

JOURNAL OF THE COMMITTEE OF THIRTY-THREE.

JANUARY 29, 1861.—Ordered to be printed in connexion with the reports.

Journal of the proceedings of the special committee of thirty-three under the resolution of the House of Representatives of the United States of the 4th of December, 1860, which resolution is in the following words :

THIRTY-SIXTH CONGRESS, SECOND SESSION.

CONGRESS OF THE UNITED STATES.

IN THE HOUSE OF REPRESENTATIVES,

December 4, 1860.

On motion of Mr. Boteler,

Resolved, That so much of the President's message as relates to the present perilous condition of the country be referred to a special committee of one from each State.

The speaker appointed the following members to act as said committee :

1. Thomas Corwin, from the State of Ohio.
2. John S. Millson.....do..... Virginia.
3. Charles F. Adams.....do..... Massachusetts.
4. Warren Winslow.....do..... North Carolina.
5. James Humphrey.....do..... New York.
6. William W. Boyce.....do..... South Carolina.
7. James H. Campbell.....do..... Pennsylvania.
8. Peter E. Love.....do..... Georgia.
9. Orris S. Ferry.....do..... Connecticut.
10. H. Winter Davis.....do..... Maryland.
11. Christopher Robinson.....do..... Rhode Island.
12. M. G. Whiteley.....do..... Delaware.
13. Mason W. Tappan.....do..... New Hampshire.
14. John L. N. Stratton.....do..... New Jersey.
15. Francis M. Bristow.do..... Kentucky.
16. Justin S. Morrill.....do..... Vermont.
17. Thomas A. R. Nelson.....do..... Tennessee.
18. W. McKee Dunn.....do..... Indiana.
19. Miles Taylor.....do..... Louisiana.
20. Reuben Davis.....do..... Mississippi.
21. William Kellogg.....do..... Illinois.
22. George S. Houston.....do..... Alabama.

23. Freeman H. Morse, from the State of Maine.
24. John S. Phelps.....do.....Missouri.
25. Albert Rust.....do.....Arkansas.
26. William A. Howard.....do.....Michigan.
27. George S. Hawkins.....do.....Florida.
28. Andrew J. Hamilton.....do.....Texas.
29. Cadwalader C. Washburn....do.....Wisconsin.
30. Samuel R. Curtis.....do.....Iowa.
31. John C. Burch.....do.....California.
32. William Windom.....do.....Minnesota.
33. Lansing Stout.....do.....Oregon.

Attest:

J. W. FORNEY, *Clerk.*

COMMITTEE ROOM,
Tuesday, December 11, 1860.

The committee met in pursuance of the call of the chairman.

Present: Mr. Corwin, chairman; Messrs. Millson, Adams, Winslow, Humphrey, Campbell, Love, Ferry, H. Winter Davis, Robinson, Whiteley, Tappan, Stratton, Bristow, Morrill, Nelson, Dunn, Taylor, Reuben Davis, Kellogg, Houston, Morse, Phelps, Howard, Hamilton, Washburn, Curtis, Burch, Stout, and Windom.

Absent: Messrs. Rust, Hawkins, and Boyce.

On motion, Mr. Windom was requested to act as secretary *pro tem.*

On motion,

Resolved, That the chairman ask leave of the House to employ a clerk to record its proceedings, and that the committee have leave to sit during the sessions of the House, until they report, or be otherwise discharged. It was determined in the affirmative.

On motion of the Hon. Reuben Davis, it was

Ordered, That the committee meet, until otherwise ordered, at 11 o'clock a. m.

On motion,

The committee adjourned to meet at 11 o'clock to-morrow morning.

COMMITTEE ROOM,
Wednesday, December 12, 1860, 11 o'clock.

The committee met pursuant to adjournment. Present: Mr. Corwin, chairman; Messrs. Millson, Adams, Winslow, Boyce, Humphrey, Campbell, Love, Ferry, H. Winter Davis, Robinson, Whiteley, Tappan, Stratton, Bristow, Morrill, Nelson, Dunn, Taylor, Reuben Davis, Kellogg, Houston, Morse, Phelps, Howard, Hamilton, Washburn, Curtis, Burch, Windom, and Stout. Absent: Messrs. Hawkins and Rust.

The chairman reported that leave had been granted by the House for the committee to sit during the sessions of the House; also to employ a clerk to record its proceedings.

Mr. Millson moved that Samuel T. Sawyer be chosen clerk of the committee.

The question on the motion being taken, it was unanimously agreed to.

Mr. Sawyer appeared and entered upon the duties of his appointment.

Mr. Nelson offered the following joint resolution to amend the Constitution of the United States, viz:

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 articles be proposed to the legislatures of the several States as amendments to the Constitution of the United States; all or any of which articles, when ratified by three-fourths of said legislatures, shall be valid to all intents and purposes as part of the said Constitution, viz:

ARTICLE XIII. In all that territory ceded by France to the United States, under the name of Louisiana, and in all the territory ceded by Mexico to the United States, which lies north of thirty-six degrees and thirty minutes north latitude, which is not included within the limits of any State, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited.

In all territories, or parts of territories, south of said line of thirty-six degrees and thirty minutes, slavery may exist, and shall be protected by such rules and regulations as Congress may prescribe. When such Territories form constitutions with a view to their admission into the Union as States, or when new States may be formed, as now provided for, out of any State or States, any part of which is situate south of a line of thirty-six degrees and thirty minutes of north latitude, extending from the Atlantic to the Pacific ocean, such Territory or new State, applying for admission into the Union, may continue or abolish slavery, and shall be admitted on the same footing as other States.

No law shall be passed by Congress interfering with or prohibiting the slave trade in the slaveholding States, or in the Territories, or new States, now existing, or which may be created south of said line.

Congress shall not abolish slavery in the District of Columbia.

The importation of persons from Africa, or any foreign State or country, to be held as slaves or in involuntary servitude, shall not be allowed.

ARTICLE XIV. Congress shall provide by law for the arrest of fugitive slaves and servants escaping from one State or Territory into another, and for their return to their owners or masters.

If such fugitives cannot be arrested, Congress may enact laws providing for indemnity from the persons, counties, or towns, by whom or in which the escape may have been aided.

All laws or customs interfering with these provisions shall be null and void.

Congress may enact such statutes as may be deemed proper to enforce these amendments.

ARTICLE XV. The electors shall meet in their respective States and

vote by ballot for President and Vice-President ; one of whom shall be an inhabitant north of said line of thirty-six degrees and thirty minutes of north latitude, extending from the Atlantic to the Pacific ocean ; the other, an inhabitant south of said line ; and both of whom shall not be inhabitants of the same State.

Mr. Whiteley, of Delaware, offered the following resolution, viz :

Resolved, That this committee recommend to Congress to propose an amendment to the Constitution of the United States extending the term of the President and Vice-President of the United States to eight years, and providing for the election of electors of President and Vice-President of the United States by the congressional districts in each State.

Mr. Taylor offered the following resolutions, viz :

Amendments to the Constitution of the United States which ought to be proposed by a vote of two-thirds of both houses of Congress :

First.—*With respect to the action of the general government in its foreign relations.*

The rights of property, whether in persons held to labor or to things, as recognized by the laws of the different States, or of the Territories of the United States, shall be vindicated and enforced in favor of our citizens by the power of the general government when cases arise involving them in our relations with foreign States.

Second.—*With respect to the rights of the citizens of the different States in the Territories of the United States.*

The common Territories of the United States shall be open to the citizens of the several States, who shall be free to enter them, taking with them their families and property, and shall be protected in the enjoyment of their rights of property, whether in persons held to labor or to things, as vested in them by the laws of the States from which they may have gone, respectively, and to the maintenance of the relations existing between them and those held to labor under the laws of those States so long as the Territories remain the common possessions of the United States, and are governed temporarily as Territories.

When a Territory passes from the territorial condition, and is admitted into the Union as a State, the persons held to labor therein may be removed by those holding them therefrom, and no law shall be passed by such State impairing such right of removal.

Third.—*In relation to the admission of new States.*

No Territory shall be erected into a State, and admitted into the Union, unless it shall have a permanent population equal or exceeding in number that fixed upon in the last apportionment of representation among the States as giving a right to a representative.

Upon the admission of a State into the Union no question shall be made with regard to the subject of African slavery, but the State ad-

mitted with or without slavery, as the people thereof may have determined; and they shall be afterwards left at all times free to settle that question for themselves as they may deem fit, without any interference with them by the general government or the people of other States.

Fourth.—As to the delivery of fugitive slaves.

The value of fugitives from labor, as assessed by a jury of the neighborhood from which they escaped, with twenty-five per centum in addition, shall be paid to their owners, by the State in which they take refuge, unless delivered up in ——— days after the fact of their escape is established and made known to the executive of the State in which they take refuge.

Fifth.—The right of suffrage under the Constitution and in the Territories.

No person shall vote in any election in any State, under the Constitution of the United States, or in any Territory of the United States, unless he is of the Caucasian race, and of pure, unmixed blood.

Sixth.—The power of Congress in relation to slavery.

The Congress of the United States is interdicted from legislating on the subject of slavery in the District of Columbia, or in any other district, Territory, or place in which it may exercise authority or jurisdiction.

