THE NEW YORK HERALD.

WHOLE NO. 6097. MORNING EDITION----SATURDAY, FEBRUARY 22, 1851. PRICE TWO CENTS.

WASHINGTON'S BIRTHDAY.

Programme of the Arrangements

ON THE OCCASION OF THE

CELEBRATION OF THE 119TH ANNIVERSARY

OF THE

BIRTHDAY OF WASHINGTON.

The joint committee appointed by the Common Council of the city of New York, to make the necessary arrangements for celebrating the 119th Anniversary of the Birthday of the Illustrious Washington, the Father of his Country, have adopted the following programme of arrangements for the occasion,

SATURDAY, TWENTY-SECOND INST.

GENERAL HENRY STORMS

Has been unanimously selected as Grand Marshal of the day, and the following persons have been named, and will act as

DEPUTY GRAND MARSHALS,

Gen. John Lloyd, Gen. Wm. L. Morris.

AIDS TO GRAND MARSHAL.

Col. Danl. E. Delavan,	John H. White,
Col. William Dodge,	John J. Northrop,
Col. B. C. Ferris,	Dr. Quackenbos,
Col. Jas. L. Curtis,	Henry Arcularius,
Col. E. Jessup,	Capt. James M. Turner,
Col. Waterhouse,	Lieut Hill,
Major Robert Brown,	Capt. S. A. Taylor,
Capt. N. B. Labau,	Christian Schaffer Storms,
Capt. F. W. Geissenhainer,	Major G. Dyckman,
Capt. S. A. Darling,	Capt. M. H. Chase,
Dr. Homer Bestwick,	Col. Wm. Steele,
Capt. J. L. Levy,	James Blauvelt,

G. G. Hopkins.

The procession will move through the Park from the east gate, in front of the City Hall, at 12 o'clock, noon, precisely; and after being there reviewed by his honor the Mayor, the members of the Common Council, and several distinguished persons, it will proceed through the west gate around the Park, up Chatham street and Bowery to Grand street, up Grand to Columbia street, through Columbia and Second streets to the Bowery; and thence through the Bowery, Great Jones street, and Broadway, to Tripler Hall, in the following order:—

DETACHMENT OF MILITARY OF THE FIRST DIVISION N. Y. STATE MILITIA,

Under command of Major General Sanford.

MOUNTED ESCORT.

BAND.

WASHINGTON CONTINENTALS,

Commanded by Captain J. C. Helme, as escort to the Grand Marshal.

GENERAL HENRY STORMS, Grand Marshal.

Colonel D. E. Delevan, Colonel E. Jessup, Capt. J. L. Levy, Capt. N. B. Laban, Col. H. Bestwick, Special Aids.

FIRST DIVISION.

MAJOR GARRET DUYCKMAN, Marshal.

Captain S. S. Parker, Captain C. B. Reed, Aids.

DELEGATION FROM MASSACHUSETTS,

with a Company of the Massachusetts Volunteers, under command of Capt. Ben. Perley Poore, escorted by Company D, American Rifles, commanded by Capt. Wm. P. Moody.

SEMANCERY OF THE STATE OF NEW YORK—Order of United Americans

Alpha, Chapter, O. U. A., No. 1.
Washington Chapter, O. U. A. No. 2.
Warren Chapter, O. U. A., No. 3.
Manhattan Chapter, O. U. A., No. 4.
Worth Guard, Capt. W. W. Lyon.

SECOND DIVISION.

CAPTAIN M. H. CHASE, Marshal.

Adjutant Isaac O. Hunt, Col. B. J. Beldan, Aids.

BAND.

American Rifles, Co. C, Capt. M. H. Hagadorn.

Delegation from New Jersey of Order of United Americans.
American Chapter, O. U. A., No. 6.
Columbia Chapter, O. U. A., No. 7.
Putnam Chapter, O. U. A., No. 8.
Franklin Chapter, O. U. A., No. 9.
Paulding Chapter, O. U. A., No. 10.
Marion Chapter, O. U. A., No. 11.
Continental Chapter, O. U. A., No. 12.
Mount Vernon Chapter, O. U. A., No. 13.
Hancock Chapter, O. U. A., No. 14.
Liberty Chapter, O. U. A., No. 15.
Decatur Chapter, O. U. A., No. 16.
Gulick Guard, Capt. John Garland.

THIRD DIVISION

COL. WILLIAM SEWARD, MARSHAL.

Col. R. J. Luckey, Col. Geo. R. Hall, Aids.

BAND.

American Rifles, Co. B. Capt. Thos. A. Glover.
Columbian Guard, Capt. J. Rock.
Lexington Chapter, O. U. A., No. 17.
National Chapter, O. U. A., No. 18.
Charter Oak Chapter, O. U. A., No. 22.
Walcott Guard, Capt. John F. Flynn.

FOURTH DIVISION.

JAMES BEAUVELT, MARSHAL.

