

DISTURBED CONDITION OF THE COUNTRY.

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

Mr. TAYLOR, from the select committee of thirty-three, made the following

MINORITY REPORT.

The undersigned, a minority of the special committee of thirty-three, to whom was referred "so much of the President's annual message as relates to the present perilous condition of the country," having dissented from the action of the majority, now submit their views on the subject referred to the committee, together with the accompanying propositions for the consideration of the House.

The President, in his message, told us that "the different sections of the Union" were arrayed against each other, and that the time had "arrived, so much dreaded by the Father of his Country," when hostile geographical parties had "been formed;" and that the "Union of the States," through which we had grown, under the protection of Heaven, to be a great people, "is threatened with destruction."

Since that message was referred to the committee "the discontents," of which the President spoke as extensively prevailing, and which he states grew out of "the long-continued and intemperate interference of the northern people with the question of slavery in the southern States," have caused the people of four of the States of the confederacy to withdraw from it, and to declare themselves to be free and independent States, clothed with all the rights of sovereignty as separate nations: and we know, too, from information of the most reliable character, that before three weeks have passed two other States will have taken the same step; and that there is imminent danger that before the session of this Congress is closed, by constitutional limitation, every State, in which African slavery is recognized and established as a domestic institution, will have followed their example. Whilst we have been sitting here the dismemberment of this mighty nation, to which the President only looked forward, has been actually begun; and it is as certain as that time rolls on, that whilst we are still sitting here, its destruction will have been completed, leaving a continent encumbered with its ruins, if something conceived in wisdom, and matured in the spirit of harmony and conciliation, has not been done by Congress towards the removal of the causes which are impelling the entire people of fifteen States to the breaking of the bands of brotherhood and good-fellowship which have hitherto held us together under the authority of a federal Constitution.

Never since the world began was there a more momentous crisis in the affairs of any people. The question whether we shall hereafter be united under one government is not the only one now dependent on the action of the two houses of Congress and of the people of the

different States. That action may determine whether the peaceful relations, which have hitherto subsisted between the various sections of this widely extended confederacy, are to be replaced by conflicts of force; and whether those who have heretofore striven with each other only in the opposing fields of gainful industry are

——— “to meet in the intestine shock
And furious close of civil batchery”

There are many, we are fully aware, who maintain that the Union of States formed by the adoption of the federal Constitution cannot be dissolved by the withdrawal of any of its members without the consent of the others, and who also assert that it is the duty of the government established by that Constitution, to maintain the Union, as it was formed, by force of arms, and to enforce its laws by the exercise of all the military means at its disposal, within the limits of the withdrawing States, in despite of the opposition of their people, acting, not as individuals, but as members of political sovereignties, and exercising their power through all the departments of regularly created and actually subsisting, separate, and independent governments. In our view, the doctrine of the indissolubility of the general government has no foundation in the public law of the world, or in reason; and we are certain that no power was conferred upon the general government, by the Constitution, to retain States in the Union by the employment of the “armies” it was authorized “to raise and support,” or of the “navy” it was “to provide and maintain.” But if this were otherwise, it would be altogether inexpedient and impolitic to attempt to carry out such pretensions with a view to the preservation of the Union. A union of States for the common good, formed between them with the consent of all, cannot be perpetuated, with advantage to any, by the exercise of the physical strength of a portion of its members, in opposition to the will of the rest. If this be true with respect to any union of States founded on the right of self-government, no matter how small or feeble were the States refusing to continue in it, it would be clearly absurd and preposterous to countenance the making of any attempt of that kind in the present instance.

The American Union, when the unhappy differences to which the President has directed our attention reached their height, was composed of thirty-three States, having a distinct and independent existence as separate sovereignties. That union of States was formed, among other things, to provide for their “common defence,” promote their “general welfare,” and to insure their “domestic tranquillity.” Fifteen of these States, with a population of 12,000,000, now believe that the majority of the people of the other States have become hostile to them and to their institutions, and that the union into which they entered with friendly States has become a union with enemies. It is useless to inquire whether the belief is well or ill-founded. It is now the belief of a majority of their people. They have become convinced, from the occurrences of the few past years, that by changes which have taken place in the condition, the feelings, and the temper of the people of the other States, the Union, of which they became members, has ceased to answer the ends it was designed to accomplish; and that, by a violent and most unjust perversion of the powers vested in the general government, the Union itself threatens to be-

come an instrument, through the mere force of superior numbers, for the overthrow of their domestic institutions, and the subversion of a large portion of their most important rights of property. Thus believing, the people of most, if not all, of those States, in a few short weeks or months, will have withdrawn from the existing Union, and the question then presents itself, what is to be done by the States remaining in the Union?

It is idle to talk of the maintenance of a government of consent by the exercise of force. A whole people cannot be guilty of treason. You cannot coerce fifteen sovereign States. What, then, is to be done, it may be asked? But one answer to this question, in our view, is possible. Justice, sound policy, and the public interest, all alike demand that the causes which impel so many States to go out of the Union should be inquired into, and that, when these causes have been ascertained, an honest effort should be made by all to determine if they cannot be removed by the application of proper and adequate remedies, with the assent of the people of all the other States. If this cannot be done, it is well for us to know it at once, for it will then become the duty of the whole American people to look to it, and see that a separation, which has become inevitable, shall be bloodless. If we are to descend from our high position among the nations of the earth by breaking to pieces, we owe it to our fathers to vindicate the principle which they asserted, that "man was capable of self-government," by making that separation peaceful, and by arranging its terms, after full and mature deliberation between delegates representing the different States, in such a manner as will be likely to advance the separate interests of all, when the separation is once complete. With the intent of contributing, in some degree, to the attainment of one or the other of these objects, the undersigned will now proceed to speak of the causes which, in their opinion, have led to the present disorder of our national affairs, and to present for consideration the remedies, which they believe would be effectual for their entire and permanent removal, if they are applied at once