On motion of Mr. Phelps, it was

Ordered, That the committee, until otherwise ordered, will meet at 12 o'clock m.

When, on motion, the committee adjourned.

COMMITTEE ROOM,
Thursday, December 13, 1860.

The committee met pursuant to adjournment.

The chairman being absent, and Mr. Millson being entitled to the floor from yesterday, on motion Mr. Adams was called to the chair.

Members present: Messrs. Millson, Adams, Winslow, Humphrey, Campbell, Love, Ferry, H. Winter Davis, Robinson, Whiteley, Tappan, Stratton, Bristow, Morrill, Nelson, Dunn, Taylor, Reuben Davis, Kellogg, Houston, Morse, Rust, Howard, Hamilton, Washburn, Curtis, Burch, and Windom.

Absent: Messrs. Corwin, Phelps, Stout, Hawkins, and Boyce.

Mr. H. Winter Davis submitted the following resolution and bill, viz:

Resolved by the Senate and House of Representatives, 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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the production of a person claimed as a fugitive from labor before any court, judge, or commissioner mentioned in the act of Congress approved September eighteen, eighteen hundred and fifty, together with the proofs mentioned in the sixth section of that act, and upon consideration thereof, said court, judge, or commissioner shall be of opinion that it appears thereby that such the person so claimed does owe labor or service to the person claiming him according to the laws of any other State or Territory, or the District of Columbia, and escaped therefrom, the said court, judge, or commissioner shall make out and deliver to such claimant, or his agent, a certificate stating those facts, and shall deliver such fugitive to the marshal of the United States of the State, to be by him taken and delivered to the marshal of the State whence the fugitive is ascertained to have fled, who shall produce the said fugitive before a judge of the circuit court of the United States for the last-mentioned State ; and it shall be the duty of the said judge, either forthwith or at the next term of the circuit court aforesaid, to cause a jury to be impanelled and sworn to try the issue whether such fugitive owes service or labor to the person by or on behalf of whom he is claimed, and a true verdict to render according to the evidence ; and upon such finding the judge or court shall render judgment according to such finding, and cause said fugitive to be delivered to the claimant, or returned to the State where he was arrested, at the expense of the United States ; and if the judge or court be not satisfied with the finding of the jury, he may cause another jury to be impanelled forthwith in like manner, whose finding shall be final.

SEC. 2. *And be it further enacted,* That on the production of the evidence mentioned in the tenth section of the act of eighteen hundred and fifty before the officer therein mentioned, it shall be the duty of said officer to grant a warrant for the arrest of such fugitive and his production before such officer issuing the warrant ; and if upon inspection of the person, and on consideration of the proofs, such officer is satisfied of the identity of such fugitive, he shall give a certificate thereof to the claimant or his agent, and shall cause the fugitive to be delivered to the marshal of the United States for that State in which the officer is sitting, to be delivered by him to the marshal of the State and district from which he fled, to be dealt with as is directed in the foregoing section of this act.

SEC. 3. *And be it further enacted,* That the fees of the commissioners appointed under the act of eighteenth September, eighteen hundred and fifty, shall be ten dollars for every case of a person claimed as a fugitive from labor heard and decided by such commissioner.

Present: Messrs. Corwin, Stout and Phelps. Mr. Corwin resumed, the chair.

Mr. Rust offered the following resolution, viz:

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 not without cause, and that such just concessions and additional and more specific and effectual guarantees of their peculiar rights and interests, as recognized by the Constitution, as will or *should* allay them, are indispensable to the perpetuation of the Union.

Mr. Dunn presented, as a substitute for the above, the following proposition:

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 perpetuation of the Union, should be promptly and cheerfully granted.

Which, after some debate, was accepted by Mr. Rust as a modification of his proposition.

Mr. Ferry proposed to strike out all the resolution of Mr. Rust, as modified, and in lieu thereof insert the following:

Resolved, That whatever grievances exist which affect the rights or interests of the citizens of any part of the confederacy, and are capable of removal by the action of Congress, ought to receive full and appropriate remedies by speedy action of the federal legislature, either by resolution, by statutory enactment, by proposed amendments to the Constitution, or by recommendation for the call of a general convention of the States, as may be necessary to accomplish the purposes aforesaid.

Mr. Morrill presented the following as a substitute for the whole, viz:

Resolved, That, in the opinion of this committee, the existing discontent among the southern people, and the growing hostility among them to the federal government, are greatly to be regretted, and that any reasonable, proper, and constitutional remedy necessary to preserve the peace of the country and the perpetuation of the Union should be promptly and cheerfully granted.

On the question to agree to the same,

It was determined in the negative—yeas 9, nays 22.

Those who voted in the affirmative are—

Messrs. Corwin, Adams, Humphrey, Ferry, Robinson, Tappan, Morrill, Morse, and Washburn.

Those who voted in the negative are—

Messrs. Millson, Winslow, Campbell, Love, H. Winter Davis, Whiteley, Stratton, Bristow, Nelson, Dunn, Taylor, Reuben Davis, Kellogg, Houston, Phelps, Rust, Howard, Hamilton, Curtis, Burch, Windom, and Stout.

On the question to agree to the amendment proposed by Mr. Ferry,

It was determined in the negative—yeas 8, nays 23.

Those who voted in the affirmative are—

Messrs. Adams, Humphrey, Ferry, Robinson, Morrill, Morse, Washburn, and Curtis.

Those who voted in the negative are—

Messrs. Corwin, Millson, Winslow, Campbell, Love, H. Winter Davis, Whiteley, Tappan, Stratton, Bristow, Nelson, Dunn, Taylor, Reuben Davis, Kellogg, Houston, Phelps, Rust, Howard, Hamilton, Burch, Windom, and Stout.

The question then recurred on the resolution of Mr. Rust, as modified by the accepted amendment of Mr. Dunn ;

Which was determined in the affirmative—yeas 22, nays 8.

Those who voted in the affirmative are—

Messrs. Corwin, Millson, Winslow, Campbell, Love, H. Winter Davis, Whiteley, Stratton, Bristow, Nelson, Dunn, Taylor, Kellogg, Houston, Phelps, Rust, Howard, Hamilton, Curtis, Burch, Windom, and Stout.

Those who voted in the negative are—

Messrs. Adams, Humphrey, Ferry, Robinson, Tappan, Morrill, Morse, and Washburn.

Mr. Reuben Davis stated that he waived his right to vote.

On motion,

Ordered, That the above proceedings be made public.

The committee, at half-past 5 o'clock, adjourned to meet again tomorrow at 12 m.

COMMITTEE ROOM,
Friday, December 14, 1860.

Committee met pursuant to adjournment. Members all present, except Messrs. Boyce and Hawkins.

On motion of Mr. Millson, it was

Unanimously ordered, That, in the opinion of this committee, its proceedings should not be disclosed to others, except when, in any particular case, it may permit such disclosure.

On motion of Mr. Phelps, it was

Ordered, That the several resolutions, bills, or amendments, heretofore, or at this time, offered to the consideration of the committee, be printed under the injunction of secrecy.

On motion of Mr. Dunn, it was

Ordered, That the clerk of the committee procure some more comfortable room for holding the sessions of the committee.

On motion of Mr. Phelps, it was

Ordered, That when the committee adjourn, it adjourn to meet on Monday next.

After some discussion in regard to the priority of considering resolutions,

On motion, the committee adjourned to meet on Monday next at 12 m.

COMMITTEE ROOM,
Monday, December 17, 1860, 12 m.

Committee met pursuant to hour of adjournment in the room set apart for the Committee on Roads and Canals. Members all present, except Messrs. Boyce and Hawkins.

On motion of Mr. Burch, it was

Ordered, That no member of the committee should occupy the floor, in addressing the chair, for a longer time than ten minutes on any one proposition.

Mr. Dunn moved to take up for consideration the resolution and bill amendatory of the fugitive slave law, presented by Mr. H. Winter Davis.

Mr. Nelson proposed an amendment to the motion, by taking up the joint resolution to amend the Constitution of the United States, presented by him.

Mr. Burch moved, as an amendment to the amendment, the following resolution as indicative of the questions first to be determined by the committee :

Resolved, That the questions to be determined by this committee, in order to restore peace to the country, are as follows: First, the constitutional power of Congress to prohibit the introduction of slaves into the Territories of the United States by persons emigrating to said Territories from States wherein slavery exists. Second, the constitutional power of a territorial legislature to prohibit or establish slavery. Third, the constitutional right of Congress to protect slave property in the Territories of the United States. Fourth, the constitutional power of Congress to pass laws making it a criminal offence for any person to prevent or obstruct, or attempt to prevent or obstruct, the execution of the "fugitive slave act." Fifth, the constitutional power of Congress to pass laws punishing any person who shall, directly or indirectly, aid or assist any other person held to service or labor in one State, under the laws thereof, to escape from the person to whom such service or labor may be due. Sixth, the constitutional right of a State to pass laws preventing, hindering, or in any way, directly or indirectly, obstructing the execution of the "fugitive slave act." And that the committee proceed to determine the questions in their above order.

The first question taken was on the amendment to the amendment presented by Mr. Burch.

