out of admonitions furnished by our past history, that in a republic constituted as ours is, in all cases where parties are obstinately divided in opinion on subjects which touch the interests or wake up the passions of disaffected sections, it is the clear dictate of wisdom to withdraw those subjects, in every case possible, from the strife of parties, and to keep the federal government as far removed from any connexion with them as duty to the Constitution will permit. The committee deem the present controversy, involving the right to carry slavery into territory not yet formed into State governments, one peculiarly fitted for the application of the principle just announced.

It is contended on the one hand that in all the territory now in possession of the United States not embraced within the limits of any State, and lying south of the parallel of latitude $36^{\circ} 30'$ north, slavery shall be recognized and protected by law. The territory thus defined comprehends the now organized Territory of New Mexico, including Arizona, which last, by law of Congress, has been attached to, and made a part of New Mexico.

This Territory was organized in 1850. By its organic law the territorial legislature was authorized to enact laws and report them to Congress. It was provided in the same act that if Congress should disapprove the laws thus made they should be null and void.

In the year 1859 the territorial legislature of New Mexico established slavery in that Territory. This law was disapproved at the last session of Congress by a vote of the House, but the Senate have not yet acted on the bill, and so the law of the Territory, not having been annulled by both houses of Congress, remains in full force, and slavery now exists by law in New Mexico.

It is further provided by the act of 1850 that New Mexico, when she is admitted into the Union, shall be admitted with or without slavery, as her constitution may ordain. The committee now propose to admit New Mexico into the Union as a State on an equal footing with the original States. By this course the faith of the nation pledged in the act of 1850 will be preserved, and the territory lying south of the parallel of $36^{\circ} 30'$ will be disposed of and the subject matter of controversy removed from the jurisdiction of the federal government. Thus all claimed by the south will be obtained, while the northern portion of our remaining territory will be subject to such law as the Constitution and Congress may furnish for its government.

By this adjustment of the present territory of the Union, including the territory of all the States, it will be found that the area of the free States and Territories, including all north of the line $36^{\circ} 30'$, contains 1,648,779 square miles and a population of 19,036,739, making a population of about $11\frac{1}{6}$ to the square mile.

The area of the slaveholding States, including New Mexico, is 1,094,504 square miles, with a federal population of about $9\frac{7}{10}$ to the square mile. By this arrangement of all the territory now possessed by the United States, when New Mexico is admitted, if admitted as a slave State, that possessed by the slaveholding States will be greater

in proportion to federal population than that occupied by the non-slaveholding States and Territories. The committee are at a loss to conceive what more than this can be demanded or desired by the south. This settlement commends itself to our acceptance as one which demands of no one any surrender of opinion for or against slavery—for or against any proposition of constitutional law—and withdraws forever from contest between north and south all territory which the latter desires to possess, constituting it a State with a privilege belonging to all States—to adopt such domestic institutions as her own sense of duty and interest shall determine.

If it be objected that the population of the proposed State is too small to justify her admission into the Union at this time, we answer that it now contains a larger white population than either of two States now in the Union and represented in both branches of Congress. The present population of New Mexico, including Arizona, is estimated at 105,000. This computation of the area of territory and amount of population may not be exact to a fraction, but it is made upon information believed to be correct. It may also be objected that the present resources of the Territory are not equal to the support of a State government. If this objection has any foundation in fact, it may be easily removed by liberal donations, such as Congress has often heretofore made to new States on their coming into the Union. The committee consider these and other objections to this plan, which might be suggested, as too insignificant to weigh for a moment against the incalculable benefits to all the States and all the people of all the States, which it is hoped may flow from the adoption of the measure proposed. Other plans and modes of adjustment have been presented and considered by the committee; all of them, however, involve the surrender of opinions on questions of constitutional law, long held by a large portion of the people, and too firmly grounded in their convictions to justify a demand of their abandonment, especially when the result desired by all can be reached without such sacrifice.