When the colonies took up arms in the struggle for independence with Great Britain, African slavery was a subsisting institution in all of them, and the right of property in persons held to service or labor, under the authority of that institution, was recognized and established by their laws, and was protected, like any other right of property, through the action of their courts, and by the direct agency of the public officers in all the departments of their respective governments. Offences against that species of property were regarded and punished as crimes. A slave, in all of the colonies, was then, like any other property, the subject of larceny or theft, and those who deprived their masters of their possession, or hindered them, illegally, in their enjoyment of their labor, were held to be responsible for their pecuniary value in actions at law. When the Constitution of the United States was framed, and at the time it was adopted by the action of the several States, African slavery was a subsisting institution in all of the States entering into the federal Union but one. In that State it had ceased to exist, it is true, as an established institution, prior to the formation of the federal Union; but it is also true that the right of property in slaves was still recog-

nized in that State at the time and after the adoption of the national Constitution, both in their legislative proceedings and in the action of their courts.

Thus it will at once be seen that at the time of the adoption of the Constitution of the United States there was no question in the minds of the American people as to the existence of the right of property in persons held to service or labor under the laws of the different States. That was a fact universally acknowledged. In the estimation of the whole American people, at that time, to use the language of a distinguished chief justice of the supreme court of Massachusetts, in a case decided in that State in 1808, "The slave was the property of his master, subject to his orders and to reasonable correction for misbehavior; was transferable, like a chattel by gift or sale; and was assets in the hands of his executor or administrator." Under the circumstances then existing there could have been no distinct mention of such a right of property in the Constitution, because it was not called for by anything within the contemplated scope of its provisions, and would certainly have been considered as superfluous if it had been proposed. The relation of master and slave could not have properly come into view with the framers of that instrument, whilst engaged in their work, in the then state of the public mind with respect to it, had it not been for the necessity of agreeing upon a basis for the apportionment of representation and direct taxes between the several States, and for making some provision against the loss of property in slaves by their escaping from one State into another. In both of these instances the words made use of are such only as were requisite to effect the object aimed at; but in each instance they import, undeniably, a clear recognition of African slavery as an established institution in the several States, and of the possession, by their citizens, of a valuable right of property in the slaves themselves.

The union of the States, under a federal government, was formed, among other things, for our protection against foreign countries, and to insure domestic tranquillity among the States at home. The military resources of all were placed under the control of a federal head, not only to provide for the common defence in time of war, but also to secure redress for injuries done to our citizens, as individuals, in their intercourse with other nations. And the provisions contained in the two paragraphs of section two, in article four, for the delivery of fugitives from justice, or from service or labor, were designed to prevent the contests likely to grow up between neighboring States, when one was made an asylum for offenders against the laws of the other, or became a receptacle for the lost property of her people.

The obligation of the national government, in its relations with foreign powers, to protect the rights of our citizens to their property in slaves was regarded as perfect, under the Constitution, at the time of its adoption, as it was with respect to any other species of property. That obligation was recognized by the general government under the old articles of confederation, when it stipulated, in the treaty of peace with Great Britain in 1783, that the British armies should be withdrawn, "without causing any destruction, or carrying away any negroes or other property of the American inhabitants." And it was again recognized by the general government, after the adoption of the

Constitution, in the first article of the treaty of peace made with Great Britain in 1814, which provided for the evacuation of all territories taken by either party from the other, without carrying away any public property, or "any slaves or other private property."

This action of the general government was a necessary consequence of the fact that the right of property in slaves under the laws of the different States was universally acknowledged by the American people in all the earlier days of the republic. It is true that in the course of the first thirty years after the adoption of the federal Constitution, a number of the States in which African slavery then existed had altogether abolished it, and that provision had been made in others for its gradual extinction. This action on the part of a portion of the States, however, neither did or could change, in any degree, the character of the federal government, or of the rights and obligations of the States, and of the citizens of the States, with respect to each other, which had been established, or were imposed by the Constitution. For this reason, though seven of the thirteen States which had originally adopted the Constitution had abolished slavery for themselves, or provided for its extinction, in the first thirty years of our national existence, the rendition of fugitive slaves and of fugitives from justice, even when charged with offences committed against the right of property in slaves, still went on under the authority of the provisions embodied in the Constitution. No one in those days ever dreamed that States by acting for themselves, in their own limits, upon subjects within their own peculiar jurisdiction, could in any way affect the relations before existing between them and the other States, as established and determined at the time of the formation of the Union.

It is a fact well known to every citizen at all acquainted with the history of the country, that for the first half century of our national existence no opposition was ever made in any State to the rendition of fugitives from labor, or to the delivery of fugitives from justice who had committed offences against the right of property in slaves, when claimed by the State or by the citizens of the State from which they had escaped, under the provisions of the Constitution of the United States. No one then denied the right of property in slaves as recognized in different States of the Union, and all were perfectly satisfied that the constitutional provisions in relation to those two classes of fugitives should be carried out in the spirit in which they were made. This state of things, however, was to be broken up by the arts of designing and ambitious men in the pursuit of political power.

The extraordinary tide of emigration which the disturbed state of Europe threw upon our shores, soon after we became a nation, had given to the northern States, in which slavery had been abolished, a considerable preponderance in numbers over those of the south at a very early day, and the idea soon presented itself that a certain, and, apparently, a very easy way to obtain the full control of the affairs of the federal government would be to array the citizens of the non-slaveholding States, together, in opposition to those in which the institution of slavery existed. The first opportunity which seemed available for such an attempt was found when Missouri, a slaveholding Territory, presented herself in 1819 for admission into the Union as a new State.