It was determined in the negative—yeas 14, nays 17.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Reuben Davis, Hamilton, Houston, Love, Millson, Nelson, Phelps, Rust, Stout, Taylor, Whiteley, and Winslow.

Those who voted in the negative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morrill, Morse, Robinson, Stratton, Tappan, Washburn, and Windom.

On the question to agree to the amendment proposed by Mr. Nelson, it was determined in the negative—yeas 14, nays 17.

Each member voting in the affirmative and negative as recorded in the previous vote.

The question then recurred on agreeing to the motion of Mr. Dunn. It was determined in the affirmative—yeas 19, nays, 12.

Those who voted in the affirmative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Millson, Morrill, Morse, Phelps, Robinson, Stratton, Tappan, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Bristow, Burch, Reuben Davis, Hamilton, Houston, Love, Nelson, Rust, Stout, Taylor, Whiteley, and Winslow.

The committee having decided to consider the joint resolution and bill submitted by Mr. H. Winter Davis on the 13th instant,

Mr. Nelson moved to amend the same by striking out all after, *Resolved by the Senate and House of Representatives*, and to insert in lieu thereof the joint resolution to amend the Constitution of the United States submitted by him on the 12th instant; he having first assented to a modification of his proposition by striking out the clause beginning at *article 18th*, and ending *same footing as other States*, and substituting the following amendment proposed by Mr. Rust :

That the question of slavery in the Territories which we now possess, or may hereafter acquire, is hereby forever settled on the basis of a line from the southwest corner of the State of Missouri, on the parallel of thirty-six degrees thirty minutes to the Pacific ocean ; north of which line slavery is hereby prohibited and south of said line slavery is hereby recognized, and shall not be interfered with by the federal government, but shall be protected like other property by all departments of the territorial government during its territorial existence ; and when any territory, either north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress according to the then federal ratio, it shall be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

After discussion, but without definite action, the subject was postponed for future consideration.

Mr. Kellogg presented the following resolution :

Resolved, first. That all the territory of the United States be organized into territorial governments.

Second. That all territorial officers should be elected by the people of the Territory when there shall be ————— thousand of actual residents in said Territory.

Third. That there be delegated to the legislature of each Territory legislative authority over all subjects not inconsistent with the Constitution of the United States.

Fourth. That there be granted to each actual resident of the Territory one hundred and sixty acres of land, under reasonable restrictions and conditions.

Fifth. That the people of such Territory, when there shall be a sufficient number to form a State government, shall be admitted into

the Union as a State, with or without slavery, as the people may determine by a majority vote, fairly taken, provided the constitution shall be republican in form.

Mr. Ferry submitted the following resolution :

Resolved, That this committee shall report a bill to the House, with a recommendation that it do pass, providing for the more effectual enforcement of the following clause in the Constitution of the United States, to wit :

“The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.”

Mr. Winslow submitted the following resolution :

Resolved, That there ought to be an amendment, or amendments, to the Constitution, so as to settle the territorial question by proper adjustments.

Mr. Humphrey offered the following resolution in addition to the joint resolution heretofore proposed by Mr. Davis, of Maryland, viz :

And be it further resolved, That the legislatures of the respective States be respectfully requested to pass appropriate laws, providing that in all cases where a fugitive from labor, who shall have been arrested under the provisions of the laws of the United States, passed in pursuance of the second section of the fourth article of the Constitution of the United States, shall be rescued from the custody of the marshal or other officer, by force or riot, without collusion on the part of the claimant or his agent, then, and in such case, the county within which such rescue shall occur, shall be liable to pay to the person or persons from whom such fugitive escaped, or to whom his service or labor is due, the just and full value of such fugitive, or of the interest of the claimant in his service or labor, together with all the expenses incurred in his arrest, and to provide speedy, effective, and proper methods for the recovery of such value, expenses, and all costs of proceedings, in the courts of the United States or of the respective States.

On motion of Mr. Kellogg, the committee adjourned to meet tomorrow at 12 m.

COMMITTEE ROOM,

Tuesday, December 18, 1860, 12 m.

Committee met pursuant to adjournment. The same members present as yesterday.

Committee resumed the consideration of the joint resolution submitted by Mr. H. Winter Davis, with the amendment proposed by Mr. Nelson. After some informal conversation Mr. Nelson withdrew, for the present, his amendment, and the following resolution of Mr. H. Winter Davis was agreed to :

Resolved by the Senate and House of Representatives, 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 there-

from ; 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.

On motion of Mr. Morrill, it was

Ordered, That the subject of the fugitive slave act, and all amendments proposed thereto, or to be proposed, be referred to a sub-committee of five members, to be appointed by the chairman, from the border States, to be considered and reported upon as early as may be.

The Chair appointed the following named persons to constitute the committee :

Messrs. H. Winter Davis, Millson, Bristow, Kellogg, and Nelson.

By general acquiescence it was agreed by the committee that any member, absent at the time of taking the vote on any question, should be privileged on his return to the committee to record his vote, provided it did not change the result.

Resolutions in relation to the fugitive slave act were severally submitted by Messrs. Burch, Corwin, Taylor, and Nelson, which, together with the bill of Mr. H. Winter Davis, on the same subject, were referred to the committee of five.

On motion, the committee adjourned to meet to-morrow, at 12 m.

COMMITTEE ROOM,
Wednesday, December 19, 1860.

Committee met pursuant to adjournment. All the members present, except Messrs. Curtis, Boyce, Reuben Davis, and Hawkins.

The Chair presented sundry resolutions adopted by the House of Representatives ; also memorials, &c., adopted at primary meetings of the people in several of the States, in relation to the existing troubles of the country, referred by the House to the committee of thirty-three ; which, on motion, were referred to the sub committee of five.

The committee resumed the consideration of the joint resolution of Mr. Nelson to amend the Constitution of the United States. The question being on agreeing to the amendment proposed by Mr. Rust,

Mr. Morrill submitted the following proposition as a substitute for Mr. Rust's amendment, viz :

Resolved, That all acquisitions of foreign territory hereafter to be made shall be made by treaty stipulations ; no treaty for this object shall be ratified until it has received the legislative assent of the legislatures of two-thirds of all the States of the Union ; and neither Congress nor any territorial legislature shall make or pass any law tending to establish or prohibit slavery in any territory thus acquired, but the same shall remain in the same condition as at the time of such acquisition, whether free or slaveholding, until it shall have, with proper geographical boundaries, a population of _____, when the inhabitants thereof may form a republican State constitution and the Territory shall be admitted into the Union as a State upon

equal footing with the original States, whether the said constitution shall tolerate slavery or not.

Mr. Dunn moved to amend the proposition of Mr. Rust by striking it all out, and substituting the following :

When any Territory shall contain the population requisite for a member of Congress, according to the federal ratio, it shall be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

Pending which, at 4 o'clock p. m., the committee adjourned.

COMMITTEE ROOM,
Thursday, December 20, 1860.

Committee met pursuant to adjournment. Present, the same members as yesterday.

Mr. Dunn submitted the following proposition :

Resolved, That any adjustment of the pending difficulties between the slaveholding and non-slaveholding States should provide for the effectual execution of the second section of the fourth article of the Constitution, by the enactment of such laws as will secure to the citizens of each State protection to their persons while travelling or sojourning in the several States, except for acts which would be unlawful if done by citizens of the State in which they are so travelling or sojourning.

The committee again resumed the consideration of the joint resolution of Mr. Nelson to amend the Constitution of the United States ; the question being on agreeing to the amendment offered by Mr. Rust, Mr. Dunn and Mr. Morrill severally withdrew their propositions. After debate, the subject was laid aside with the understanding that it should be first in order in the morning, and that the vote should be taken on the question without further debate.

Mr. Houston submitted the following resolution :

Resolved, That the question of slavery in the Territories of the United States not included in any State, or which may hereafter be acquired, is hereby fully and forever settled on the basis of a line from the southwest corner of the State of Missouri, on the parallel of thirty-six degrees thirty minutes north latitude, extending to the Pacific ocean. North of said line slavery is hereby prohibited ; south of said line slavery is hereby recognized, and shall not be abolished, prohibited, or in any way impaired by Congress or a territorial legislature, but shall be protected by the federal and territorial governments as other property, and shall be entitled to the benefit and protection of such laws of said Territory as may be enacted for the benefit and protection of other property during its territorial existence. And when any Territory, either north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then federal ratio, it shall be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

On motion, at 4 o'clock, committee adjourned to meet to-morrow at 12 m.

COMMITTEE ROOM,
Friday, December 21, 1860.

Committee met pursuant to adjournment. Present, same members as yesterday. Mr. Curtis attended. Absent: Messrs Boyce, Reuben Davis, and Hawkins.

The committee resumed the consideration of the joint resolution of Mr. Nelson to amend the Constitution of the United States; the question pending being on the amendment of Mr. Rust.

After an informal debate, it was by general acquiescence agreed that the whole subject be postponed until Thursday, 27th December.

On motion, it was

Ordered, That the several amendments offered to Mr. Nelson's resolution, and all propositions in relation to the subject, be printed under the injunction of secrecy.

On motion of Mr. Kellogg, it was

Ordered, That when the committee adjourn, it adjourn to meet on Thursday, 27th December, at 12 m.