From the beginning of our deliberations, it was apparent that the disposition of that portion of our territory lying south of the parallel of $36^{\circ} 30'$ was the main subject of difficulty. The settlement of that question was, however, complicated with a provision much insisted on for territory hereafter to be acquired. This did not seem to the committee properly to belong to the subject. The committee did not think proper to extend their consideration of the embarrassments arising out of the occupation of territory now within our possession, to territory which might or might not hereafter be acquired. It seemed to them improper, if not absurd, while our government was threatened with overthrow by an angry controversy touching the disposition of our present territorial possessions, to employ their time in arranging for a partition amongst ourselves of the territorial dominions of neighboring nations, looking to a future which, when it shall come, will probably bring with it circumstances and conditions which could not be now foreseen, and which, therefore, should be left to the judgments of those whose duty it may become to consider and act upon them.

The subject of slavery in the District of Columbia, and in those places in the slaveholding States where the federal government has exclusive jurisdiction, as well as the inter-State slave trade, have been disposed of by a resolution accompanying this report, and the reason for that disposition briefly given in the resolution itself.

The rendition of fugitives from justice has, at all times, and especially lately, been a source of much irritation between the States, and has recently connected itself unhappily with the subject of slavery. The provisions of the Constitution have been differently construed by the governors of different States, leading to controversy unfavorable to those amicable relations which should always subsist between the States.

To remedy this mischief, the committee have thought it expedient to transfer the duty of acting upon requisitions for such fugitives from the governors of the States to the courts of the United States, so as to secure a judicial construction of the Constitution, and also secure uniformity of action on the subject, and present a bill for that purpose.

The committee have prepared several resolutions, which do not propose action on any specific subject, but which, if adopted and approved by a vote of the House, may serve to announce principles which seem in some quarters to be questioned, while their adoption may tend to correct errors and misrepresentations that have obtained a too general belief in the southern section of the Union.

The intrinsic difficulties which belong to the subject must be the apology of the committee for the time consumed in coming to the conclusions now submitted to the House. If the results we have reached should fail to accomplish the so much desired end, the committee still entertain a confident belief that Congress will speedily adopt some measure which will be accepted by all as a just and fair basis upon which the fraternal relations between all sections of the Union may be restored.

It is proper to state that the committee were not unanimous on all the propositions reported; but a majority of a quorum was obtained in their favor.

THOMAS CORWIN, *Chairman.*

RESOLUTIONS AND BILLS REPORTED BY THE COMMITTEE.

RESOLUTIONS.

Resolved, That, in the opinion of this committee, the existing discontents among the southern people, and the growing hostility among them to the federal government, are greatly to be regretted; and that, whether such discontents and hostility are without just cause or not, any reasonable, proper, and constitutional remedies, and additional and more specific and effectual guarantees of their peculiar rights and interests as recognized by the Constitution, necessary to preserve the peace of the country and the perpetuity of the Union, should be promptly and cheerfully granted.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all attempts of the parts of the legislatures of any of the States to obstruct or hinder the recovery and surrender of fugitives from service or labor are in derogation of the Constitution of the United States, inconsistent with the comity and good neighborhood that should prevail among the several States, and dangerous to the peace of the Union.

Resolved, That the several States be respectfully requested to cause their statutes to be revised, with a view to ascertain if any of them are in conflict with or tend to embarrass or hinder the execution of the laws of the United States, made in pursuance of the second section of the fourth article of the Constitution of the United States for the delivery up of persons held to labor by the laws of any State and escaping therefrom; and the Senate and House of Representatives earnestly request that all enactments having such tendency be forthwith repealed, as required by a just sense of constitutional obligations, and by a due regard for the peace of the republic; and the President of the United States is requested to communicate these resolutions to the governors of the several States, with a request that they will lay the same before the legislatures thereof respectively.

Resolved, That we recognize slavery as now existing in fifteen of the United States by the usages and laws of those States; and we recognize no authority, legally or otherwise, outside of a State where it so exists, to interfere with slaves or slavery in such States, in disregard of the rights of their owners or the peace of society.