Up to that time the formation of parties in the United States had, in a great degree, depended upon the clashing between the agricultural and the commercial and manufacturing interests of our people. The commercial and manufacturing interests of the country were nearly all concentrated in the northern and eastern States, whilst a portion of the people of those States, and the almost entire population of the south, were engaged in the pursuits of agriculture. In countries situated as the United States then were, and as they will long continue to be, the agricultural masses necessarily constitute a great majority of the people. This fact always gave a decided predominance to the political party reflecting the wishes and feelings of those of our citizens who were interested in the support of an agricultural policy; and, unhappily for the best interests of the nation, laid the foundation for a feeling of hostility in the minds of the northern leaders of the party in the minority against the south, because the strength of the party which had always defeated them was found in that section of the confederacy. To break down the majority opposed to them, and thus obtain for themselves the supreme control of the national councils, these leaders saw that it was necessary to introduce some new question into politics, which would have the certain effect of dividing the members of the dominant party in such a way as would prevent them again acting together in the same organization. The southern States, to whose votes they had hitherto owed their defeat in national contests, maintained the institution of African slavery. The northern States had abolished it. It was thus clear that there was a wide difference of opinion between the two sections of country on the subject of slavery, and they therefore determined, in entire disregard of the rights of their southern brethren, and in violation of the great principle of self-government on which our whole republican system reposes, to make that the great question for the overthrow of their political opponents, and therefore raised the cry, when the application of Missouri was brought forward, of "no more slave States."

The greatest of our then living statesmen, who was passing the evening of his days in repose, at a distance from the turmoils of public life, declared that that cry broke upon his ear "like a fire bell in the night," and "filled him with terror." "I considered it at once," he said, "the knell of the Union." And if the position then taken by those men upon that question had been maintained, is there any one who does not know that the Union would then have been broken up? But the times were not yet ripe for a dissolution of the Union. The evils which had afflicted our people before its formation were still fresh in their memories, and the benefits conferred by it were estimated by our citizens in all sections of the country at their true value. The circumstances, too, under which the Union had been entered into were familiar to the minds of all. Every one knew that slavery existed in all of the States but one when it was formed, and that its exclusion from a new State as a condition precedent to its admission deprived that State of a right, enjoyed by all the others, of deciding for itself whether it would or would not maintain that institution. This was apparent to all; and as the spirit of fanaticism had not yet been abroad to fire the minds of men, and make them unwilling that others should retain and exercise their own rights in

their own way, the movement to force the slavery question into national politics failed at that time, and the contest between the agricultural and commercial and manufacturing interests went on as before, from 1820 to 1832.

In this contest the commercial and manufacturing classes at last obtained a complete victory, and fastened upon the country, among other measures connected with their scheme of policy, the high, protective tariff of 1828. Assault after assault was made upon this tariff in Congress, by those opposed to it, from all sections of the Union. But these assaults, though made with consummate ability, session after session, by the most distinguished statesmen of the day, were entirely fruitless and unsuccessful, until the State of South Carolina arrayed herself against it, in her capacity of a sovereign State, and passed her ordinance, in 1832, declaring it to have been made in violation of the Constitution, and therefore null and void. It is not necessary to speak of the occurrences of that day, further than to say that the attitude then taken by South Carolina had the effect of preparing the way for the overthrow of the high tariff policy advocated by the commercial and manufacturing classes of the country; and that it seems to the undersigned, from a careful consideration of the history of the times, that the overthrow of that policy was the immediate cause of the renewal of the attempt to force the slavery question into the politics of the country, and that it mainly contributed to making that attempt successful.

The position of South Carolina at that time would not have been productive of so decisive a result if it had not been that she had the sympathy of the agricultural portion of the whole nation. All of them, north, as well as south, were as much opposed to the protective features of the tariff of 1828 as South Carolina; but, as the people of the agricultural south, in which African slavery existed as a permanent domestic institution, constituted, in point of fact, the bulk of the party opposed to that tariff, its overthrow was imputed directly to them; and from that time a settled hostility to the south, as a section, and to her citizens, as a people, seems to have taken full possession of the minds of those men in the northern and eastern States who had had a direct pecuniary interest in the maintenance of the protective policy.

The passion for gain is one of the most unscrupulous, as well as untiring, which operates upon mankind. Whatever stands in the way of its gratification it never hesitates to remove, when it is in its power, without regard to the means it may be called on to employ. The separation of the northern members of the party opposed to a high protective tariff from the southern members of that party was a political necessity to these men. The experience of upwards of forty years had shown them that the tendency in all governments to the formation of sectional parties, growing out of differences in geographical position, was altogether unequal to the formation of sectional parties in the United States, in consequence of the universal and almost equal diffusion of the agricultural element among the different States. The only thing left to them to bring this about was the introduction of a marked moral principle into national politics which

should be coincident with a geographical line. They knew that, as the great statesman to whom we before alluded had said, in the letter from which we then quoted, such a line "once conceived and held up to the angry passions of men," would "never be obliterated; and" that "every new irritation" would "sink it deeper and deeper."

Such an element of division, in the then existing condition of the country, was to be found in the slavery question alone. It was true that an unsuccessful attempt had been made, but a few years before, to bring this very question into national politics. But this was not sufficient to deter them. That attempt was made by mere politicians, filled only with an appetite for office. This was to be made by men moved by the passion of gain, and who, like Shylock, would be avenged on those who had "hindered" them of "half a million," and had railed

"On them, their bargains, and their well-won thrift."

And the times, too, were now favorable to such an undertaking. That Power which has always desired to arrest us in our progress in the path of greatness, by sowing the seeds of dissension among our people, had then abolished slavery in their own West India colonies, in order to enable them to strike a fatal blow at our national existence, and at that very time had their emissaries among us engaged in the work of stirring up our northern brethren to begin a war on slavery in the south.