Mr. H. Winter Davis submitted the following resolutions accompanied with the annexed bill:

1. *Resolved*, That the Territory of New Mexico ought to be admitted as a State with her present boundaries, including Arizona, with such constitution as she may adopt.

2. *Resolved*, That Kansas ought to be admitted as a State with the boundaries adopted in her constitution presented to the House of Representatives at the last session.

3. *Resolved*, That no territory shall be acquired by the United States by conquest, discovery, treaty, or otherwise, nor shall any State not formed of territory of the United States be admitted into the Union, unless upon the votes of two-thirds of the States in the Senate, and of two-thirds of the votes of all the members of the House of Representatives, and approved by the President.

If slavery or involuntary servitude exist by the law in any territory hereafter acquired by the United States at the time of acquisition, it shall not be abolished so long as it shall remain a Territory; and if slavery do not exist by law in any territory hereafter acquired at the time of acquisition, it shall not be established so long as it shall remain a Territory. But in either case the people in their State constitution of government may permit or forbid slavery, as to them may seem good.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the whole territory now forming the Territory of New Mexico shall be, and the same hereby is, declared to be one of the United States of America, on an equal footing with the original States in all respects whatever, by the name and title of the State of New Mexico. And that under the next general census the said State of New Mexico shall be entitled to one representative in the House of Representatives of the United States, and in all other respects, as far as may be applicable, the laws of the

United States shall extend to and be in force in the State of New Mexico in the same manner as if that State had originally been one of the United States.

When, on motion, the committee adjourned.

COMMITTEE ROOM,
Thursday, December 27, 1860.

Committee met pursuant to adjournment. Present, same members as were in attendance at last meeting, except Mr. Stratton.

The committee resumed the consideration of the joint resolutions of Mr. Nelson to amend the Constitution of the United States, the question pending on agreeing to the amendment of Mr. Rust.

Mr. Curtis moved to amend the amendment as follows:

Provided, That a provision also be made prohibiting any acquisition of territory except on the passage of a law of Congress, which law shall require a two-third vote of each house.

On the question to agree,

It was determined in the negative.

Mr. Burch proposed the following:

Provided, That no territory shall hereafter be acquired except by treaty, which shall be ratified by a two-third vote of the Senate and House of Representatives.

On the question to agree,

It was determined in the negative—yeas 6, nays 23.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Curtis, Nelson, Rust, and Stout.

Those who voted in the negative are—

Messrs. Adams, Campbell, Corwin, H. Winter Davis, Dunn, Ferry, Hamilton, Houston, Howard, Humphrey, Kellogg, Love, Millson, Morrill, Morse, Phelps, Robinson, Tappan, Taylor, Washburn, Whiteley, Windom, and Winslow.

Mr. Millson moved to strike out all after the words "territorial existence," and to insert in lieu of it the following:

And when any new State, formed out of any territory either north or south of said line, shall apply for admission into the Union, it shall not be refused admission therein on an equal footing with the original States merely because of the establishment or recognition of slavery by the constitution thereof.

On the question to agree to the proposition,

It was determined in the negative—yeas 11, nays 18.

Those who voted in the affirmative are—

Messrs. Bristow, Dunn, Humphrey, Millson, Morrill, Morse, Nelson, Robinson, Stout, Taylor, and Windom.

Those who voted in the negative are—

Messrs. Adams, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Ferry, Hamilton, Houston, Howard, Kellogg, Love, Phelps, Rust, Tappan, Washburn, Whiteley, and Winslow.

The question then recurred on agreeing to the proposition of Mr. Rust as follows:

That the question of slavery in the territories which we now possess, or may hereafter acquire, is hereby forever settled on the basis

of a line from the southwest corner of the State of Missouri on the parallel of thirty-six degrees thirty minutes to the Pacific ocean; north of which line slavery is hereby prohibited, and south of said line slavery is hereby recognized, and shall not be interfered with by the federal government, but shall be protected like other property by all departments of the territorial government during its territorial existence; and when any territory, either north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress according to the then federal ratio, it shall be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

It was determined in the negative—yeas 13, nays 16.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Hamilton, Houston, Love, Millson, Nelson, Phelps, Rust, Stout, Taylor, Whiteley, and Winslow.

Those who voted in the negative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morrill, Morse, Robinson, Tappan, Washburn, and Windom.

Mr. Nelson withdrew his joint resolution to amend the Constitution of the United States, and in place thereof submitted the following, which he stated was identically the same as that submitted by Mr. Crittenden to the special committee of the Senate.

JOINT RESOLUTION proposing certain amendments to the Constitution of the United States.

Whereas serious and alarming dissensions have arisen between the northern and southern States concerning the rights and security of the rights of the slaveholding States, and especially their rights in the common territory of the United States; and whereas it is eminently desirable and proper that those dissensions which now threaten the very existence of this Union should be permanently quieted and settled by constitutional provisions which shall do equal justice to all sections, and thereby restore to the people that peace and good will which ought to prevail between all the citizens of the United States: Therefore—

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 articles be, and are hereby, proposed and submitted as amendments to the Constitution of the United States, which shall be valid to all intents and purposes as part of said Constitution when ratified by conventions of three-fourths of the several States:

ARTICLE 1. In all the territory of the United States now held or hereafter acquired, situate north of latitude thirty-six degrees and thirty minutes, slavery or involuntary servitude, except as a punishment for crime, is prohibited, while such territory shall remain under territorial government. In all the territory south of said line of latitude slavery of the African race is hereby recog-

nized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government during its continuance; and when any territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.

ARTICLE 2. Congress shall have no power to abolish slavery in places under its exclusive jurisdiction, and situate within the limits of States that permit the holding of slaves.

ARTICLE 3. Congress shall have no power to abolish slavery within the District of Columbia so long as it exists in the adjoining States of Virginia and Maryland, or either, nor without the consent of the inhabitants, nor without just compensation first made to such owners of slaves as do not consent to such abolishment. Nor shall Congress at any time prohibit officers of the federal government or members of Congress, whose duties require them to be in said District, from bringing with them their slaves and holding them as such during the time their duties may require them to remain there, and afterwards taking them from the District.

ARTICLE 4. Congress shall have no power to prohibit or hinder the transportation of slaves from one State to another, or to a Territory in which slaves are by law permitted to be held, whether that transportation be by land, navigable rivers, or by the sea.

ARTICLE 5. That in addition to the provisions of the third paragraph of the second section of the fourth article of the Constitution of the United States, Congress shall have power to provide by law, and it shall be its duty so to provide, that the United States shall pay to the owner who shall apply for it the full value of his fugitive slave, in all cases, when the marshal, or other officer, whose duty it was to arrest said fugitive, was prevented from so doing by violence or intimidation, or when, after arrest, said fugitive was rescued by force, and the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave, under the said clause of the Constitution and the laws made in pursuance thereof. And in all such cases, when the United States shall pay for such fugitive, they shall have the right, in their own name, to sue the county in which said violence, intimidation, or rescue was committed, and to recover from it, with interest and damages, the amount paid by them for said fugitive slave. And the said county, after it has paid said amount to the United States, may, for its indemnity, sue and recover from the wrong-doers, or rescuers, by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

ARTICLE 6. No future amendment of the Constitution shall affect the five preceding articles, nor the third paragraph of the second section of the first article of the Constitution, nor the third paragraph of the second section of the fourth article of said Constitution; and

no amendment shall be made to the Constitution which will authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is or may be allowed or permitted.

And whereas, also, besides those causes of dissension embraced in the foregoing amendments proposed to the Constitution of the United States, there are others which come within the jurisdiction of Congress, and may be remedied by its legislative power; and whereas it is the desire of Congress, as far as its power will extend, to remove all just cause for the popular discontent and agitation which now disturb the peace of the country and threaten the stability of its institutions: Therefore—

1. *Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the laws now in force for the recovery of fugitive slaves are in strict pursuance of the plain and mandatory provisions of the Constitution, and have been sanctioned as valid and constitutional by the judgment of the Supreme Court of the United States; that the slaveholding States are entitled to the faithful observance and execution of those laws, and that they ought not to be repealed or so modified or changed as to impair their efficiency; and that laws ought to be made for the punishment of those who attempt, by rescue of the slave or other illegal means, to hinder or defeat the due execution of said laws.

2. That all State laws which conflict with the fugitive slave acts, or any other constitutional acts of Congress, or which in their operation impede, hinder, or delay the free course and due execution of any of said acts, are null and void by the plain provisions of the Constitution of the United States. Yet those State laws, void as they are, have given color to practices and led to consequences which have obstructed the due administration and execution of acts of Congress, and especially the acts for the delivery of fugitive slaves, and have thereby contributed much to the discord and commotion now prevailing. Congress, therefore, in the present perilous juncture, does not deem it improper, respectfully and earnestly, to recommend the repeal of those laws to the several States which have enacted them, or such legislative corrections or explanations of them as may prevent their being used or perverted to such mischievous purposes.