Capt. Christopher Risley, R. G. Cornell, Aids,

BAND.

Champion Chapter, O. U. A., No. 25.
Plymouth Chapter, O. U. A., No. 26.
Bunker Hill Chapter, O. U. A., No. 27.
Excelsior Chapter, O. U. A., No. 28.
Independence Chapter, O. U. A., No. 29.
Schuyler Chapter, O. U. A., No. 30.
Oneida Chapter, O. U. A., No. 33.
Jaspar Chapter, O. U. A., No. 35.
Magna Charta Chapter, O. U. A., No. 36.
New York Chapter, O. U. A., No. 41.
Ironsides Chapter, O. U. A., No. 47.

FIFTH DIVISION.

BAND

GEN. JOHN LLOYD, AND AIDS.

Col. Curtis, Dr. Quakenbos,
John H. White, John J. Northrop,
Henry Arcularius, Lt. Hill,
G. G. Hopkins.

Society of the Cincinnati.

Revolutionary Soldiers.

Officers of the Army and Navy.

American Light Guard, Capt. Porter.

American Light Guard, Capt. Alston.

Democratic General Committee.

Whig General Committee.

Whitehall Benevolent Association.

Chatham Guard.
Grotto Guard.
Protector Guard.
Franklin Guard.
Hamblin Guard.
Liberty Guard.
Wisburn Guard.

SIXTH DIVISION.

BAND.

GEN. WILLIAM L. MORRIS, AND SPECIAL AIDS.

Col. William Dodge, Maj. Robert Brown,
Col. B. C. Ferris, Capt. J. M. Turner,
Col. Waterhouse, Capt. S. A. Taylor,
Capt. S. A. Darling.

Surviving Officers and Men of the last Regiment of New York Volunteers.

Surviving Officers and Men of the 7th Regiment (California) New York Volunteers.

Officers of Militia, Veterans of 1812, '13, and '14, Col. HAGGIN.

Empire Lodge, No. 1. American Protestant Association.
Washington Lodge, No. 2, " " "
New York Lodge, No. 3, " " "
Jefferson Lodge, No. 4, " " "

Society of Sawyers.

Centre Guard.

Caledonian Section, No. 143, Cadets of Temperance, State of New York.

Star Volunteers.
Brennan Guard.

On arriving at Tripler Hall, each division will be under the direction of its respective Marshals.

The different Divisions will be designated by a white banner, with the appropriate number of each thereon.

Such societies, associations, and companies as have not reported, will be assigned places in the order in which they shall report themselves to the Grand Marshal.

The several Divisions and Bodies will form in the following places:—

The Society of the Cincinnati, the Officers of the Army and Navy, and Revolutionary Soldiers, in the Library Room, East end of City Hall.

The Officers of the Militia, and the Veterans of the War of 1812-13 and 14, in the Supreme Court Room, City Hall.

The First, Second, Third and Fourth Divisions, in Washington Square.

The Fifth Division in the Park, right on the south side of the east gate.

The Sixth Division in the Park, right on the left of the Fifth Division.

The several Marshals and Aids will be mounted.

The Military will form in Street, right on Broadway.

The arrangements of the day will be under the direction of the Grand Marshal.

The several persons having charge of the church bells in the city, are requested to cause the same to be rung at 7 A. M., Noon, and at 5 P. M., for an hour at each time.

The owners and masters of vessels in the harbor, and the proprietors of the various public buildings in the city, are requested to display the national flag from sunrise to sunset.

It is also respectfully requested, that our fellow citizens close their places of business, and abstain from their usual avocations during the day.

A National Salute will be fired from the Battery, at sunrise, by the Veteran Artillery, and also one from the same place, at noon, by a Volunteer Detachment from Col. Yates' Regiment of Light Artillery.

In the evening the City Hall will be illuminated from 7 to 10 o'clock, and a transparency of the great and good man, in honor of whose birth the day is celebrated, will be displayed from the balcony thereof. Transparencies of several of the battles fought during the Revolutionary War, will also be placed on the top of the Hall, and Rockets will, at intervals, be set off.

The owners and proprietors of all public and licensed carriages and vehicles, are directed to withdraw them from the streets through which the procession will pass, after the hour of 11 o'clock, A. M. until the close thereof.

The Chief of Police is charged with the enforcement of the above order.

The owners of Private carriages and vehicles are also respectfully requested to conform to the wishes of the Committee in this respect.

No obstruction of any kind will be permitted in the streets through which the procession is to pass.

COMMITTEE OF ARRANGEMENTS.

ALDERMEN.	ASSISTANT ALDERMEN.
JOSEPH BRITTON,	S. L. H. WARD,
WARREN CHAPMAN,	CHARLES O'NEAL,
ROBERT T. HAWS,	JOHN B. WEBB,
HENRY SHAW,	ROBERT A. SANDS,
JACOB F. OAKLEY.	THOMAS J. BARR.