Previous to the overthrow of the protective policy, through the agency of southern votes in Congress, anti-slavery societies, it is true, had been gotten up in New England and in some of the middle States, by numbers of our citizens acting in concert with these foreign agitators; but they had excited no public attention, and the sentiment of hostility to the south, which they sought to inculcate, had taken no root in the northern mind until the tariff act of 1828 had been superseded by the "compromise tariff act" of March 2, 1833. That event, however, brought new allies into the field, to strengthen and carry on the movement begun by our transatlantic enemies. Great numbers of the commercial and manufacturing classes in the north and east came forward to give it aid and comfort. The "New York City Anti-Slavery Society" was established in October of the same year, under the auspices of some of her most prominent citizens, "to take," to use the language of the second article of its constitution, "all lawful, moral, and religious means to effect a total and immediate abolition of slavery in the United States." Societies, with the same avowed object, were formed very soon after this in all quarters of the north and east; and thus, in an incredibly short space of time, under the stimulus of "material aid" furnished by those who had been "hindered of their profits" under the protective system, a great organization was formed in the northern States, with the declared purpose of interfering with their fellow-citizens in the southern States, and overturning one of the institutions which they had seen fit to maintain!

It is unnecessary to enter into any further details on this subject. It is sufficient for our purpose to state that through the influence of these societies petitions to Congress were everywhere gotten up in the north, asking for the prohibition of the slave trade among the southern

slaveholding States, and in the District of Columbia; and, at last, for the entire and absolute abolition of slavery in the District of Columbia, and in the slaveholding States themselves. The presentation of these petitions to Congress, by thousands, day after day, during successive sessions of that body, led to the most excited, violent, and inflammatory discussions in relation to slavery, until that subject was forced upon the attention of the public mind of the north, and a separate and distinct political organization was created there which aimed directly at the overthrow of southern institutions, in opposition to the will of the southern people, through the perversion of the powers of the federal government, delegated to it for certain specified national purposes.

This new party, though weak in numbers, was strong in wealth and determination. It entered into the field of political contention by the nomination of candidates, from time to time, until it became known that in many neighborhoods, and even States, it had strength enough to determine the victory in favor of one or the other of the two great parties into which the nation was then divided, although they were unable to secure it for themselves. From that moment the abolitionists became "a balance of power party" in nearly every non-slaveholding State; and under the management of bold, unscrupulous, and skilful leaders, they began the work of demoralizing the two other parties in those States by lending their support to the politicians in either, who, without espousing their cause, were willing to go farthest in aiding them in the propagation of their own peculiar sentiments.

From this time their progress was rapid. The countenance given to them by subservient politicians, belonging to the other two great parties, enabled them to penetrate into the seats of learning, to take possession of the pulpit, and to gain control of the public press. In the schools, in the churches, and in the newspapers of the day at the north, African slavery was asserted to be a crime; the right of southern men to property in persons held to labor under it by the law of their respective States was denied; and direct action for the overthrow of that peculiar and most important institution of the south, and for the deprivation of their citizens of their rights under it, was inculcated as a moral and religious duty. The existence of a higher law than the Constitution was then, for the first time, proclaimed; and, under its pretended authority, the provision of the Constitution designed to secure the return of fugitive slaves, when they escaped from one State to another, was made inoperative in many of the northern States from the opposition of mobs of lawless persons excited to violence by the exhortations and example of misguided fanatics.

But the evil did not stop here. High public functionaries began to pander to the newly created sentiment of hostility to the peculiar rights of the citizens of the southern States. The chief magistrates of northern States lent themselves, and prostituted their offices, to the promotion of the seditious and mischievous designs of these men, who aimed directly at the disturbance of the public peace of the nation. To bring them to their support, and to the support of their party

friends, in popular elections, they refused to deliver up the fugitives from the justice of southern States, whenever the crimes they were charged with grew out of offences against the right of property in slaves, upon the pretence that the violations of that right of property were no longer regarded by them as crimes, because slavery had ceased to exist in their respective States. This pretence was first set up by one who was placed in the executive chair of the "Empire" State, by the votes of one of the former great political parties of the country—and who has since become the mouth-piece and exponent of that new party whose rise to power has already dismembered the government, and whose continued existence now threatens it with complete destruction—at the very time when laws still existed upon the statute book of that State recognizing the right of property in slaves, and giving to southern men, visiting the State temporarily, the right to bring their slaves with them, and to hold them "in slavery," if the time of their sojourn there did not exceed nine months.

This open violation, both of the letter and spirit, of a provision of the Constitution of the United States, by the governor of a State, for the advancement of party interests, was soon followed by action of the legislature of his State in the same direction. The law giving to southern men the right to sojourn in the State, with their slaves, for a limited time, was repealed, and laws were passed, under the guise of personal liberty bills, which were intended to hinder or prevent the recovery of fugitive slaves, coming into the State, by their masters. The examples of the governor and of the legislature of the State of New York, were soon followed by the governors and legislatures of other States, and we then saw, for the first time, a large number of States, in one section of the Union, openly arrayed, through the action of all the departments of their respective governments, against the rights of the States, and of the citizens of the States, of another section of the Union, which had been secured to them by separate, distinct, and unmistakable provisions embodied in the very instrument which had created that Union.

This action of governors and of the legislatures of States had the effect of stimulating the anti-slavery societies and the propagandists of the anti-slavery sentiment in the north to still greater activity. Incendiary publications, calculated and designed to sow discontent among the servile population; to excite them against their masters; and to stir them up to insurrection and bloodshed, were busily disseminated in the south: whilst in the north the character of African slavery, as it exists in the southern States, was studiously misrepresented, and perseveringly painted in the most repulsive colors; and the people were continually urged by professors in schools and colleges, by ministers of religion in churches, and by travelling lecturers in every neighborhood, to engage in the work of its extirpation. This agitation was kept up for years; and whilst it was still at its height, the acquisition of territory from Mexico, in 1848, gave an opportunity to those engaged in it to connect the slavery question with the political questions which grew out of the necessity imposed on Congress of providing for the temporary government of the newly acquired territory.