3. That the act of the eighteenth of September, eighteen hundred and fifty, commonly called the fugitive slave law, ought to be so amended as to make the fee of the commissioner, mentioned in the eighth section of the act, equal in amount, in the cases decided by him, whether his decision be in favor of or against the claimant. And to avoid misconstruction, the last clause of the fifth section of said act, which authorizes the person holding a warrant for the arrest or detention of a fugitive slave to summon to his aid the *posse comitatus*, and which declares it to be the duty of all good citizens to assist him in its execution, ought to be so amended as to expressly limit the authority and duty to cases in which there shall be resistance or danger of resistance or rescue.

4. That the laws for the suppression of the African slave trade, and especially those prohibiting the importation of slaves into the United States, ought to be made effectual, and ought to be thoroughly

executed, and all further enactments necessary to those ends ought to be promptly made.

Resolutions were severally offered by Mr. Bristow, Mr. Dunn, and Mr. Millson ; which, with the resolution offered by Mr. Nelson, were ordered to be printed.

On motion, the committee adjourned to meet to-morrow at 12 m.

COMMITTEE ROOM,
Friday, December 28, 1860.

Committee met pursuant to adjournment.

Present, all the members of the committee, except Messrs. Ferry, Stratton, Love, Boyce, Reuben Davis, and Hawkins.

Mr. Houston called up for consideration the resolution submitted by him on the 20th instant, which being agreed to, on the question to agree to the resolution,

It was determined in the negative.

Resolutions were offered by Mr. Adams, Mr. Taylor, and Mr. Corwin, which, after being read, were ordered to be printed.

On motion of Mr. Nelson, the committee proceeded to consider the following resolution submitted by Mr. Adams :

Resolved, That it is expedient to propose an amendment to the Constitution of the United States providing that no amendment having for its object any interference within the States with the relation between their citizens and those described in the second section 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.

On the question to agree,

It was determined in the affirmative—yeas 21, nays 3.

Those who voted in the affirmative are—

Messrs. Adams, Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Hamilton, Howard, Humphrey, Millson, Morrill, Morse, Nelson, Phelps, Robinson, Stout, Taylor, Whiteley, and Windom.

Those who voted in the negative are—

Messrs. Kellogg, Tappan, and Washburn.

The committee proceeded to consider the joint resolution submitted by Mr. Nelson ; but without final action on the same, the subject was postponed until to-morrow, with the understanding that they were to take precedence of all other questions.

On motion, it was

Ordered, That when the committee adjourns, it adjourn to meet to-morrow at 11 o'clock.

Committee then adjourned.

COMMITTEE ROOM,
Saturday, December 29, 1860.

Committee met pursuant to adjournment.

Present, all the members, except Messrs. Boyce, Hawkins, Love, Rust, and Stratton.

Mr. Reuben Davis ceased to be a member of the committee, having been excused by the House.

The committee proceeded to consider the joint resolution submitted by Mr. Nelson on the 27th instant, proposing certain amendments to the Constitution of the United States.

On the question to agree to the first article in the said series of the proposed amendments,

Mr. Corwin moved to amend by striking out after the words "now held" the words *or hereafter acquired*.

It was determined in the affirmative—yeas 17, nays 10.

Those who voted in the affirmative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morrill, Morse, Robinson, Stout, Tappan, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Bristow, Burch, Hamilton, Houston, Millson, Nelson, Phelps, Taylor, Whiteley, and Winslow.

Mr. Nelson having modified article 1, by striking out after the words beginning "And when any Territory," &c., down to end of paragraph, by inserting in lieu of it the following: *New States formed out of the territory of the United States may, if their form of government be republican, be admitted into the Union on an equal footing with the original States, with or without slavery, as the constitution of such new State may provide.*

The question was then presented on agreeing to article 1 as modified by the mover.

It was determined in the negative—yeas 8, nays 16.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Hamilton, Millson, Nelson, Phelps, Stout, and Whiteley.

Those who voted in the negative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morrill, Morse, Robinson, Tappan, Washburn, and Windom.

On motion of Mr. Nelson, it was

Ordered, That the subject be postponed until Monday next.

Mr. Adams submitted the following resolution, which was considered:

Resolved, That it is expedient to provide that the whole territory included within the limits and now bearing the name of New Mexico, including the region called Arizona, be admitted, as soon as may be, as one of the States of the Union; and that, as to this end, the committee cause a bill forthwith to be prepared, to enable the people of said Territory to form a constitution, and upon their execution of the measures necessary to effect this object, the said State shall be received

into the Union, under the name of New Mexico, on an equal footing with the original States.

It was determined in the affirmative—yeas 13, nays 11.

Those who voted in the affirmative are—

Messrs. Adams, Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Stout, and Windom.

Those who voted in the negative are—

Messrs. Hamilton, Kellogg, Millson, Morse, Morrill, Nelson, Phelps, Robinson, Tappan, Washburn, and Whiteley.

After the vote on Mr. Corwin's amendment to strike out the words *or hereafter acquired* in article 1 of the joint resolution of Mr. Nelson had been determined in the affirmative, Mr. Taylor asked and obtained leave to have the following recorded on the journal:

Mr. Taylor remarked that the decision thus reached made it clear to his mind that there would be no agreement by the committee upon propositions for the adoption of amendments to the existing Constitution which would be effectual for the settlement of the issue now pending between the two great sections of the country growing out of the slavery question, and that, in consequence, it was his purpose to take no further part in the deliberations of the committee; and it was his determination not to vote upon any other proposition pending before it. He further stated that he did not propose to resign his place on the committee, as it was his intention to remain in a position which would enable him to join in a minority report upon the subject submitted to the committee, if that should become necessary or appear advisable.

It was moved that the injunction of secrecy be removed from yesterday's and to-day's proceedings.

On the question to agree, it was determined in the affirmative—yeas 20, nays 2.

Those who voted in the affirmative are—

Messrs. Adams, Bristow, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Hamilton, Howard, Humphrey, Kellogg, Millson, Morrill, Nelson, Phelps, Robinson, Tappan, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Burch and Whiteley.

Committee adjourned to meet on Monday.

COMMITTEE ROOM,
Monday, December 31, 1860.

Committee met pursuant to adjournment. Present, all the members, except Messrs. Boyce, Hawkins, Houston, Love, Rust, Stratton, Taylor, and Winslow.

Mr. H. Winter Davis, from the sub-committee of five, to whom was referred certain resolutions amendatory of the Constitution, submitted a report, which was ordered to be printed.

The following is the resolution offered by Mr. Taylor on the 28th instant, to wit:

Resolved, That the right of property in persons held to service or labor, under the laws of the different States, was universally acknowledged by the people of the United States at the time of the adoption of the Constitution; that the existing difficulties between the two great sections of the country grow out of a denial on the part of a portion of the people of the United States of the existence of any such right of property; and that no remedy can be applied to those difficulties without a distinct and full recognition of such right of property by a new provision to be added to the existing Constitution, with the consent and by the votes of the people of three-fourths of the States.

Mr. Corwin offered the following resolution:

Resolved, That the laws for the arrest of fugitives from justice be so amended as to embrace the following enactment: First. All requisitions from the governors of States for such fugitives shall be directed to and presented to the circuit or district judge of the United States within the State to which such requisition shall be sent; and such judge shall, in his discretion, grant or withhold a warrant for the arrest and return of such fugitive. Second. That all offences made crimes by the laws of any State shall be taken and deemed crimes within the meaning of the eleventh section of the fourth article of the Constitution.

On motion of Mr. Nelson, the committee agreed to lay aside the joint resolution to amend the Constitution of the United States, in order to consider the following proposition presented by Mr. Millson to amend the Constitution, to wit:

The Congress may provide for the government of the territory now belonging to the United States, or which may hereafter be acquired by them, and may establish inferior legislatures therein, with such powers of legislation, consistent with the Constitution, as Congress may limit and prescribe; but neither Congress nor such inferior legislature shall prohibit the migration or introduction of such persons as may be held to service or labor under the laws of any State into any part of the territory which may lie south of thirty-six degrees thirty minutes north latitude, nor by any law or regulation therein discharge such persons from such service or labor. But the claim of the party to whom such service or labor may be due shall be recognized by all departments of the territorial government, and protected by apt and proper regulations therein. But into all other territory not included within the limits of any State the migration of such persons shall be prohibited.

Mr. H. Winter Davis proposed to amend the foregoing by striking it all out and inserting the following:

No territory shall be acquired by the United States by conquest, discovery, treaty, or otherwise, nor shall any State not formed of territory of the United States be admitted into the Union, unless upon the votes of two-thirds of the States in the Senate, and of two-thirds of the votes of all the members of the House of Representatives, and approved by the President.

If slavery or involuntary servitude exist by the law in any territory hereafter acquired by the United States at the time of acquisition, it shall not be abolished so long as it shall remain a Territory; and if

slavery do not exist by law in any territory hereafter acquired at the time of acquisition, it shall not be established so long as it shall remain a Territory. But in either case the people in their State constitution of government may permit or forbid slavery, as to them may seem good.

Mr. Corwin proposed, as a substitute for the propositions of Mr. Millson and Mr. Davis, the following :

First. That all the territory hereafter acquired, and not admitted into the Union as States when acquired, shall be organized as Territories, and shall have full power to elect all officers, executive, legislative, and judicial, at such times and for such terms as the people of said Territory shall ordain and establish by law.