Resolved, That we recognize the justice and propriety of a faithful execution of the Constitution, and laws made in pursuance thereof, on the subject of fugitive slaves, or fugitives from service or labor, and discountenance all mobs or hindrances to the execution of such laws, and that citizens of each State shall be entitled to all the privileges and immunities of citizens in the several States.

Resolved, That we recognize no such conflicting elements in its composition, or sufficient cause from any source, for a dissolution of this government; that we were not sent here to destroy, but to sustain and harmonize the institutions of the country, and to see that equal justice is done to all parts of the same; and finally, to perpetuate its existence on terms of equality and justice to all the States.

Resolved, That the faithful observance, on the part of all the States, of all their constitutional obligations to each other and to the federal government is essential to the peace of the country.

Resolved, That it is the duty of the federal government to enforce the federal laws, protect the federal property, and preserve the union of these States.

Resolved, That each State be requested to revise its statutes, and, if necessary, so to amend the same as to secure, without legislation by Congress, to citizens of other States travelling therein the same protection as citizens of such State enjoy; and also to protect the citizens of other States travelling or sojourning therein against popular violence or illegal summary punishment, without trial in due form of law, for imputed crimes.

Resolved, That each State be also respectfully requested to enact such laws as will prevent and punish any attempt whatever in such State to recognize or set on foot the lawless invasion of any other State or Territory.

Resolved, That the President be requested to transmit copies of the foregoing resolutions to the governors of the several States, with a request that they be communicated to their respective legislatures.

Resolved, That as there are no propositions from any quarter to interfere with slavery in the District of Columbia, or in places under the exclusive jurisdiction of Congress, and situate within the limits of States that permit the holding of slaves, or to interfere with the inter-State slave trade, this committee does not deem it necessary to take any action on those subjects.

JOINT RESOLUTION to amend the Constitution of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, two-thirds of both houses concurring, That the following article be proposed to the legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three-fourths of said legislatures, shall be valid, to all intents and purposes, as part of the said Constitution, viz:

ARTICLE XII. No amendment of this Constitution having for its object any interference within the States with the relation between their citizens and those described in section second of the first article of the Constitution as "all other persons," shall originate with any State that does not recognize that relation within its own limits, or shall be valid without the assent of every one of the States composing the Union.

AN ACT for the admission of New Mexico into the United States of America.

Whereas by the act of Congress approved on the 9th of September, in the year 1850, it was provided that the people of New Mexico when admitted as a State, shall be received into the Union with or without slavery as their constitution may provide at the time of their admission.

And whereas the population of said Territory is now sufficient to constitute a State government: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of the Territory of New Mexico, including therein the region called Arizona, be, and they are hereby, authorized to form for themselves a constitution of State government by the name of the State of New Mexico; and the said State, when formed, shall be admitted into the Union upon the same footing with the original States in all respects whatever. And said constitution shall be formed by a convention of the people of New Mexico, which shall consist of twice the number of members now by law constituting the house of representatives of the Territory; each representative district shall elect two members to said convention for every member now by law elected in such district to the territorial house of representatives; and in such election only those persons shall vote for such delegates as are, by the laws of said Territory now in force, entitled to vote for members of the territorial house of representatives. The election for the convention shall be held on the 5th day of August, 1861, by the same officers who would hold an election for members of the said house of representatives; and those officers shall conform to the law now in force in said Territory for election for members of said house of representatives in all respects, in holding the election, receiving and rejecting votes, and making the returns of the election for the convention. The convention shall assemble at the city of Santa Fé, on the 2d day of September, 1861, and continue its sessions at that place until its deliberations shall be closed. The constitution agreed on by the convention shall be submitted to the people of the Territory for their approval or rejection as a whole; at such election on the constitution, all those and others shall be entitled to vote who are now entitled to vote for members of the house of representatives of said Territory; and such election shall be held by the same officers who conduct, by the present laws, the election for members of the house of representatives of the Territory, at the same place for voting, and in the same manner in all respects; and such election shall be held on the 4th day of November, 1861, and the returns thereof made to the governor of the Territory, who shall forthwith sum up and declare the result, and shall send a certificate thereof, together with a copy of the constitution, to the President of the United States.