When the attempt was made to bring the slavery question into national politics, by imposing an anti-slavery restriction upon Missouri as a condition precedent to her admission into the Union as a State, the contest which grew up in relation to it was terminated in 1820, by substituting a prohibition of slavery in the remainder of the Territories of the United States acquired from France, lying west of the Mississippi river and north of the parallel of 36° 30' north latitude, by way of compromise, in place of one upon the new State, and admitting her upon a footing of equality with the other States. The agitation excited by the attempt to impose that restriction upon Missouri was so full of menace to the continued union of the States, that all men grasped at anything which was likely to bring it to a peaceful close; and for that reason the substitution of a restriction of that character upon a territory not yet peopled, in place of one upon the population of a State then in existence, was accepted at once, and without any general consideration as to whether it was proper in itself, or if it was within the constitutional power of Congress to impose it on the citizens of the United States who might establish themselves in a Territory. The power of Congress to impose any such restriction, even upon a Territory, was then doubted by many of our most eminent statesmen; and subsequently, after much discussion on the subject, public men in the south settled down into the belief, with scarcely an exception, that no such power could be rightfully exerted by the national legislature. But as the anti-slavery restriction thus imposed by Congress only extended to a part of the unpeopled territories of the United States, and the remainder was left open to the peculiar institution of the southern States, the south continued to acquiesce in it as a settlement of the territorial question by a division of the common territories of the United States between the two sections, and without reference to constitutional principle.

This mode of settlement of the territorial question was broken up, however, by the north, through the force of numbers, when we were called on to take action with reference to the disposition of the territories acquired by us, in 1848, from Mexico. One of the great parties in the north then asserted the existence in Congress of an absolute right to legislate for the territories upon all subjects whatsoever, and manifested a fixed determination, under the influence of the anti-slavery element which had been infused into it through the practices of its leaders, to exert itself to unite the north, upon the slavery issue alone, for the purpose of excluding the institutions of one-half of the States of the confederacy altogether from the common territories of the United States, which had just been acquired by their united efforts, and at the expense of the blood and treasure of both sections of the country. The south protested against such an exercise of power as without warrant in the Constitution, and denounced the proposed anti-slavery restriction upon all of the newly acquired territory as an attempt, by a usurpation of power on the part of Congress, through the action of a sectional majority of its members, to deprive the southern States of their rights in the newly acquired territories, and to destroy the equality of those States, and of the citizens of those

States, with the other States and their citizens, in the Union under the federal Constitution.

The federal Constitution contains no provision for the government of Territories, and it is more than probable that the framers of that instrument did not look forward to any future territorial acquisitions. But the absence of such a provision does not leave Congress free to govern or dispose of such Territories, when acquired, at the mere will and pleasure of a numerical majority of the two houses. After the transfer of a country has been made from one power to another, the new sovereign, by the usage of nations, has a perfect right to remodel its institutions as it may see fit. But whilst this is true, as a general proposition, under the public law of the world, the exercise of the right of the new sovereign is necessarily controlled by the constitutional principles of the government through which the right of sovereignty is exercised. The general government of the United States is one of delegated, not inherent powers; and if any one thing of a political nature is more certain than another, in the eye of reason, it is that Congress can no more legislate to exclude slavery from a Territory than it can from a State. The want of legislative power in Congress over the whole subject, in the Territories as well as the States, is absolute, because it is one of local or municipal concern, and no legislative power whatever, of that character, has been given to Congress by the Constitution.

Although slavery does not exist in all of the States, it is recognized as a rightful institution under our governmental system, wherever citizens of the United States, forming distinct political communities, may see fit to maintain it. Slaves, as persons, enter as an element into the apportionment of the representation of the States in Congress, and in the apportionment of direct taxes among the States; and, as property, those holding them are protected in their rights to them by a provision for their being delivered up to their owners when they escape into another State, and by a prohibition on such State from discharging them from service or labor, by any law or regulation of its own. Our situation as a people is, in one respect, peculiar. We have no law of property common to the whole United States. Each State makes that law for itself, within its own limits, and as the States are equals under the Constitution, the rights of property, resulting from these laws of the several States, must be of equal validity and effect wherever the sovereignty of the United States alone exists and gives protection. To exclude the slaves which citizens of the southern States might wish to take with them into the newly-acquired Territories of the United States, or to destroy their citizens' right of property in their slaves after they had carried them there, by the action of the general government, through an act of Congress, would not only be a usurpation of power, but would be such a violation of the principle of the equality of the States under the Constitution as must inevitably lead to the immediate breaking up of the confederacy.

The movements set on foot in the south in consequence of this flagrant attempt to reduce the slaveholding States and their citizens to a position of inferiority in the Union, made that fact apparent to the people of the north, and their representatives paused in their

work. With a view to conciliation, the southern people then expressed their willingness to waive a decision upon their constitutional rights in the Territories in question, and to settle the contest which had sprung up in relation to them upon the principle of "a division" of the Territories between the two sections, which was involved in the establishment of the Missouri compromise line; and propositions for the prolongation of that line to the Pacific ocean were again and again brought before Congress in the hope that it might at last be adopted; but this hope was not realized. The anti-slavery sentiment operated to such an extent upon the northern mind that every attempt at settlement in that manner was defeated by those who yielded to its influence; and the sectional agitation went on, augmenting, until the conservative elements of the nation became alarmed for the continuance of the Union, and demanded that it should be terminated by a new compromise—and it was so terminated in 1850.