Second. That the legislative power of the Territories, when organized, shall extend to all subjects which may be embraced by the legislative power of the States; and each Territory shall send one delegate to Congress, who shall be entitled to a seat in the House of Representatives, with all the privileges of a member from any State, except the right to vote.

Third. That whenever any Territory shall have a population of free white inhabitants equal to the number required to give one member of Congress by the apportionment of representation at the time, she shall be entitled to admission into the Union on an equal footing with all the States; and whether her constitution shall establish or prohibit slavery, neither shall be a ground of objection to her admission.

Without definite action on the above propositions, on motion, it was

Ordered, That when the committee adjourns, it adjourn to meet on Wednesday, second day of January, 1861.

When, on motion, the committee adjourned.

COMMITTEE ROOM,
Wednesday, January 2, 1861.

Committee met pursuant to adjournment.

Present: Mr. Corwin, chairman; Messrs. Adams, Bristow, Burch, Curtis, H. Winter Davis, Dunn, Ferry, Hamilton, Humphrey, Howard, Kellogg, Millson, Morrill, Morse, Nelson, Phelps, Robinson, Stratton, Stout, Tappan, Washburn, Whiteley, and Windom.

Absent: Messrs. Boyce, Campbell, Hawkins, Houston, Love, Rust, Taylor, and Winslow.

The committee proceeded to consider the propositions pending at their last meeting, which were the propositions submitted by Mr. Millson, and the proposed amendments of Mr. H. Winter Davis and Mr. Corwin.

These amendments were severally withdrawn by their movers, and the question recurred on Mr. Millson's proposition.

Mr. Nelson moved to amend by striking out after "United States" the words *or which may hereafter be acquired by them.*

On the question to agree,

It was determined in the affirmative—yeas 19, nays 4.

Those who voted in the affirmative are—

Messrs. Adams, Bristow, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Hamilton, Howard, Humphrey, Kellogg, Morrill, Morse, Nelson, Robinson, Stratton, Stout, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Burch, Millson, Phelps, and Whiteley.

Mr. Nelson proposed further to amend by striking out after the words "territorial government" the words *and protected by apt and proper regulations therein*.

Which was agreed to.

Mr. Burch moved to amend by inserting in the last period of the paragraph, after the word "Territory," the words *now belonging to the United States*; and in same period, after the word "persons," insert *for permanent settlement*.

On the question to agree,

It was determined in the affirmative.

Present, at 2 o'clock, Mr. Love and Mr. Campbell.

On the question to agree to the resolution as amended,

It was determined in the negative— yeas 9, nays 15.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Hamilton, Love, Millson, Nelson, Phelps, Stout, and Whiteley.

Those who voted in the negative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Howard, Humphrey, Kellogg, Morrill, Morse, Robinson, Stratton, Tappan, and Washburn.

The committee resumed the consideration of the joint resolution to amend the Constitution of the United States submitted by Mr. Nelson.

On the question to agree to the second article in the said series of the proposed amendments,

Mr. Corwin moved to strike it out, and in lieu thereof insert the following:

It is highly inexpedient and improper for Congress to abolish slavery, or attempt it, in places situate in the slaveholding States, over which the government of the United States have exclusive jurisdiction, until the State or States within which such exclusive jurisdiction is held shall assent thereto.

On the question to agree to the amendment,

It was determined in the affirmative without a division.

On the question to agree to the third article in the said series of the proposed amendments,

Mr. Corwin proposed to amend the same by substituting the following:

That it is improper and highly inexpedient for Congress to attempt to abolish slavery in the District of Columbia until the adjoining States of Maryland and Virginia shall consent thereto, nor until the inhabitants owning a majority of the slaves in said District shall petition Congress praying for the abolition of slavery in said District.

Mr. Kellogg proposed to amend the amendment by the following:

Resolved, That it is not contemplated to make any attempt towards the abolition of slavery in the District of Columbia, nor would it, at any time, be proper for Congress to make such attempt without the

consent of a majority of the people of the District, and without fair and reasonable compensation to the owners of slaves.

Before taking the question, the subject was postponed until to-morrow.

Mr. Curtis submitted the following resolution :

Resolved, That any amendment of the Constitution relating to further acquisitions of territory should prohibit any such acquisition except upon authority of Congress, given by a two-thirds vote of each house. And further, that the *lex loci* in relation to persons held to service shall be the law of the territory so acquired, until the people thereof, acting in their sovereign capacity, may see proper to change it.

Mr. Kellogg submitted the following resolution :

Resolved, first. That all the territory of the United States be organized into territorial governments.

Second. That all territorial officers should be elected by the people of the Territory, when there shall be ——— thousand of actual residents in said Territory.

Third. That there be delegated to the legislature of each Territory legislative authority over all subjects not inconsistent with the Constitution of the United States.

Fourth. That there be granted to each actual resident of the Territory one hundred and sixty acres of land, under reasonable restrictions and conditions.

Fifth. That the people of such Territory, when there shall be a sufficient number to form a State government, shall be admitted into the Union as a State, with or without slavery, as the people may determine by a majority vote, fairly taken, provided the constitution shall be republican in form.

Mr. Stratton stated that he was detained at home by sickness on the 28th and 29th of December, and requested permission to record his vote on the resolutions of Mr. Adams; which was granted.

Mr. Stratton then recorded his vote in the affirmative on each of the resolutions presented by Mr. Adams.

When, on motion, the committee adjourned to meet to-morrow at 12 m.

COMMITTEE ROOM,

Thursday, January 3, 1861, 12 m.

Committee met pursuant to adjournment. Present, all the members, except Messrs. Boyce, Hawkins, Houston, Love, Rust, Taylor, and Winslow.

The committee again resumed the consideration of the joint resolution to amend the Constitution of the United States submitted by Mr. Nelson. The pending question being on the amendment proposed by Mr. Kellogg,

Mr. Dunn moved as a substitute for the second, third, and fourth articles of the joint resolution, together with the amendments proposed by Mr. Corwin and Mr. Kellogg, the following :

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.

On the question to agree,

It was determined in the affirmative—yeas 14, nays 6.

Those who voted in the affirmative are—

Messrs. Adams, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morrill, Morse, Robinson, and Washburn.

Those who voted in the negative are—

Messrs. Bristow, Burch, Hamilton, Millson, Nelson, and Phelps.

On the question to agree to the resolution as amended,

It was determined in the affirmative without a division.

The further consideration of Mr. Nelson's resolution was then informally postponed.

The committee proceeded to consider the resolution submitted by Mr. Bristow.

The question being taken *seriatim* on the first, second, and fifth resolutions—the third and fourth having been superseded by previous action of the committee—they were adopted without a division; the second resolution having been first amended, on motion of Mr. Dunn, by the insertion between the words “and laws” the word *all*, and after the words “in pursuance thereof” the words *including those*.

Said resolutions, as amended and adopted, are as follows:

I. *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 peace of society.

II. *Resolved*, That we recognize the justice and propriety of a faithful execution of the Constitution, and all laws made in pursuance thereof, including those 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 privileges and immunities of citizens in the several States.

III. *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.

Sundry memorials from meetings of the people of New Jersey, sent to the House of Representatives, and referred by the House to the committee, were severally read.

Resolutions were submitted by Mr. Burch and Mr. Millson; which were ordered to be printed.

On motion, it was

Ordered, That, as to-morrow is the day recommended by the President of the United States as a national day for fasting and prayer, the committee, when it adjourns, will adjourn to meet again on Saturday next.

When, on motion, the committee adjourned.

COMMITTEE ROOM,
Saturday, January 5, 1861.

Committee met pursuant to adjournment.

Present: Messrs. Adams, Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Hamilton, Kellogg, Humphrey, Millson, Morrill, Morse, Nelson, Robinson, Rust, Stout, Washburn, Whiteley, and Windom.

Absent: Messrs. Boyce, Hawkins, Houston, Howard, Love, Phelps, Stratton, Tappan, Taylor, and Winslow.

The committee, on motion of Mr. Nelson, proceeded to consider the following resolution, presented by Mr. Millson on Thursday:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all attempts on the part of the legislatures of any of the States to obstruct or hinder the recovery and surrender of fugitives from service or labor, by providing forms and modes of trial not required by the several acts of Congress, in such case made and provided; by imposing penalties for erroneous arrests in cases other than those of malicious seizure and wilful abuse of the process of the law; or by subjecting their own citizens to punishment for giving voluntary aid in the execution of these laws, 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 and permanence of the Union.

Mr. Nelson moved to amend the resolution by striking out all after the words "service or labor" and ending at "laws;" also to strike out the words "and permanence," so as to cause the resolution to read as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That all attempts on the part 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.

On the question to agree,

It was determined in the affirmative.

And on the question to agree to the resolution as amended,

It was determined in the affirmative.

The bill reported by Mr. H. Winter Davis, from the sub-committee of five, in relation to fugitives from labor, was considered.

Several verbal amendments were made to it by Mr. Davis. Amendments were also proposed by Mr. Adams, Mr. Dunn, and Mr. Washburn; pending which, there being no quorum present,

On motion of Mr. Burch, the committee adjourned to meet again on Monday.

COMMITTEE ROOM,
Monday, January 7, 1861.