MAYOR'S OFFICE, NEW YORK, 21st FEB., 1851.—This office will be closed on the 22d instant, after 11 o'clock, A. M. By order of the Mayor

ASHER TAYLOR, First Marshal.

SERMON.—REV. DR. LILIENTHAL WILL, IN HONOR of Washington's birthday, deliver, this morning at ten o'clock, a sermon in the synagogue Shaare Hashomayim, Attorney street.

TWENTY-SECOND OF FEBRUARY.—THE ORATION, commemorative of the Birth-Day of Washington, will be delivered by the Hon. Henry S. Foote, of the United States Senate, at the Saloon in Niblo's Garden, at 2 o'clock P. M., on Saturday next. Tickets of admission for ladies and gentlemen, may be obtained by application to either of the following Committee of Arrangement:—Geo. B. Butler, 54 Wall street; Wm. Chauncey, 10 Old Slip; E. E. Collins, 56 Wall street; J. J. Henry, Broadway; Edw. Sanford, do.; Peter Cooper, 17 Burling Slip; G. Rabee, 93 William street; L. L. Mitchell, 191 Front street; Francis Griffin 68 Merchants' Exchange; H. F. Lathrop, William street; Jas. De F. Ogden, 71 Merchants' Exchange; Moses Taylor, 44 South street; George Douglas; C. G. Carleton, Broadway; Isaac Townsend, 33 Nassau street; R. C. Wetmore, 88 Water street.

O. U. A., MOUNT VERNON CHAPTER, NO. 13.—THE members of this Chapter are hereby notified to meet at the Chapter Room, corner Broadway and Walker street, this day (Saturday), Feb. 22, in full regalia, to unite in celebrating the birthday of Washington. Members of the Order from other cities are invited to unite with us.

D. S. PAIGE, C. of C. A. H. LEONARD, S.

ALPHA CHAPTER NO. 1, O. U. A.—MEMBERS OF THIS Chapter are requested to assemble at their rooms, in full regalia, punctually, at 8 o'clock, A. M., on Saturday, 22d instant, to join in the demonstrations of the day. Full attendance is expected. J. B. NONES, C. C.

TRAVELLERS' GUIDE

NEW YORK AND PHILADELPHIA.—NEW YORK and Philadelphia direct.—United States Mail Line.—Through in 4½ hours, via New Jersey Railroad. Fare reduced to $3 for first class, and $2 50 for second class. Leave New York at 6 A. M., from foot of Cortlandt st., and at 8 A. M., and 5 P. M., from foot of Liberty street. Leave Philadelphia at 8 and 9 A. M. and 5 P. M., from the foot of Walnut street.

NEWS BY TELEGRAPH.

HIGHLY IMPORTANT FROM WASHINGTON.

MESSAGE OF THE PRESIDENT,

RELATIVE TO

The Resistance to Law in Boston.

EXCITING DEBATE IN THE SENATE

BETWEEN

Clay, Mason, Hale, and Dickinson.

THE SLAVERY AGITATION RENEWED.

Election of Com. Stockton to the U. S. Senate.

INTERESTING GENERAL NEWS.

THIRTY-FIRST CONGRESS.

SECOND SESSION.

Senate.

BY MORSE'S MAGNETIC TELEGRAPH.

OFFICE CORNER OF BEAVER AND HANOVER STREETS.

WASHINGTON, February 21, 1851.

SECRETARY EWING AND INDIAN ANNUITIES.

A communication was received from the Commissioner of Indian Affairs, enclosing certain letters and other documents relating to decisions made by Mr. Ewing, while that gentleman was Secretary of the Home Department, in regard to Indian annuities, and the payment of claims against the Indians, out of the funds due the latter from the United States. The papers were read; whereupon

Mr. EWING rose and expressed his gratification by the receipt and reading of these documents, and he hoped they would satisfy the Senate, if they did not the Senator from Tennessee, (Mr. Turney,) of the groundlessness of all the hearsay charges daily retailed in the Senate, by Mr. Turney. Mr. Ewing said that these papers fully explained all his decisions concerning Indian affairs. He considered Mr. Turney's language, the other day, unusual, harsh, and unjust. He believed the Senator from Tennessee had made the charges on the strength of the report of an investigating committee in the House, at the last session. He believed the Senator from Tennessee had become residuary legatee of that defunct committee. He detailed charges brought by Mr. Richardson in the House, on which the select committee was appointed; also, the report of that committee, and the proceedings of the House thereon. Although the majority of that body were the political friends of Mr. Richardson, (who was chairman of the Investigating Committee,) they had refused to sustain him, and had thereby placed him in the position of an accuser and unjust judge. Mr. E. considered the Speaker of the House wrong in appointing the accuser as chairman of the committee. He said that in reply to several letters of the committee he addressed several communications to the committe, which, in the Report of the Committee, were not published. He did not know, nor did he care, by whom this suppression was made; but it was to him an act of great injustice.

