the Senate Chamber, that this great negro mob of Boston, against which the public is preparing itself, was actually instigated by the emissaries of Great Britain. And the first thing we know of a call will be made to the British minister to know whether or not the Government of Great Britain tolerates any such thing. Once for all I say it is utterly idle. There is no arrest of man, which can blow this tolerates any such thing. Once for all I say it is utterly idle. There is no wrath of man which can blow this into any thing that is worthy of the parade that is made about it. It is one of the simplest and most isolated affairs that ever occurred; a momentary impulse to successful resistance to law. It has been done in every civilized community, and in every State of the Union probably, and will occur so long as mankind continue to be what they now are. And if upon every such occasion such a parade as this is made, it will bring the Government into contempt. You will make the whole body of the people distrust the efficiency of the Government in its regular operation. Instead You will make the whole body of the people distrust the efficiency of the Government in its regular operation. Instead of strengthening, you weaken; instead of giving respect, you take it away; instead of adding strength, you but make it weaker and weaker. It is for this reason that I am utterly opposed to taking any further notice of this matter. If the constituted authorities of Boston shall advise the President that there is a shade of doubt that they are competent to carry out the laws, then, and not till then, will it be time for us to interfere. interfere.
Mr. CASS. Mr. President, I have listened with patience

But I rose principally to say that I regret to have heard the remarks of the Senator from Virginis, (Mr. Mason.) He will permit me to say that I cannot see any good that will result from that strain of observation. I do not see any use in sult from that strain of observation. I do not see any use in a member of this Senate getting up and announcing to the public that the law will not be executed. It does no good, and I believe myself, as one, that the Senator is totally mistaken. Why will it not be executed? The Senator from Virginia and the Senator from Massachusetts, the other day, seemed both to say that public opinion was against it. The Senator from Massachusetts says that it will not openly be resisted, but it would not be executed.

Mr. DAVIS, of Massachusetts. I made use of no such language. I expressed no opinion that the law would not be executed.

executed.

Mr. CASS. If I did not very much misapprehend the honorable Senator, his remark was that when public opinion was against the law, it was decidedly useless to expect its execution, and that public opinion was against it in his own Mr. DAVIS, of Massachusetts. Nothing of the kind. I

expressed no such opinion.

Mr. CASS. A gentleman near me informs me that the Mr. CASS. A gentleman near me informs me that the Senator from New Hampshire (Mr. Hale) attered this opinion. I thought it was the Senator from Massachusetts, but at any rate I think it apparent, from what was said by the Senator from Massachusetts, that the moral sentiment of the country was, in his section of it, against the law. Why does the honorable Senator from Virginia say it will not be executed? For two reasons, so far as I understood him; one legal, and one resulting from the state of public opinion. That there are laws on the statute book of Massachusetts that should never have been there, and which should be wiped away instantly, no man who loves the constitution of his away instantly, no man who loves the constitution of his country, and wishes the perpetuation of the Union, can doubt for a single moment. They ought to be expunged. But those laws will not interfere with the laws of the United States. So far as they are unconstitutional they have no legal existence, and will present no real impediment to the execution of our laws. The judiciary will condemn them, and our laws will be executed. So far as the laws of Massachusetts are constitutional, no matter in what spirit they may have been passed, we have no right as legislators here to call them in question. We may condemn the motive, but so far as respects Massachusetts, she may make such laws as she thinks proper within her own limits conformatly to the constitution of the United States and the constitution of that State. It seems to me surprising that any man can be found within sight of Fancuil Hall, that old Cradle of American Liberty, who would hesitate for one moment to sweep forever from the statute book laws framed in such a spirit and leading to such

Again, why cannot this law be executed? The honorable does the honorable Senator mean by that? He does not mean that, every man in Massachusetts should voluntarily get up and assist in the recapture of a fugitive. He does not mean that, of course. If the constitution is carried out in good faith, and the owner of the slave or his agent is clothed with all the necessary power and authority, that is all you can ask of the executive department is, that neither the owners nor its officers should be interfered with or resisted in the execution of the power given them by the law and by the constitution. But it is said that the people are opposed the constitution. But it is said that the people are opposed to the law. That is no objection to the validity of the law nor to its due execution. Opinion is one thing and actual resistance another. If a murderer escapes from Michigan into Virginia you cannot expect the population to rise up and run after him. It is not reasonable to anticipate such a thing.