Committee met pursuant to adjournment. Present, all the members, except Messrs. Boyce, Hawkins, Houston, Love, Taylor, and Winslow.

Committee proceeded to consider the following bill, reported by Mr. H. Winter Davis, from the sub-committee of five, viz:

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 on 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 to inquire, in a summary way, whether such fugitive have a *prima facie* right to freedom from such service or labor; and if he determine that question against the fugitive, he shall be forthwith surrendered to the claimant or his agent; but if the judge think there is a *prima facie* right to such freedom, he shall forthwith, or at the next term of the circuit court, cause a jury to be impanelled and sworn to try the issue whether such fugitive owe labor or service to the person by or on behalf of whom he is claimed, or to any other person who shall prefer a claim to such fugitive before such judge, 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; 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, in like manner, whose verdict shall be final.

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 cap-

ture or detention of such fugitive, unless where force is employed or threatened 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 of a fugitive from labor heard and determined by such commissioner.

Mr. Adams moved to strike out the word "Territory" from the bill wherever it occurred.

On the question to agree,

It was determined in the negative—yeas 10, nays 15.

Those who voted in the affirmative are—

Messrs. Adams, Curtis, Ferry, Humphrey, Morrill, Morse, Robinson, Tappan, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Bristow, Burch, Campbell, Corwin, H. Winter Davis, Hamilton, Kellogg, Millson, Nelson, Phelps, Rust, Stout, and Stratton.

Mr. Washburn moved to strike out all after the word "publicly," in line eleven, (printed bill,) to the word "court," in line thirty-four, and insert *and* before the word "cause."

On the question to agree,

It was determined in the negative—yeas 8, nays 11.

Those who voted in the affirmative are—

Messrs. Adams, Campbell, Ferry, Morrill, Robinson, Tappan, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Bristow, Burch, Curtis, H. Winter Davis, Dunn, Kellogg, Millson, Nelson, Phelps, Stout, and Stratton.

Mr. Kellogg moved to amend, by striking out the words "*prima facie*" wherever it occurred in the bill, and insert in lieu of it the word *probable*; and in line forty, after the word "evidence," insert *at the cost of the United States*.

On the question to agree, it was determined in the affirmative.

Mr. Millson moved to strike out all after the word "shall," in line twenty-five, (printed bill,) and to insert in lieu thereof the following:

Surrender said fugitive to the claimant or his agent, at the court-house of the county, city, or town from which the fugitive escaped, in the presence of a justice of the peace of such county, city, or town.

On the question to agree, it was determined in the negative.

Mr. Ferry moved to amend, by striking out after the words "shall be," in line twenty-eight, down to the word "forthwith," in line thirty-three, and insert in lieu thereof the following: *If said alleged fugitive shall persist in his averment*; and in line thirty-four insert to after the word "court;" and in line thirty-six, after the word "claimed," strike out the following: "Or to any other person who shall prefer a claim to such fugitive before such judge."

On the question to agree,

It was determined in the affirmative—yeas 13, nays 8.

Those who voted in the affirmative are—

Messrs. Adams, Campbell, Corwin, Curtis, Dunn, Ferry, Humphrey, Morrill, Robinson, Stratton, Tappan, Washburn, and Windom.

Those who voted in the negative are—

Messrs. Bristow, Burch, H. Winter Davis, Kellogg, Millson, Nelson, Phelps, and Stout.

Mr. Millson submitted the following as an additional section, to wit:

And be it further enacted, That instead of the penalty provided in the 7th section of the act entitled "An act to amend and supplementary to the act entitled 'An act respecting fugitives from justice and persons escaping from the service of their masters,' " approved February 12, 1793, and approved September 18, 1850, the punishment for each and every offence described in the said section shall, in addition to the fine therein named, be by imprisonment not less than two months, and not exceeding twelve months.

Mr. Corwin moved to strike out the words *less than two months*; which was determined in the affirmative.

On the question to agree to the proposed amendment as amended, It was determined in the negative—yeas 8, nays 13.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Corwin, H. Winter Davis, Millson, Nelson, Phelps, and Stout.

Those who voted in the negative are—

Messrs. Adams, Campbell, Curtis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morrill, Robinson, Tappan, Washburn, and Windom.

Mr. Nelson moved to amend by inserting in line twenty-seven, *or before one of the judges of the supreme, circuit, superior, or district courts of said State.*

On the motion to agree,

It was determined in the negative—yeas 9, nays 11.

Those who voted in the affirmative are—

Messrs. Adams, Bristow, Burch, Curtis, Millson, Nelson, Phelps, Stout, and Washburn.

Those who voted in the negative are—

Messrs. Campbell, Corwin, H. Winter Davis, Dunn, Ferry, Humphrey, Kellogg, Morrill, Robinson, Stratton, and Windom.

Mr. Washburn submitted the following amendment, in addition to and to constitute a part of the first section of the bill:

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 imprisonment for six months, and until his said fine is paid.

On the question to agree, it was determined in the affirmative without a division.

Mr. H. Winter Davis proposed, as a substitute for the bill as amended, the bill as originally reported by the sub-committee of five, with sundry verbal amendments, together with the amendment just adopted, presented by Mr. Washburn.

On the question to agree,

It was determined in the negative—yeas 11, nays 11.

Those who voted in the affirmative are,

Messrs. Bristow, Burch, Campbell, Corwin, H. Winter Davis, Howard, Kellogg, Millson, Nelson, Phelps, and Stout.

Those who voted in the negative are—

Messrs. Adams, Curtis, Dunn, Ferry, Humphrey, Morrill, Morse, Robinson, Stratton, Washburn, and Windom.

On the question to agree to the passage of the bill as amended,

It was determined in the affirmative—yeas 13, nays 11.

Those who voted in the affirmative are—

Messrs. Bristow, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Morse, Robinson, Stratton.

Those who voted in the negative are—

Messrs. Adams, Burch, Millson, Morrill, Nelson, Phelps, Stout, Tappan, Washburn, Whiteley, and Windom.

The bill as amended and passed is as follows :

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 on 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 where 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 of a fugitive from labor heard and determined by such commissioner.

On motion, at 5 o'clock p. m., the committee adjourned to meet tomorrow at 12 m.

COMMITTEE ROOM,
Tuesday, January 8, 1861.

Committee met pursuant to adjournment.

Present, all the members, except Messrs. Boyce, Hawkins, Houston, Love, Phelps, Rust, Taylor, and Whiteley.

Mr. Adams submitted the following proposition:

Resolved, That peaceful acquiescence in the election of a Chief Magistrate, accomplished in accordance with every legal and constitutional requirement, is the paramount duty of every good citizen of the United States.

Mr. Dunn moved that the committee proceed to consider the following resolution heretofore submitted by him:

Resolved, That no measures for the pacification of the country will

be of substantial avail that do not embrace and give effect to the following propositions :

1. That the States shall faithfully observe all their constitutional obligations to each other and to the federal government.
2. That the federal government shall preserve the Union of the States, enforce the federal laws, and protect the federal property.
3. That adequate protection shall be afforded to the citizens of each State while travelling or sojourning in any other State of the Union.
4. That Congress shall enact efficient laws to prevent and punish the lawless invasion of the several States and Territories by armed force from any other State or Territory.

Mr. Curtis proposed to amend by substituting the following :

1st. Resolved, That we concur in the opinion expressed by the President in his recent annual message, that "this government is a great and powerful government invested with all the attributes of sovereignty ;" and "the army and navy of the United States," and "the militia of the United States," are under the command of the President in order to "preserve, protect, and defend" the integrity of the Union.

2d. Resolved, That we also concur with the President, that "secession is neither more nor less than revolution, but still it is revolution."

3d. Resolved, That revolution is an act of war—the most fatal to the vitality of a government ; and secession being revolution, should be regarded as the commencement of actual hostilities against the peace and perpetuity of our national government.

4th. Resolved, That while we deplore any resort to force, and recommend remonstrance, expostulation, entreaty, and mutual forbearance, we expect the laws to be faithfully executed, and will clothe the executive arm with all the requisite appropriations, and all necessary power to preserve or restore the peace of the country.

On the question to agree to the amendment, it was determined in the negative.

Sundry amendments were then proposed to the resolution of Mr. Dunn ; pending which, on motion, the resolution and amendments, as also the duty to prepare bills to carry into effect the resolutions heretofore adopted by the committee, were referred to a special committee of three to report on the subject.

The chair appointed Messrs. Dunn, H. Winter Davis, and Nelson to compose said committee.

On motion, the committee adjourned to meet at the call of the chairman.

COMMITTEE ROOM,

Friday, January 11, 1861, 12 m.

The committee met in pursuance of the call of the chairman.

Present, all the members of the committee, except Messrs. Boyce, Hawkins, and Winslow.

On motion of Mr. Adams, the committee proceeded to consider the following resolution submitted by him on the 8th instant, to wit :

H. Rep. Com. 31—3 *

Resolved, That peaceful acquiescence in the election of a Chief Magistrate, accomplished in accordance with every legal and constitutional requirement, is the paramount duty of every good citizen of the United States.

Mr. Millson moved to amend the proposition, by striking out the words "the paramount," and inserting the words *a high and imperative*.