Mr. TURNEY and Mr. GREEN followed in explanation.

Mr. DOUGLAS defended Mr. Turney, and

Mr. GWIN followed in explanation.

Mr DOUGLAS defended Mr. Richardson from the charge of a suppression of the papers. The same charge had been made in the New York *Tribune*; and Mr. Richardson, in the House, in presence of all the committee, had pronounced the charge a falsehood, and its author a calumniator. He was sorry the charge was repeated here, when no man in the House, who had any regard for his character for truth, would dare to make the charge. He considered the Speaker as having acted strictly in accordance with parliamentary law, in appointing Richardson chairman of the Committee of investigation.

Mr. EWING rose to reply, but the chair prohibited further debate, as being out of order.

The Senate was engaged for an hour and more, in debating a motion to reconsider the vote discharging the Pension Committee from further considering the subject of a private claim. The whole subject was then laid on the table.

THE ABOLITION OUTRAGE IN BOSTON.

A message was received from the President in reply to Mr. Clay's resolution calling for information in regard to the recent instance of resistance to the law, in Boston. The message was read, and is as follows:—

THE PRESIDENT'S MESSAGE.

EXECUTIVE DEPARTMENT, Feb. 19, 1851.

TO THE SENATE OF THE UNITED STATES:—

I have received the resolution of the Senate, of the 18th instant, requesting me to lay before that body, if not incompatible with the public interest, any information I may possess in regard to an alleged recent case of a forcible resistance to the execution of the laws of the United States, in the city of Boston, and to communicate to the Senate, under the above condition, what means I have adopted to meet the occurrence, and whether, in my opinion, any additional legislation is necessary to meet the exigency of the case, and to more vigorously execute the existing laws. The public newspapers contain an affidavit of Patrick Riley, a Deputy Marshal for the District of Massachusetts, setting forth the circumstances of the case—a copy of which affidavit is herewith communicated. Private and unofficial communications concur in establishing the main facts of this account; but no satisfactory official information has, as yet, been received; and, in some important respects, the accuracy of the accounts has been denied by persons whom it implicates. Nothing could be more unexpected than that such a gross violation of law—such a high handed contempt of the authority of the United States—should be perpetrated by a band of lawless confederates at noon day, in the city of Boston, and in the very temple of justice. I regard this flagitious proceeding as being a surprise not unattended by some degree of negligence; nor do I doubt that, if any such act of violence had been apprehended, thousands of the good citizens of Boston would have presented themselves, voluntarily and promptly, to prevent it; but the danger does not seem to have been timely made known, or duly appreciated, by those who were concerned in the execution of the process in a community distinguished for its love of order and respect for the laws—among a people whose sentiment is Liberty and Law, and not Liberty without Law, nor above the Law. Such an outrage could only be the result of sudden violence, unhappily too much unprepared for to be successfully resisted. It would be melancholy, indeed, if we were obliged to regard this outbreak against the constitututional and legal authority of the government as proceeding from the general feeling of the people on a spot which is proverbially called the cradle of American liberty. Such, undoubtedly, is not the fact. It violates, without question, the general sentiment of the people of Boston, and of a vast majority of the whole people of Massachusetts, as much as it violates the law; defies the authority of the government, and disgraces those concerned in it, their aiders and abettors. It is, nevertheless, my duty to lay before the Senate, in answer to its resolution, some important facts and considerations connected with the subject. A resolution of Congress, of September 23d, 1789, declared that it be recommended to the Legislatures of the several States to pass laws making it expressly the duty of the keepers of their jails to receive, and safe keep therein, all prisoners committed under the authority of the United States, until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such States respectively,—the United States to pay for the use and keeping of such jails, at the rate of fifty cents per month for each prisoner that shall, under their authority, be committed thereto during the time such prisoners shall be therein confined, and also to support such of said prisoners as shall be committed for offences. A further resolution of Congress, of the third of March, 1791, provides that "whereas Congress did, by a resolution of the twenty-third day of September, 1789, recommend to the several States to pass laws making it expressly the duty of the keepers of their jails to receive and safe keep therein all prisoners committed under the authority of the United States, in order, therefore, to insure the administration of justice—Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, that in case any State shall not have complied with the said recommendation, the Marshal in such State, under the direction of the judge of the district, be authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose; and the said Marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States;" and a resolution of Congress of March 3d, 1821, provides that "where any State or States having complied with the recommendation of Congress in the resolution of the 23d day of September, 1789, shall have withdrawn, or shall hereafter withdraw, either in whole or in part, the use of their jails for prisoners