And successfully defeat it as far as final judgment was concerned, they did defeat it as far as final judgment was concerned. I adduced the case in New York for the variety out. It is no answer to the objection when I am told by the Senator from New York that the expenses were paid by vol-Virginia you cannot expect the population to rise up and run after him. It is not reasonable to anticipate such a thing.

had escaped from another State? Mr. MASON. I would, if it was necessary to execute

the law.

Mr. CASS. If it was necessary to execute the law, of course he would do it with pleasure. So would I; and so would every body with correct sentiments upon this subject.
But I am speaking of the voluntary action of the people, of
their gratuitous and uncalled for interposition. The only idea
I meant to convey was, that the withholding of this voluntary action does not constitute reasonable ground for saying that the law will never be executed. The public sentiment in Massachusetts upon this subject is as unfortunate as it is wrong. No man deplores it more than I do, but I believe the law will be executed there and wherever the flag of the Union waves. That is my firm belief. No man has a right to doubt it till the subject has been fairly tried. A wonderful change in public sentiment has taken place. It is going on and will go onward until the great object is accomplished. We see it at the North, we see it at the West, and all around us; and we cannot mistake it. As my friend from New York (Mr. Dickinson) very truly and impressively stated, the decision in the city of New York in the case of Long has been of great value towards carrying into effect the provisions of the constitution in relation to this subject. Its imposing manner, the length of time taken to argue it, leaving every thing free to be discussed for and against the law, and finally the delivering up by the officers of the United States, aided by the police of the city, of the fugitive, was a beautiful trial of public opinion, and an illustration of the effect of this law, and has been felt throughout this Union from one end of it to the other. Let us try the law, and not denounce it because it because it is the law, and not denounce it because it is the law, and not denounce it because it is the law, and not denounce it because it is the law, and not denounce it because it is the law, and not denounce it because it is the law, and not denounce it because it is the law, and not denounce it is the law. forehand. These foreboding predictions do no good. It is not suprising, after the wonderful agitation through which we have passed, that the waves do not instantly subside. It is

not in human nature.

Time must be given for reflection before a calm can take place. Give these elements of sound public opinion, and let it be seen that the law will be carried into effect, and when-

ever resistance arises to its execution, let it be at once put down fairly and promptly. I believe in that manner the object will be accomplished, and speedily.

I join in the general reprobation so well expressed by j the Senators from Kentucky and Virginia, of the foreigner who has come to our country. If an American went to England and conducted himself in the same manner, he is would not only be not down by public opinion, as the honto England and conducted himself in the some manner, he would not only be put down by public opinion, as the honorable Senator from Kentucky says, but, he would be on his way to Botany Bay within a month after the meeting of the first ceurt that could try him for treason or sedition. Yet many persons and many papers in our own country advocate the course of this vile disturber of the public peace—advocate his right to come to our country and decourse our institute. the course of this vile disturber of the public peace—advocate his right to come to our country and denounce our institutions, and disseminate doctrines, which, if they prevail, will lead to the dissolution of this Union as certainly as that the sun, which is about to set, will rise again to-morrow. Yet lead to the dissolution of this Union as certainly as that the sun, which is about to set, will rise again to-morrow. Yet we are asked tamely to suffer this state of things. I see that the papers in Edinburgh and in London, which always manifest such a "kind" regard and watchful care for the honor and institutions of the United States, are denouncing the spoe tion to this man, and maintaining his right to go from one end of our country to the other, abusing our people and our institutions, and propagating views as false as they are dangerous. The honorable Senator from New Hampshire seems to think that this is all fair; that there is not a particle, of ill-will or animosity in it, but the kindest feelings towards which instigates this foreign political propagandist. Credial Judgets Apella? Let him believe this who can. I judge the man by his sects and doctrines. If there were neither physical nor moral evils in England, and not enough of either to engage the most enlarged, philanthropy, I should have more patience with a man who sets out to try to find them in another country. But he comes here from a land abounding in misery, to arraign our institutions, to abuse our people, to decide of land the papers of the pap