The new compromise repudiated all interference by Congress with the subject of slavery in the Territories, and contemplated the delegation of all the legislative power, which could be rightfully exercised in subordination to the Constitution of the United States, to the people of the Territories themselves, through the legislatures to be created for them, and provided for the submission of all questions growing up in the Territories, with respect to property in slaves, to the tribunals of the United States for their final adjudication. This settlement of the territorial question was believed to be right in principle by a great majority of the people of the United States, and it was hoped that it was final. This belief, however, was soon discovered to be unfounded. When another occasion arose for the establishment of temporary governments in other Territories, it so happened that the territory over which they were to operate constituted a part of the territory acquired from France, lying north of the parallel of $36^{\circ} 30'$ of north latitude, which had been subjected to the prohibition of slavery contained in the eighth section of the Missouri act. From 1848 to 1850 the anti-slavery element of the north had constantly refused to consent to any adjustment of the territorial question upon the principle of division, upon which that prohibition was based. In 1850 the contest then going on was settled by the introduction of the new principle into our territorial policy of which we just spoke. That new principle was very naturally introduced into the new territorial bills; and what was the result? Why the recital of the fact that the clause in the eighth section of the Missouri act was "inconsistent with the principle of non-intervention by Congress with slavery in the States and Territories, as recognized by the legislation of 1850," and was therefore "inoperative and void," (which was contained in the act,) was laid hold of by the politicians who wished to avail themselves of the sectional strength of the north in the pursuit of place, and the anti-slavery agitation was again revived, under their lead, with greater violence than ever.

It is not necessary at this time to speak of the progress and varying fortunes of that agitation. All are aware that Kansas, one of the Territories thus newly organized, became at once a scene of contention, from the intrusion into its limits of bands of armed men, sent

there and supported by emigrant aid societies and other combinations of individuals formed at a distance, not for the purposes of peaceful and permanent settlement in the Territory as residents, but with a view to determine the character of the institutions which should be finally established there; and that all the enginery of evil was put in motion to invent and give circulation to tales of blood and horror as to what was passing in that distracted Territory, in order to inflame the public mind of the north against the citizens of the slaveholding States, who were always represented as the authors of all these reported atrocities, and at last secure a complete union of the northern States in the war against African slavery as it exists in the south.

This new state of things led at once to a reconstruction of parties in our political world. One of the former great national parties of the day disappeared altogether from the north, and for the first time in our history a purely sectional party arose upon its ruins, which asserted a determination to take possession of the government, and to control its policy upon all subjects, and in all the States, and in all parts of our vast territory, through the agency of a physical majority composed of the inhabitants of the non-slaveholding States alone, who were united together by the single sentiment of hostility to slavery. If the result aimed at was fully achieved, it was obvious to all that our system of republican government would be at an end. The republican forms of the Constitution might, indeed, be preserved, but it was certain that the spirit of republicanism, which it was designed should operate through it, would have been lost forever. Such a party could never, by any possibility, exist in one of the slaveholding States in their present condition. To become national, it was a necessity to such a party that slavery should be abandoned by the other States. And if the people of those States were unwilling to abandon the institution, what then? Why they would be deprived of their character of citizens, and be reduced to the condition of subjects. They would no longer have any voice in the management of the national affairs in which they had a common interest with their northern brethren; and it would be an abuse of terms to call them any longer "citizens of the United States." From citizens of the United States they would have sunk to bear the same relation to the people of the north that the oppressed and down-trodden ryots of unhappy India do to imperial Britain.

When such a party was organized it needed no prophet to foretell that it could never administer the affairs of the then existing United States of America. It was plain to all that the complete success of its leaders, in securing such a sectional majority as they looked forward to, would at once break up the national government. Warning after warning was given to those citizens of the north who valued the union of the States, that such would be the inevitable result of carrying into effect the schemes of these men for the sectionalization of one of the great parties of the country. But these warnings were not heeded. The new party, from year to year, obtained majorities in State after State, in the northern portion of the confederacy, until in November last the electoral votes of the northern States alone were concentrated on the candidates of that party, and elected them to the

offices of President and Vice-President of the United States, under the Constitution. To the apprehension of a large portion of the people of the southern States, the work of sectionalism was thus completed ; and the popular movements which have since taken place in all of them indicate, beyond the shadow of a doubt, that the days of the republic are numbered unless that apprehension is speedily removed.

We are aware that much has been said in relation to the right of a State to secede from the Union, and as to the existence of a right on the part of the general government to employ the military power conferred upon it by the Constitution to coerce a seceding State into submission as a member of the confederacy created by it ; but we shall engage in no discussion upon those questions, because, in our view, the questions—interesting as they are in themselves—have no importance whatever at this crisis. The people of the United States are now to deal with facts, not theories ; with stern realities, not fine-spun abstractions. Whether any State has or has not the right to secede under the Constitution, it is a fact that four States have already seceded ; and that in a few short months—perhaps weeks—all of the other slaveholding States will have in like manner seceded, with the purpose of maintaining their new position, by force of arms, if no adjustment is made of the differences between them and the non-slaveholding States. Whether the general government has or has not the right to employ the military power conferred upon it by the Constitution, to coerce a seceding State into remaining in the Union, it can employ it to carry on war against seceding States as foreign States, when they have ceased to be members of the Union. Two great practical questions, then, are now pressing upon Congress and the country for solution. Shall the revolution which is now in progress, and which is about to end in the final separation of the slave-holding States from the other members of the confederacy, be arrested by an amicable and fair adjustment of the differences between them ? And if this cannot be brought about, then shall this separation, which has become inevitable, be made peacefully ? or shall it be followed by war between the two sections of a once united confederacy ? These questions must be met now ; and it is worse than useless to attempt to evade them by indulging in groundless hopes, or proposing to pass resolutions which lead to no action, or to adopt measures which can produce no results.