committed under the authority of the United States, the Marshal in such State or States, under the direction of the Judge of the district, shall be and is hereby authorised and required to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe keeping of prisoners committed under the authority of the United States, until permanent provision shall be made by law for that purpose, and the said Marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the Treasury of the United States." These various provisions of law remain unrepealed. By the law of Massachusetts, as that law stood before the act of the Legislature of that State, of the 4th of March, 1843, the common jails in the respective counties were to be used for the detention of any prisoners detained or committed by the authority of the courts of the United States, as well by the courts and magistrates of the State; but these provisions were abrogated and repealed by the act of the Legislature of Massachusetts, of the 24th of March, 1843. That act declares that no judge of any court of record of this commonwealth, and no justice of the peace, shall, hereafter, take cognizance, or grant certificates, in cases that may arise under the third section of an act of Congress passed February 12th, 1793, and entitled "An Act respecting fugitives from justice, and persons escaping from the service of their masters, to any person who claims any other person as a fugitive slave within the jurisdiction of this commonwealth;" and it further declares, that "No sheriff, deputy sheriff, coroner, constable, jailor, or other officer of this commonwealth, shall hereafter arrest or detain, or aid in the arrest or detention, or imprisonment in any jail, or other building belonging to this commonwealth, or to any county, city, or town thereof, of any person for the reason that he is claimed as a fugitive slave," and it further declares, that "Any justice of the peace, sheriff, deputy sheriff, coroner, constable, or jailor, who shall offend against the provisions of this law, by in any way acting, directly or indirectly, under the power conferred by the third section of the act of Congress afore mentioned, shall forfeit a sum not exceeding one thousand dollars, for every such offence, for the use of the county where said offence is committed, or shall be subject to imprisonment not exceeding one year in the county jail." This law, it is obvious, had two objects. The first was to make it a penal offence in all officers and magistrates of the commonwealth to exercise the powers conferred on them by the act of Congress of the 12th of February, 1793, entitled "An act respecting fugitives from justice, and persons escaping from the service of their masters," and which powers they were fully competent to perform up to the time of this inhibition and penal enactment; second, to refuse the use of the jails of the State for the retention of any person claimed as a fugitive slave. It is deeply to be lamented that the purpose of these enactments is quite apparent. It was to prevent, so far as the Legislature of the State could prevent, the laws of Congress (passed for the purpose of carrying into effect that article of the constitution of the United States, which declares that "No person, held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due,) from being carried into effect. But these acts of State legislation, although they may cause embarrassments and create expense cannot derogate either from the duty or the authority of Congress to carry out fully and fairly the plain and imperative constitutional provision for the delivery of persons bound to labor in one State, and escaping into another, to the party to whom such labor may be due. It is quite clear that, by the resolution of Congress of 3d March, 1821, the Marshal of the United States, in any State in which the use of the jails of the State has been withdrawn, in whole or in part, from the purpose of the detention of persons committed under the authority of the United States, is not only empowered, but expressly required, under the direction of the Judge of the district, to hire a convenient place for the safe keeping of prisoners committed under authority of the United States. It will be seen from papers accompanying this communication, that the attention of the Marshal of Massachusetts was distinctly called to this provision of the law by a letter from the Secretary of the Navy, of the date of October 28th last. There is no official information that the Marshal has provided any such place for the confinement of his prisoners. If he has not, it is to be regretted that this power was not exercised by the Marshal, under the direction of the District Judge, immediately on the passage of the act of the Legislature of Massachusetts, of the 24th of March, 1843; and especially that it was not exercised on the passage of the Fugitive Slave law of the last session, or when the attention of the Marshal was afterwards particularly drawn to it. It is true that the escape from the Deputy Marshal in this case was not owing to the want of a prison or place of confinement; but still it is not easy to see how the prisoner could have been safely and conveniently detained, during an adjournment of the hearing for some days, without such place of confinement. If it shall appear that no such place has been obtained, directions to the Marshal will be given to lose no time in the discharge of this duty.

I transmit to the Senate the copy of a proclamation issued by me on the 18th inst., in relation to those unexpected and deplorable occurrences in Boston, together with copies of instructions from the departments of War and Navy relative to the general subject, and also copies of telegraphic despatches transmitted from the Department of State to the District Attorney and Marshal of the United States for the District of Massachusetts, and their answers thereto.