are almost universally approved. Nor do I believe, if he should accomplish his object, and give practical effect to principles that would break up the Government and dissolve the Union, and direct our energies to internal war rather than to the great enterprises of peace, that many sincere regrets would be felt in that country, however sentimental might be the parameters of a young female slave—prior to the or to which the processible States of a young female slave—prior to the or to which

graphs in the papers.

Mr. MASON. The Senator from Michigan, I take it for Mr. MASON. The Senator from Michigan, I take it for granted, does not mean to misquote me. I did not remark that this law would never be executed. I cannot pretend to look so far into futurity. What I said, and what I now repeat, is this: that if the Senator considers that this law has been executed in such a way as to yield the fruits of the law in every instance where the slave is not recovered by effectual violence and resistance to the law, he does not interpret the execution of the law as I do. I meant the work in the research in execution of the law as I do. I mean to say, that except in some few instances, this law, as far as I am informed, has not yielded the fruits of such a law; for when it has returned the property to the master, it is returned at a cost equal to the value of the property. If the honorable Senator from Michigan means that that is the execution of the law with which the slave States are to be satisfied, he misinterprets the feeling

of the people of those States.
Sir, I have not said that this law never will be executed I have said, what I repeat, that the law cannot be executed; Mr. CASS. Mr. President, I have listened with patience to this discussion. There is a great deal to excite the indignation of the Senator from Kentucky, and I concur in much that he has said. With respect to the course of the Administration, which is condemned by the honorable Senator from Virginis, it is no part of my business to defend it; it has able and zealous friends enough on this floor to do that; but I owe it to truth and candor to say that, as far as I understand the measures of the President, I approve them, and I believe he is determined to do his duty firmly in respect to this law; and as one member of the Senate, I will say that if the law is defective, I am willing to clothe him with any necessary power within the limits of the constitution. I am prepared to do that. it is not in the power of man to execute it, unless it is done with diligence, and alacrity, and zeal, and good faitb. I call upon the Senator from Michigan to let me know a case where

Mr. SEWARD. The honorable Senator from Virginia will allow me to say that my colleague has stated the truth of this matter. He would undoubtedly, as he has now said, have voted for the law, if sickness, which rendered it impossible for me to sit or stand, had not prevented me from being here.

Mr. MASON. I am not challenging the votes of the Senators. I am stating a fact, an historical fact. I am perfectly satisfied that every gentleman who did not vote on that occasion had proper and sufficient reasons for not voting. I am the last man to challenge any Senator's vote. Such is the fact—litera scripta manet. Only three Senators from the free States voted for that law, and all others who voted, voted against it—I think twelve in number. Now, I say we may against it—I think twelve in number. Now, I say we may trace it in this particular instance, and we can see and know and understand, and we do understand and feel every day,

lence. I understood that a slave was arrested in Detroit some time during the last fall, that a mob gathered, that the military were called out, and the law was not successfully resisted

by the mob.

Mr. CASS. There was a fugitive in the city of Detroit, Mr. CASS. There was a fugitive in the city of Detroit, and the military were called out. There was a demonstration, but no effort of resistance; nor in my opinion, and in the opinion of every well informed person there, would there have been any resistance to the taking away of the slave, even if the military had not been called out.