The common interest of the whole American people, and the separate interests of all of the States, require that the differences which now unhappily divide us should be terminated by an amicable and fair adjustment. The committee of thirty-three was created in the hope that it might do something which would prepare the way in that direction, and by the order of a majority of its members it has directed its chairman to submit a number of propositions to the House for that very purpose. The undersigned, however, dissented from the majority directing that report, because they could not bring themselves to believe that any good could come out of the propositions reported if every one of them were now adopted by a unanimous vote of both houses of Congress. The only one of the propositions made which, in their view, is of any present importance, is that for an

amendment of the Constitution in such a manner that it cannot be in the future so amended as to give Congress any power to interfere with the subject of slavery in the States without the consent of every State. Such an amendment of the Constitution would certainly afford a complete guarantee against invasions upon the rights of property in slaves in the States, hereafter, by Congress. If other measures were agreed upon which were calculated to remove the existing grounds of discontent in the southern mind, this proposed measure would be of the very highest value, as it would interpose an impassable barrier against any subsequent difficulties from such an attempt. But standing alone as it does, we cannot regard it as likely to contribute in any material degree to the settlement of the existing troubles.

With respect to the other propositions reported, the undersigned are constrained to say that, in their view, none of them will be likely to promote the object had in view by the committee, whilst some of them would certainly be prejudicial to the public interest if they should be carried into effect. This is particularly true with respect to the enabling act for the admission of the Territory of New Mexico as a State. The admission of New Mexico into the Union as a State, though she has established slavery within her limits by the action of her territorial legislature, would in no way tend to the settlement of the principle involved in the territorial question, which has become, of late years, such a fruitful source of agitation in both sections of the Union. An evasion of that settlement by erecting Territories into States, decides nothing as to the rights of the southern people in the Territories of the United States. But the admission of New Mexico as a State, whilst it can avail nothing as a measure of peace with reference to the territorial question, would be a bad precedent for the future. The population of the Territory is far too small to entitle it to a representative in Congress; and it would be clearly unjust to the other States, and wrong in principle, to admit her into the Union, and thus give her two senators in Congress, in addition to a representative, to which her people would not have a shadow of a claim if they formed a distinct community within the limits of another State.

The amendments proposed to the fugitive slave laws are not acceptable to us, and can have no effect towards remedying the grievance of the south in relation to the failure on the part of the northern States to return their fugitive slaves. That grievance is the result of the non-execution of laws already in force; and it seems certain that it cannot be removed unless a mean is supplied which will insure the execution of those laws. That, in the opinion of the undersigned, can only be supplied by a new constitutional provision which will make it to the interest of the States and of their people to have the fugitives delivered.

With respect to the other propositions ordered to be reported by the chairman, they are all, so far as the undersigned remember, contained in resolutions giving expression to abstract truths, or to opinions as to what are the duties of our people under particular circumstances. However excellent and valuable they may be as enunciations of proper views, and correct principles of human action, they

look forward to no congressional or constitutional action; and as they, in consequence, require no further notice from us at this time, we will now proceed to give our own views as to what, in our opinion, ought to be done at this extraordinary conjuncture.

From the rapid sketch we have already given of the condition of things among our people when the Constitution was adopted, and of the changes which have taken place since that time in their situation and sentiments and in the character and composition of parties, it is clear that the Constitution has been perverted from its original purpose, and that through misconstructions of some of its provisions, and the introduction of new principles for the guidance of party action which are in direct antagonism with the practice and usages and the common understanding of the inhabitants of all of the original States when it went into effect, it has now ceased to answer some of the most important ends for which it was established.

It was intended to provide for the common defence, and for the protection of the rights of all of our citizens, of whatever nature, and wherever situated. The employment of the national power for the protection of the slave property of our citizens upon the ocean, and when illegally interfered with by foreign states, is now so violently opposed by a large body of our people in one section of the Union that this has become impossible.

It was intended to prevent neighboring States from becoming an asylum for the offenders against the laws of the other States. By the action of the chief magistrates of a portion of the States the most of the non-slaveholding States have been converted into cities of refuge for offenders against an important portion of the laws of property in the slaveholding States, upon the pretence that those States now recognize no right of property in slaves by their laws.

It was intended to provide a secure way for the return of persons held to service or labor by the laws of the States in which African slavery was maintained when they escaped into another State. But the provision to that effect is continually nullified in the States in which slavery is now prohibited by law, because many of their people see fit to denounce slavery as a crime, and to assert, through lawless assemblages, that there can be no right of property in man.

It was intended that the people of the different States should be equal in the support of the burdens of the national government, and that they should share equally in all of the benefits to be derived from it. But it is now declared by a majority of the States that this is to be no longer the case; for while the slaveholding States are still to be required to contribute their money to the federal treasury, and to yield up their sons to recruit the federal armies, they are to be hereafter excluded from the federal Territories unless they will consent to emigrate without taking with them their domestic servants held to labor.

And, finally, it was intended that the people of each State should have had a voice in the ordering of their common affairs in obedience to the principles of the republicanism of our revolutionary fathers. But we find at last that this is to be denied to one entire portion of the confederacy, by the formation of a sectional party,

under the auspices of Garrisonian republicanism, which is to concentrate the whole national power in the hands of those residing in the northern States alone.

Under these circumstances, it must be clear to every right-minded man that the American people can no longer go on as they are. The Constitution must be changed, by amendment, so as to make its existing provisions restrain the action of parties within the boundaries which were set to them when it was framed, by the common understanding of those who were to live under it, and by the universal sentiment of the times, or the union between the slaveholding and the non-slaveholding States will be broken up.