In regard to the law branch of the enquiry made by the resolution of the Senate, I have to observe that the constitution declares that the President shall take care that the laws be faithfully executed, and that he shall be commander-in-chief of the army and navy of the United States, and of the States when called into the actual service of the United States; and that Congress shall have power to provide for calling for the militia to execute the laws of the Union, suppress insurrection, and repel invasions—from which it appears that the army and navy are by the constitution placed under the control of the executive, and probably no legislation of Congress could add to or diminish the power thus given, but by increasing, or diminishing, or abolishing altogether the army or navy. But not so with the militia. The President cannot call out the militia into service even to execute the laws or repel invasions, but by the authority of acts of Congress passed for that purpose; but when the militia are called into service in the manner prescribed by law, the constitution itself gives the command to the President. Acting on this principle, Congress, by the act of February 28, 1795, authorized the President to call forth the militia to repel invasion, and suppress insurrections against a State government, and to suppress combinations against the laws of the United States, and cause laws to be faithfully executed. But that act proceeds to declare that, whenever it may be necessary in the judgment of the President to use the military force thereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse and retire peaceably to their respective abodes within a limited time. These words are broad enough to require a proclamation in all cases where the militia are called out under that act, whether to repel invasion, or suppress an insurrection, or to aid in executing the laws. This section causes some doubt whether the militia could be called forth in executing the laws without a proclamation; but yet the proclamation seems to be in words directed only against insurgents, and to require them to disperse, thereby implying not only an insurrection, but an organized, or at least an embodied, force. Such a proclamation in aid of the civil authority, would often defeat the whole object, by giving such notice to persons intended to be arrested, that they would be enabled to fly or secrete themselves. The force may be wanted sometimes to make the arrest, and also sometimes to protect the officer after it is made, and to prevent a rescue. I would, therefore, suggest that this section be modified, by declaring that nothing therein contained shall be construed to require any previous proclamation, when the militia are called forth either to repel invasion, to execute the laws, or suppress combinations against them; and that the President may make such call, and place such militia under the control of any civil officer of the United States, to aid him in executing the laws, or suppressing such combinations; and while so employed, they shall be paid by and subsisted at the expense of the United States. Congress not probably adverting to any difference between the militia and the regular army, by the act of March 3, 1807, authorizes the President to use the land and naval force of the United States for the same purposes for which he might call forth the militia, and subject to the same proclamation. But the power of the President, under the constitution, as commander of the army and navy, is general, and his duty to see the laws faithfully executed is general and positive, and the act of 1807 ought not to be construed as evincing any disposition of Congress to limit or restrain this constitutional authority. However, it may be well that Congress should modify or explain this act in regard to its provisions for the employment of the army and navy of the United States, as well as that in regard to calling forth the militia. It is supposed not to be doubtful that all citizens, whether enrolled in the militia or not, may be summoned as members of the *posse comitatus*, either by the Marshal or a commissioner, according to law, and that it is their duty to obey such summons. But perhaps it may be doubted whether the Marshal or a commissioner can summon as the *posse comitatus* an organized militia force, acting under its own appropriate officers, without the consent of such officers. This point may deserve the consideration of Congress.

I use the occasion to repeat the assurance that, so far as depends on me, the laws shall be faithfully executed, and all forcible opposition to them suppressed; and to this end I am prepared to exercise, whenever it may become necessary, the power constitutionally invested in me, to the fullest extent. I am fully persuaded that the great majority of the people of this country are warmly and strongly attached to the Constitution, the preservation of the Union, the support of the Government, and the maintenance of the authority of Law. I am persuaded that their earnest wishes, and the line of my constitutional duty, entirely concur; and I doubt not that firmness, moderation, and prudence, strengthened and animated by the general opinion of the people, will prevent the repetition of occurrences disturbing the public peace, and reprobated by all good men.

MILLARD FILLMORE.

Mr. CLAY arose, and said that he had listened with great pleasure to the message; its general tone, and firm resolution to execute the laws, will be satisfactory to every one. He regretted the message did not say that the marshal had been dismissed; but he had reason to believe the President is subjecting the conduct of the marshal to a scrutiny which will end in his dismissal. He had been gratified to witness the general execution of this law; it had been executed in Indiana, under peculiarly difficult circumstances, and also in Ohio; in repeated instances it was executed in Pennsylvania, in its capital and in Philadelphia; it was executed also in the great metropolis of the Union, New York; it had been executed everywhere, except in Boston, where it has failed on two occasions. When the first failure occurred, he looked with anxiety to the next case, in order to see if the law would or would not be executed; and was greatly surprised to hear that the law had been resisted by a lawless mob, who had entered the court house, and rescued from the officers of justice a person legally in their custody. When he had made allusion to the blacks and their outrageous conduct in this matter, he likewise meant to include in his denunciation the conduct of those, whether in high or low places, who, by their speech or advice, induced, led on, and instigated those poor, deluded creatures to this open violation of the law. He expressed the hope that, if there were defects in existing laws, provision be made by which those who instigate, induce, persuade, and lead on these miserable wretches to such acts of violence, will be brought to condign punishment. He gave to the suggestions of the President his earnest support, and moved that the message be referred to the Committee on the Judiciary.

Mr. HALE said he was glad that the message had been sent in—if for no other reason, because it showed that the President felt that his administration had made itself ridiculous by issuing the proclamation; and the document just read was nothing more than a labored essay, to prove that the proclamation was necessary. The idea of the great republic of the United States calling on its army and navy to assemble and hold themselves in readiness to put down a mob composed of a mere handful of negroes, was ridiculous in the extreme. Boston has a population of one hundred and forty thousand, and within the sound of the bell on the old State House, there resided half a million of people. In all Boston there were not over one thousand adult negroes; and they were doubtless skulking in alleys, to avoid meeting the constables. It was useless to attempt to magnify this affair into something of consequence; it was too absurd. He considered the proclamation of the President improper, unwise, impolitic, unnecessary, and very weak; with it he would have nothing to do.