Mr. MASON. There must certainly have been a very a strong demonstration, or the military would not have been called out. Now it is one thing not to lend efficient aid in corrying the law into execution and it is another thing not

carrying the law into execution, and it is another thing not to interpose obstacles when the fugitive is protected, screened, and assisted by the population. There may be instances to the contrary; and although I do not mean to say, and have not said, that this law will never be executed, I do say that as long as this spirit obtains among the people where the law is to be executed, that it will not be done; or if it be done, Senator from Virginia says that the people will not join in the execution of it; that the people are opposed to it. What does the honorable Senator mean by that? He does not mean corrects me in one single particular, in relation to the case fter him. It is not reasonable to anticipate such a thing.

Mr. MASON. It would be done.

Mr. CASS. Would the honorable Senator leave Winders, and the contributions by the citizens. It was done in that case, it seems, but in how few cases would the claimants who chester and go to hunt up a murderer, or forger, or thief who go into free States to recover property find the citizens ready to bear the expenses of the recovery. I have no disposition, and I do not mean to say that any thing was left undone by the ministers of the law in the city of New York, necessary to carry the law into execution; but I speak of it for the pur pose of showing the impossibility of executing the law in such a way as to make it valuable, when the people among whom it is to be executed are hostile to that law. That is the only

purpose for which I alluded to the matter. Mr. DICKINSON. In the recovery of any species of property under any law there is more or less controversy and contestation, and if there were to be no contest in the matter, no law would be necessary. If the individual is to go and take his property, according to the ancient rule, "and let him take who has the power," "and he may keep who cao," no law would be necessary. The very law, summary thoug it be, supposes that that there will be more or less contest, an provides accordingly, and there can be no litigation withou some delay. Now, in this case, the delay which is complained of, the Senator says prevented the recovery of the object of the pursuit. That depends entirely on how high gentleman who was agent of the claimant valued He was there, I believe, about ten days, perhaps ly the gen more. His own expenses, I understand, were paid. Counsel among the most eminent the State or city of New York could furnish was furnished him free of charge. He was himself entertained by them most hospitably; lost nothing but his own time, as the slave was taken back to Virginia. If a his own time, as the slave was taken back to Virginia. If a few days of his time were worth more than the value of the slave, and the perfect triumph of the law, then he went back without the fruits of what he sought, as contended for by the Senator from Virginia. But a portion of that delay was caused, as I am informed, by the declaration of the claimant himself, that he wished every possible facility given to test the efficiency of the law, and to have the matter fairly and fully thind it mass a leading areas under the area law, which tried. It was a leading case under the new law, which had greatly excited public attention, and he wished—and that very properly, too—to have its practical operation put to the trial. He sought no advantage, no haste, which would not give the fullest and most complete opportunity to prove what would be the operation of the law. Another portion of the delay was caused by the very serious illness of the district judge, who was for that reason unable for some time to pro-ceed with the case.

It does seem to me, therefore, that unless we are willing to

misery, to arraign our institutions, to abuse our people, to condemn our Government, and by falsehood and misrepresentation to excite one portion of our country against another by deeds of lawiess violence. I am not among those who be lieve that he is sent out on this mission by the British Government. I do them no such injustice. But he is doubtless stimulated and encouraged by a talse state of public opinion in that country, originating in feelings and motives which I do not now stop to investigate. There can be no mistake as to the bearing of public opinion there upon his efforts. They

We go to Cincinnatti, and what do we find ther There was the case of a young female slave—prior to the coto which the honorable Senator from Virginia has referred who was claimed, taken before a commissioner, adjudged to the property of the claimant, and quietly permitted to lee the city without the slightest disturbance. The very casto which the Senator alluded is an example of the faithful ecution of the law. What was it? A woman had escape While her master was pursuing her in the streets of Crimnati, a mob collected, and the cry of her being free was rad. The man was pursued and the negro was rescued. It she was retaken and carried before the proper authority that authority was in progress of examination of the fact either she was a slave or no slave; and towards evening, the lige being about to postpone the case until the next day, the ne o woman got up and said, "let me go home to my mast." That probably is the case with many of those househe servants who are imprudently enticed away by abolitionists. She said "let me go home to my master." There was, sen, conclusive evidence of the existence of slavery. The was conclusive evidence that the owner had a right to the property. Was there any attempt made then to rescue heror to prevent her being taken on board the boat, and transpeed to the residence of her master? None whatever. To law was fully and faithfully executed.