The differences which exist between the slaveholding and the non-slaveholding States, if they are to be settled at all, can only be settled, in the opinion of the undersigned, by the adoption of amendments to the Constitution. Nothing else can accomplish it. The interests of both sections of the country imperiously demand that the slavery agitation should be removed now and forever from the halls of Congress. From the nature of the subject, and the relative positions of the parties to it, that agitation necessarily begets feelings and passions, in politics, which are akin to those engendered by fanaticism in the disputes of religion. When the spirit of fanaticism has taken full possession of a people, it is known to all that the bands of morality are loosened, and that every species of vice, misconduct, and disorder are tolerated by devotees, in their spiritual teachers, if they only continue to give a violent and unyielding support to their favorite dogmas of faith. And the same thing has taken place in politics under the influence of the party fanaticism—if we may be allowed so to call it—which has grown out of the contest on the subject of slavery. Under its influence the public mind will scarcely tolerate any allusion to the qualifications of candidates for office, or inquiries into the conduct of public officials. Men may be shown to be unfit to fill the places for which they are candidates, and yet they are elected by the people if they are believed to be true on the slavery question. Public officers may be known to have been guilty of abusing their trusts, and yet they are maintained, year after year, in their places, because they have been decided and unyielding on the slavery question. It is to the political fanaticism engendered by the slavery question, and to this cause alone, that the growing demoralization in the public mind is to be attributed, which has, within the few past years, been signalized by the notorious robbery of so many State treasuries in the north; by the published accounts of the corruptions displayed in the action of the legislature of the Empire State during the last winter; and by the unchecked rumors as to the existence of monstrous abuses in some branches even of the different departments of the national government. Every consideration of public policy, then, seems to require that the slavery agitation should be gotten rid of in the interest of good government in the several States, as well as for the preservation of our greatness as a nation. And we are thus led to the inquiry, can nothing be done, by which this can be brought about, which will be right in itself, and which will be fair and just towards all sections of the country?

The answer to this is plain. The object aimed at can be accomplished by the adoption of the series of amendments to the Constitution rejected by the committee and now reported to the House, and which are in substance the same brought to the notice of the Senate recently by Mr. Crittenden, of Kentucky, and which are familiarly known as the "Crittenden resolutions." Though these proposed amendments do not embrace all that some of the undersigned would desire to see embodied in the Constitution, they yet afford such a basis for an adjustment as they would all cheerfully accept, with a strong conviction that, if the proposed amendments were adopted by the northern States, harmony and peace would be restored to our people, and our Union would soon again be reconstructed without the loss of a member, and upon such a foundation that it could never again be shaken.

And why should not these amendments be acceptable to the people of the northern States? They would, in point of fact, operate no real change in the Constitution; they would only bring it back to what it was on the day of its adoption. These amendments involve, it is true, a distinct recognition of the right of property in southern men in persons held to labor under the laws of their respective States; but that right of property was admitted by the whole American people when the Constitution was framed, and was specially recognized in it, when there was any necessity for it, at the time. They will put an end, too, to the possibility of getting up any sectional agitation on the subject of slavery in relation to its continuance in places under the exclusive jurisdiction of the United States, and with respect to the inter-State slave trade; but this was just as impossible when the Constitution was formed, because slavery then existed in the north as well as the south, and because it was also repugnant to the public sentiment of the day. And they recognize, for all time to come, the equal right of the southern people in the Territories of the United States, by dividing those Territories between the two sections; but that right has always been recognized under the Constitution ever since its formation.

Why, then, we would ask, cannot the people of the northern States consent to the adoption of these constitutional amendments? They will, in point of fact, operate no real change in that instrument. Their adoption, now, would only have the effect of making it, in the estimation of men of our day and generation, what it was in the minds of its framers and of those great fathers of the republic who put it in operation, and administered our affairs under it in the early days of our national existence. It would, in truth, be a restoration of the Constitution as it stood, amid the circumstances which surrounded it, when it went into operation, and not a change. Cannot these amendments, then, be adopted? If there is not virtue enough in our brethren of the north to do this and make the Constitution what it was—if they have not patriotism enough to enable them to put aside the prejudices which have been created in their minds by the arts of the unscrupulous and designing, so as to put an end to the civil discords which have destroyed the harmony of the States, then, indeed, have we reached the term of our existence as a nation; and it is full time that we should be broken into pieces, in order that the disjointed fragments

of a once great and noble structure may sink into obscurity and insignificance—the certain doom pronounced, as ever shown by history, upon all divided nationalities.

The undersigned therefore respectfully recommend the adoption by the House of the “Crittenden resolutions,” now reported, in order that the amendments to the Constitution proposed in them may be immediately submitted to conventions of the different States for their decision upon them.

If, however, these resolutions do not receive the assent of the constitutional majority of the House required to give them effect, then the undersigned would respectfully recommend the adoption of the resolution proposed by Mr. Burch, of California, looking to the convocation of a convention of all the States, in accordance with article five of the Constitution. If, unhappily, no adjustment of the differences between the States can be effected, it is the duty of the American people to provide the way for a dignified, peaceful, and fair separation, upon equitable terms and conditions. In the event of a final separation there must be a partition of the common property. There must be a settlement of the terms on which the divided States are to have social and commercial intercourse with each other. There must be a definite and precise arrangement with respect to the navigation of the Mississippi river through its whole extent from its headwaters to the Gulf of Mexico. All of these various matters will be best provided for in a convention of the States. They must be settled at once if we mean to remain at peace among ourselves after a separation. If provision be not made looking forward to all this, we shall be soon engaged in a fratricidal war; and he who shall refuse to do what he can, to prevent such a war, will not be guiltless of the blood that will then be shed.

MILES TAYLOR, *Louisiana.*

JOHN S. PHELPS, *Missouri.*

A. RUST, *Arkansas.*

WILLIAM G. WHITELEY, *Delaware.*

WARREN WINSLOW.

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 the southern boundary of Kansas and of the northern boundary of New Mexico, 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 slavery of the African race is hereby recognized 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 wrongdoers, 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.

Proposition by Mr. Burch to call a national constitutional convention.

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.