On the question to agree,

It was determined in the affirmative—yeas 11, nays 10.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Corwin, Dunn, Hamilton, Kellogg, Millson, Nelson, Stout, Stratton, and Windom.

Those who voted in the negative are—

Messrs. Adams, Campbell, Curtis, Ferry, Howard, Humphrey, Morrill, Robinson, Tappan, and Washburn.

On the question to agree to the resolution as amended,

It was determined in the affirmative—yeas 22, nays 0.

Those who voted in the affirmative are—

Messrs. Adams, Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Kellogg, Millson, Morrill, Morse, Nelson, Robinson, Stout, Stratton, Tappan, Washburn, and Windom.

Before taking the vote on the above proposition and amendment, Mr. Taylor asked and obtained leave to have the following recorded on the journal:

The proposition of the gentleman from Massachusetts does not tend in any way towards the adjustment of the difficulties in which the American people are now involved. And it does not contemplate any action which shall or can result in any legal enactment by Congress, or of the amendment of the Constitution of the United States by the people of the several States. We now decline to vote upon it, or upon any of the amendments to it which have been offered.

MILES TAYLOR.

JOHN S. PHELPS.

GEORGE S. HOUSTON.

P. E. LOVE.

A. RUST.

A. J. HAMILTON.

WILLIAM G. WHITELEY.

Mr. Hamilton stated, in explanation, that he should vote for Mr. Millson's amendment, although he had signed the above paper, and gave his reasons for so doing.

After the resolution and amendment had been adopted, Mr. Millson asked and obtained leave to have the following recorded on the journal:

The undersigned desire to say that they voted for the resolution just adopted—

First. Because they concur in the doctrine announced therein.

Second. Because to vote against it, or to refuse to vote at all, might seem to imply that the present unhappy difficulties in the country

were not susceptible of any adjustment, and might lead to the inference that there should not be acquiescence in the recent election of President, whatever settlement of existing controversies may be agreed upon.

Third. Because a refusal to vote for it might tend to produce on the public mind the erroneous impression that the general causes of complaint alleged by the people of the southern States, and the grievances assigned by the seceding States to justify their ordinances of secession, were only pretexts to cover a resistance to the late election of Chief Magistrate.

Fourth. Because the very doctrine of peaceable secession, as generally understood, implies that while a State remains a member of the Union her citizens are also citizens of the United States, and owe obedience to the Constitution, and to all constitutional authority.

JOHN S. MILLSON.

THOS. A. R. NELSON.

F. M. BRISTOW.

Mr. Dunn, from the special committee of three, submitted the following report:

The special committee to whom was referred certain measures, have instructed their chairman to report the accompanying joint resolution to amend the Constitution of the United States, a bill for the admission of New Mexico as a State into the Union, and certain resolutions.

The committee proceeded to consider the joint resolution amendatory of 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 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.

On the question to agree,

It was determined in the affirmative—yeas 20, nays 5.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Houston, Howard, Humphrey, Love, Millson, Morrill, Nelson, Phelps, Robinson, Rust, Taylor, Whiteley, and Windom.

Those who voted in the negative are—

Messrs. Adams, Ferry, Kellogg, Tappan, and Washburn.

The committee then proceeded to consider the following 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.

On the question to agree,

It was determined in the affirmative—yeas 14, nays 9.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Campbell, Corwin, H. Winter Davis, Dunn, Houston, Howard, Humphrey, Love, Millson, Nelson, Stout, and Stratton.

Those who voted in the negative are—

Messrs. Adams, Curtis, Kellogg, Morrill, Morse, Robinson, Tappan, Washburn, and Windom.

The committee next proceeded to consider the following resolutions reported from the select committee of three:

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 organize 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.

On the question to agree to the same,

It was determined in the affirmative without a division.

Mr. Curtis asked and obtained leave to enter the following on the record:

I voted against the proposition for admitting New Mexico—

1st. Because the mover, Mr. Adams, himself, votes against it, and I had formerly expressed my deference for his preference in this respect.

2d. I think adjoining sections, especially Kansas, Nebraska, Pike's Peak, and Nevada, should be brought in at the same time.

When, on motion, the committee adjourned to meet on Monday at 10 o'clock a. m.

COMMITTEE ROOM,

Monday, January 14, 1861, 10 o'clock a. m.

The committee met pursuant to adjournment.

Present: Messrs. Adams, Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Hamilton, Howard, Humphrey, Kellogg, Love, Millson, Morrill, Morse, Nelson, Phelps, Robinson, Rust, Stout, Stratton, Tappan, Taylor, Washburn, Whiteley, Windom, and Winslow.

Absent: Messrs. Boyce, Hawkins, and Houston.

Mr. Corwin presented the following bill amendatory of the law in

relation to persons charged with the commission of crime in one State and escaping to another State; which was considered by the committee.

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.

On the question to agree to the same,

It was determined in the affirmative—yeas 12, nays 11.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Corwin, H. Winter Davis, Dunn, Hamilton, Kellogg, Millson, Nelson, Phelps, Rust, and Stout.

Those who voted in the negative are—

Messrs. Adams, Campbell, Curtis, Ferry, Morrill, Robinson, Stratton, Tappan, Washburn, Whiteley, and Windom.

Mr. Corwin, chairman of the committee, read a report which he proposed to submit to the House.

Mr. Dunn presented the following resolution:

Resolved, That the chairman be instructed to report to the House the various resolutions and recommendations adopted by the committee, with a recommendation that the same be adopted by the House.

On the question to agree,

It was determined in the negative—yeas 5, nays 23.

Those who voted in the affirmative are—

Messrs. Corwin, H. Winter Davis, Dunn, Stout, and Stratton.

Those who voted in the negative are—

Messrs. Adams, Bristow, Burch, Campbell, Curtis, Ferry, Hamilton, Humphrey, Kellogg, Love, Millson, Morrill, Morse, Nelson, Phelps, Robinson, Rust, Tappan, Taylor, Washburn, Whiteley, Windom, and Winslow.

Mr. Rust submitted the following proposition:

Resolved, That this committee can come to no agreement upon the questions referred to it, and that the chairman be instructed to report the same to the House, with the journal of its proceedings, and ask to be discharged from the further consideration thereof.

And, on the question to agree,

It was determined in the negative—yeas 10, nays 19.

Those who voted in the affirmative are—

Messrs. Hamilton, Kellogg, Love, Phelps, Rust, Tappan, Taylor, Washburn, Whiteley, and Winslow.

Those who voted in the negative are—

Messrs. Adams, Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Ferry, Howard, Humphrey, Millson, Morrill, Morse, Nelson, Robinson, Stout, Stratton, and Windom.

Mr. Burch moved the consideration of the following proposition heretofore submitted by him:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it be, and is hereby, recommended to the several States of the Union that they, through their respective legislatures, request the Congress of the United States to call a convention of all the States, in accordance with article fifth of the Constitution, for the purpose of amending said Constitution in such manner and with regard to such subjects as will more adequately respond to the wants, and afford more sufficient guarantees to the diversified and growing interests of the government and of the people composing the same.

On the question to agree,

It was determined in the negative—yeas 13, nays 16.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Corwin, Ferry, Hamilton, Love, Millson, Phelps, Rust, Stout, Taylor, Whiteley, and Winslow.

Those who voted in the negative are—

Messrs. Adams, Campbell, Curtis, H. Winter Davis, Dunn, Howard, Humphrey, Kellogg, Morrill, Morse, Nelson, Robinson, Stratton, Tappan, Washburn, and Windom.

Mr. Millson offered the following proposition :

Resolved, That as there is no business before the committee claiming its further attention, the chairman report to the House the results at which the committee have arrived on the several propositions from time to time acted upon, with the journal of proceedings, and such views as he may think proper to submit.

Mr. Corwin moved to amend the resolution, by striking out the words beginning with *and such views, &c.*, to the end of the sentence; which was decided in the negative.

Mr. Rust proposed the following amendment, to be inserted after the words "acted upon:"

With the recommendation that the action of the committee be concurred in by the House together.

Which was determined in the negative.

Those who voted in the affirmative are—

Messrs. Corwin, Love, Rust, Stout, Taylor, and Winslow—6.

Those who voted in the negative are—

Messrs. Adams, Bristow, Burch, Campbell, Curtis, H. Winter Davis, Dunn, Ferry, Hamilton, Howard, Humphrey, Kellogg, Millson, Morrill, Morse, Nelson, Phelps, Robinson, Stratton, Tappan, and Winslow—21.

The question being taken on agreeing to the resolution as pre-

mented by Mr. Millson, it was determined in the affirmative—yeas 16, nays 13.

Those who voted in the affirmative are—

Messrs. Bristow, Burch, Campbell, Corwin, Curtis, H. Winter Davis, Dunn, Howard, Humphrey, Millson, Morrill, Morse, Nelson, Robinson, Stout, and Stratton.

Those who voted in the negative are—

Messrs. Adams, Ferry, Hamilton, Kellogg, Love, Phelps, Rust, Tappan, Taylor, Washburn, Whiteley, Windom, and Winslow.

The committee thereupon adjourned, to meet at the call of the chairman.

Attest:

S. T. SAWYER, *Clerk.*