Now with regard to the case at Harrisburg. Since this discussion has arisen, I have been informed, and the perfect stalled dollars were allowed to the marshal fer carry the fugitive slaves back in that case to the neighborhood to he hon orable Senator from Virginia.

tive slaves back in that case to the neighborhood

come. It is an abiding hostility to that institution which makes them treat the law as the law of a foreign Power, and a law which they did not contribute by their efforts to pass. The fact remains upon the journal of the Senate that when that law passed here at the last session it was passed by the votes of the slaveholding States. There were but three out of the thirty-two Senators from the free States who voted for that law. I instance the honorable Senator in my eye from the State of Pennsylvania, (Mr. Sturgeon,) and the two Senators from Iowa, (Messrs. Donge and Jones.)

Mr. DICKINSON. If the Senator will allow me to interrupt him, I would state that my colleague, who is supposed to be very strongly against the law, paired off with me on that question. I stated that fact in a speech which I made at the time of the passage of the bill.

Mr. SEWARD. The honorable Senator from Virginia will allow me to sey that my colleague has stated the truth of educe was his true owner, and he was carried back through the free State of New Jersey without molestation, through Pennsylvania, through the State of Delaware, and that part of Delaware which would be considered as almost entirely free—through Wilmington—to Bultimore, and then to Richmond by the manual of the contract of the contra mee—through Wilmington—to Baltimore, and then to Richmond, by the marshal, or some of his deputies, at a great expense, which, I dare say, when we come to read the accounts, will be shown by them.

Now, what does the Senator from Virginia expect? He

has mentioned no case in which there has been a failure on the part of the claimant that has pursued his slave to recover the part of the claimant that has pursued his slave to recover him. Did he expect, upon the passage of the law, that, without diligence on the part of the master, the slave was to be returned to him at no expense whatever? Did he expect that there would be no evasions of the law? How are they to be guarded against? Why, we all know the way in which these things are conducted. A negro runs away in the night, and when he is in a free State he will be received and harbored, by whom nobody knows. He will silently and rapidly make his way to Canada. How is this to be prevented? All laws, more or less, are liable to be evaded; and that law, above all others, will be most evaded where the object is to recover a others, will be most evaded where the object is to recover a human being who owes service as a slave to another; because, human being who owes service as a slave to another; because, besides the aid and the sympathy which he will excite from his particular condition, he has his own intellect, his own cunning, and his own means of escape at his command. Now, there are some persons who will not pursue their slaves at all. Many will not give themselves the trouble to go after them. But, before the law can be charged with any violation of duty to the slaveholding States; before the President can be arraigned for any violation of his duty, a case should be made out where by the everying of proper diligence and vigin be made out where, by the exercise of proper diligence and vigi-lance on the part of the executive authorities, the case of eva-

with respect to the case in Boston which first occurred, what was done? The agent of the owner of the slaves in that case himself, before he left Boston, expressed to the marthat case himself, before ne left Doston, expressed to shall his entire satisfaction with his conduct. The slaves were hurried off, carried to another State, and transported to England. What did the President do? He subn England. What did the President do? He submitted all the papers connected with the conduct of the marshal to the law officer of the Government, that officer himself from a slaveholding State; and that officer, although he was not entirely satisfied with the conduct of the marshal, gave it as his deliberate and legal opinion that sufficient ground for the removal of the marshal had not been presented. I think myself that the late case, without speaking at all of the one that previously occurred in Boston, does present a ground for his removal. What the President may do I know not. What I would do, if I were in his situation, I have no hesitation in saying. I would remove him. He has shown that, either by himself or by his deputies, all those measures of precaution, in sufficient or by his deputies, all those measures of precaution, in enti-cipation of what might occur, had not been taken, and he had failed to execute a law of the United States, by which he