Mr. CLAY remarked that the conduct of the Senator from New Hampshire did not surprise him; it was in conformity with his general course. The Senator had pronounced a deliberate act of the President as ridiculous. Now, there were two opinions on that subject, as there were two opinions on another subject, namely, the oratorical fame and influence of a Senator. On this last question, the opinion entertained by the member was one thing; while that entertained of his oratorical powers, and the influence of those powers, was quite a different one. The Senator seemed to make it a point to rise always after him, (Mr. C.) as if to dispute with him for the palm of eloquence and oratory. He had no ambition to contest this with the Senator; he relinquished to him, cheerfully, all the glory he could expect in such a contest; and he hoped the Senator would receive the relinquishment with the self-complacency with which he always rose to address the Senate. This mob was styled a mere handful of negroes. Did any beside the Senator suppose that none but the negroes were concerned in the violation of law? The proclamation was directed to the enforcement of the law, and at those who took no active part in the mob, yet encouraged, excited and urged the negroes on to this outrage of the laws of the country. It was said, however, that men other than negroes actually engaged in the mob; it was said that one negro—a white negro—stood at the door and beckoned them to come in. It was at such persons as these—who, by their counsel and advice, their instigations and solicitations, lectures, and speeches, here and in the other house, induced transgressions of the law—that this proclamation was aimed. Not only are these negroes made the catspaw of miserable and designing men, to bring odium on the laws, and violate justice and its officers, but there has been introduced a man named Thompson, who was said to be a member of the British Parliament, to disturb and agitate the people—and that police which could find time and the means to attend and protect this foreign emissary in his disunion addresses, could not give their aid to execute a law of the United States. He little supposed that any member of this Congress would be tolerated a moment in England, who would go to Birmingham, or to Manchester, and there denounce the law of primogeniture, the aristocracy, and the crown itself. Such a man would be justly denounced by every loyal British subject, and he would be put out of the country; and here this Thompson is received with open arms—encouraged, by men professing to be Americans, in preaching sedition and disunion. He had more anxiety in having these men brought to punishment than the poor deluded negroes.

Mr. MASON remarked that the duty of surrendering fugitives from labor and service, was a duty imposed by the constitution; it was a part of the compact subscribed by all the States in forming the Union. He took issue with the Senator from Kentucky, on the question whether this law was executed or not. He regarded the law, so far as its practical execution was concerned, a dead letter. He had full belief in the declaration of the President, that he would execute the law if he would; the President, however, had begun wrong in the first case. When Crafts escaped, the slaves were lost to their masters because of the evasions, prevarications, and delays, of those whose duty it was to enforce the law and administer justice. It was the duty of the President immediately to have dismissed the Marshal. The law, if it was to be enforced, must be executed with alacrity, zeal, and certainty; it must be executed with a desire on the part of the people among whom it is expected to have it carried out, because it is the law, and without any obstacles or obstructions being thrown in the way of its execution. In this case the party was arrested, and time was given to him (properly, perhaps,) to make his defence; there was no place prepared in which to confine him, and, it being the intention to keep him in the court room from Friday to Tuesday, how could his rescue have been prevented? The laws of Massachusetts prohibit the imprisonment of parties under this law in the jails of that commonwealth. He thought it wrong to denounce the population of Boston, when, by the laws of Massachusetts, it is made a penal offence for any of that population to aid or abet in the arrest or imprisonment of the fugitive. The Senator from Kentucky was right in denouncing the conduct of those engaged in this open resistance, but he should have gone one step further, and denounced the State of Massachusetts as false to her federal obligations. She was false to those obligations, for making which she received a consideration. She agreed to to surrender these fugitives, and received a consideration; her Legislature has been in session since the passage of the Fugitive Slave law, and those laws preventing the execution of the provisions of the constitution still stand on her statute book. The Senator from Massachusetts remarked the other day that the people of that State were law-abiding, and would not resist the execution of the law. He would ask the Senator whether those citizens by not resisting forcibly the law, were discharging their federal obligations to render up fugitives from labor or service? If they were, it was keeping the word of promise to the United States, but a failure in complying with its demands. When the Senator from Ky. said the law was generally executed, if he meant it was executed without resistance, he was correct; but if he intended to say it was executed with the alacrity or in the spirit of the federal compact, he mistook. In conclusion, Mr. Mason detailed the circumstances of the Harrisburg case, where the expenses amounted to $14,000, and the negroes, when sold, brought $1,100—thus making a balance in favor of the master of $860. In the Long case, at New York, the expenses amounted to nearly the value of the slave, and besides, the claimant was subjected to several vexatious suits. He respectfully called the attention of the appointing power to the various delays and evasions of the law by government officers, and recommended that the least evidence of this should be cause for instant removal.