The said State shall be entitled to one member of the House of Representatives of the United States of America, held until the apportionment under the next census.

AMENDMENT of the act for the rendition of fugitives from labor.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person arrested under the laws of Congress for the delivery up of fugitives from labor shall be produced before a court, judge, or commissioner, mentioned in the law approved the eighteenth of September, eighteen hundred and fifty, for the State or Territory wherein the arrest may be made;

and upon such production of the person, together with the proofs, mentioned in the sixth or the tenth section of said act, such court, judge, or commissioner shall proceed to hear and consider the same publicly; and if such court, judge, or commissioner is of opinion that the person arrested owes labor or service to the claimant according to the laws of any other State, Territory, or the District of Columbia, and escaped therefrom, the court, judge, or commissioner shall make out and deliver to the claimant, or his agent, a certificate stating those facts; and if the said fugitive shall, upon the decision of the court, judge, or commissioner being made known to him, aver that he is free, and does not owe service or labor according to the law of the State or Territory to which he is to be returned, such averment shall be entered upon the certificate, and the fugitive shall be delivered by the court, judge, or commissioner to the marshal, to be by him taken and delivered to the marshal of the United States for the State or district from which the fugitive is ascertained to have fled, who shall produce said fugitive before one of the judges of the circuit court of the United States for the last-mentioned State or district, whose duty it shall be, if said alleged fugitive shall persist in his averment, forthwith, or at the next term of the circuit court, to cause a jury to be impanelled and sworn to try the issue whether such fugitive owes labor or service to the person by or on behalf of whom he is claimed, and a true verdict to give according to the evidence, on which trial the fugitive shall be entitled to the aid of counsel and to process for procuring evidence at the cost of the United States; and upon such finding the judge shall render judgment, and cause said fugitive to be delivered to the claimant, or returned to the place where he was arrested, at the expense of the United States, according to the finding of the jury; and if the judge or court be not satisfied with the verdict, he may cause another jury to be impanelled forthwith, whose verdict shall be final. And it shall be the duty of said marshal so delivering said alleged fugitive to take from the marshal of the State from which said fugitive is alleged to have escaped a certificate acknowledging that said alleged fugitive had been delivered to him, giving a minute description of said alleged fugitive, which certificate shall be authenticated by the United States district judge, or a commissioner of a United States court for said State from which said fugitive was alleged to have escaped, which certificate shall be filed in the office of the clerk of the United States district court for the State or district in which said alleged fugitive was seized, within sixty days from the date of the arrest of said fugitive; and should said marshal fail to comply with the provisions of this act, he shall be deemed guilty of a misdemeanor, and shall be punished by a fine of one thousand dollars and imprisoned for six months, and until his said fine is paid.

SEC. 2. *And be it further enacted,* That no citizen of any State shall be compelled to aid the marshal or owner of any fugitive in the capture or detention of such fugitive, unless when force is employed or reasonably apprehended to prevent such capture or detention, too powerful to be resisted by the marshal or owner; and the fees of the commissioners appointed under the act of eighteenth September, eighteen

hundred and fifty, shall be ten dollars for every case heard and determined by such commissioner.

AMENDMENT of the act for the rendition of fugitives from justice.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That every person charged, by indictment or other satisfactory evidence, in any State, with treason, felony, or other crime, committed within the jurisdiction of such State, who shall flee or shall have fled from justice and be found in another State, shall, on the demand of the executive authority of the State from which he fled upon the district judge of the United States of the district in which he may be found, be arrested and brought before such judge, who, on being satisfied that he is the person charged, and that he was within the jurisdiction of such State at the time such crime was committed, of which such charge shall be *prima facie* evidence, shall deliver him up to be removed to the State having jurisdiction of the crime; and if any question of law shall arise during such examination, it may be taken on exceptions by writ of error to the circuit court.