Mr. DICKINSON remarked, that the Senator from Virginia was in error in regard to Long. In that case there were no suits against the claimant; and in that case he considered that the issue was fairly made up and tried between those who desired that the law should be executed, and those who intended peaceably to resist it. The latter had been defeated. The case of Long did much to prove that this law could be executed with the patient hearing given to that case. In time, others will be likely to arise which will produce difficulty. The law was to be tested; its force was to be tried; and the question having been judicially settled, it would not be again idly agitated. The Fugitive Slave law was denounced, in the case of Long, as unconstitutional, and as suspending the *habeas corpus*; and this was the cry of every demagogue and fanatic. The case of Long showed how untrue and groundless were those declarations.

Mr. HALE remarked, that Mr. Clay had charged him with always rising after him, in debate, with a view of contesting the palm of oratory and eloquence. This remark of the Senator explained a slander which had been circulated about him, which was, that he (Mr. Hale) always took occasion to speak when the galleries were filled with ladies. The observation of the Senator explained the slander.

Mr. CLAY—"Do you mean to say that I have circulated a slander about you?"

Mr. HALE—"Not at all, sir."

Mr. CLAY—"Well, what do you mean, sir?"

Mr. HALE—"I will not answer any question put to me in that tone, in or out of the Senate. I am not to be silenced or put down by any one, whether a tall or short man." Mr H. denied that he had any intention of contesting for the palm of oratory with the Senator from Kentucky. With regard to his opinion of himself, and the opinion entertained of him by others, he freely admitted that there might be two opinions; but he did not think he stood alone; he did not think he would have to get out of the Senate to find the man who could say, that of the Senator from Kentucky there was more than one opinion. What he (Mr. H.) meant by saying that the slander against him was explained by the remark of the Senator, was, that together they showed that the Senator selected such occasions himself.

Mr. CASS joined with Mr. Clay in his condemnation of the recent proceedings. He was not a defender of the administration, but he had the utmost confidence in believing that the President would do his duty. If the laws were defective, he would vote to clothe him with full power to execute the law. He deprecated the remarks of the Senator from Virginia, that this law could not, was not, and would not, be executed. He considered that the Massachusetts laws obstructing the execution of this law, ought to have been cleared off her statute books long ago; but whether they were repealed or not, they could not prevent the execution of this law. The Senator from Virginia was wrong in supposing that voluntary action by the people of the free States was necessary to a due execution of the law. He considered that in Long's case, though time was given, the law worked smoothly. The slaves could not be expected to submit at once. He referred to the conduct of the miscreant Thompson, and said that if a member of Congress should do in England what Thompson had done in this country, he would be sent to Botany Bay.

Mr. MASON rejoined, that of the thirty Senators from the free States, only three had voted for the law. They were the Senator from Pennsylvania (Mr. Sturgeon) and the Senators from Iowa.

Mr. DICKINSON said he was present, and would have voted for the law, but his colleague—who opposed it was called home—and himself had agreed to pair off. He had made a speech in favor of the bill, and would have voted for it but for the reason stated. That there was a strong, an all powerful feeling in the country in favor of the execution of the Fugitive Slave law he had no doubt.

Mr. CLAY made a few hits at Mr. Hale.

Mr. BUTLER considered further the general sentiment of the Northern people as hostile to Southern institutions, and that the law would never be carried out fully.

Mr. JOHN DAVIS remarked that he did not think such a case had occurred as called for the extraordinary proceedings now contemplated. The Supreme Court had relieved Massachusetts from all obligations to execute this provision of the constitution, by deciding that it was the duty of the United States, and not of States, to execute it.

Mr. BADGER replied, that the general proceedings in Massachusetts, for years, had now come to a crisis; and the question whether the laws and constitution, or the fanaticism of public bars and lecture rooms was to prevail. The President might have done more, but could not have done less.

Mr. DOWNS believed the law could be, and had been executed.

No question was taken, nor did there appear to be a termination of the debate, when the Senate adjourned.

House of Representatives.

BY BAIN'S ELECTRO-CHEMICAL TELEGRAPH.

WASHINGTON, February 21, 1851.

THE EGGING OF MR. THOMPSON.

Mr. GIDDINGS, (free soil) of Ohio, asked leave to introduce a resolution that the President be requested to inform this House, if consistent with the public interest, whether a subject of the British crown, and also a member of the British Parliament, has been recently insulted in Springfield, Mass., and his personal liberty endangered, by citizens of that State, in violation of our treaty stipulations with the British government. Objections being made, he gave notice that he would ask leave to offer the resolution at another time.

AMENDMENTS TO THE CONSTITUTION.

Mr. JOHNSON, (dem.) of Tenn., offered a joint resolution, which was referred to the Committee of the Whole on the State of the Union, providing for an amendment of the constitution of the United States, to the effect, in substance, that hereafter