fectly correct. The law has been executed, as far as we know, in every free State in the Union in which it has been brought in every free State in the Union in which it has been brought into operation, with the sole exception of the city of Boston. That being the case, I think there is no just ground of reproach whatever towards the Executive of the nation. I am happy to see the Senator from Michigan, though standing in different political relations to the President, do him the justice which he has done this day the declaration of opinion which he has made. Sir, I am perfectly satisfied, from all I know of the President and his Cabinet, that there is a most perfect and immovable determination to carry into execution the laws of the land, and to employ all the means in their power in order to accomplish it.

I owe an observation to the honorable Senator from New Hampshire. He seemed to intimate that there was some purpose on my part to suppress the freedom of debate in his own particular case. I think I know tolerably well what I am capable of, physically and intellectually. There are some works too gigantic for me to attempt, and one of them is to stop the Senstor from debate in this body. It is atterly impossible, and I shall make no such vain endeavor. He must, as George Canning once said, come into the Senate every now and then "to air his vocabulary." But the Senate come and the senate come in the senate c ator made an observation with respect to a high officer of this Government that I thought unbecoming the dignity of the Senate, or the dignity of the Senator. He spoke of the message of the President as a contemptible and ridiculous message.
Mr. HALE. The Senator is mistaken; I referred to the

Mr. CLAY. I thought the Senator alluded to the mes-

they fled? When you see this, and when you hear of the blacks and whites mixing together in public assemblies in Boston, can you think that the blacks never heard the advice to arm themselves with revolvers and bowie knives and put down any attempt to carry them away? If you have read it, can you fail to believe that it must have operated on their

community of Massachusetts, you may throw as much blame on the marshal as you think proper, but the federal officers will find it impossible by their mere exertion of power to carrie of the constitution, and the law referred to for the purpose of giving force to it. If they cannot callout the posse comitative, the very highest power which a sherif or a sar limited and impotent means to perform the duties of their offices. Why, you are now attempting by auxiliary legislation to do, what? To breathe life into an extinct article of the Constitution of the United States. You are to supply from time to time, from seasion to seasion, acts of legislations to compel people who are opposed to the constitution to the serve it—to report to the army and nawy, to military force, and good faith had previously imposed upon them. It is perfectly in vain, as has been said, in consequence of the said and pood faith had previously imposed upon them. It is perfectly in vain, as has been said, in consequence of the said and that it was hould understand the facts which example of the limited power which has been employed in debate—of enouncing the Legislation and good faith had previously imposed upon them. It is perfectly in vain, as has been said, in consequence of the said to supply in Massachusetts, with the limited number of officers and good faith had previously imposed upon them. It is perfectly in vain, as has been said, in consequence of the said to supply in Massachusetts, with the limited number of officers and the limited power which they exert over the community, to enforce this article of the constitution. Sir, they cers and the limited power which they exert over the community, to enforce this article of the constitution. Sir, they are reconciled by a mere casuistry to see it violated; they are reconciled to it by the pulpit; they are reconciled to it by designing politicians; and so long as the question of slavery forms an element of political sgitation, you might as well attempt to hush the winds by saying to them "cease." As I said the other day, you might as well expect to keep a manisc quiet by singing lullables as to undertake in this way to compel a reluctant people to do their duty.

The message itself begins by stating that the Executive Department of the Government is not in possession of any official information which enables it to speak with decision upon this subject. It has certain newspaper communications; it is in possession of certain telegraphic communications, and upon these it has founded the communication which has been made to the Senate.

I have read with some attention the various accounts of this matter which have been published in the newspapers,

compel a reluctant people to do their duty.

I have read with some attention the various accounts of faith. Allow me to make one remark in this connexion, and I repeat it from what was said by a member of the other house. Fifteen thousand slaves have escaped and are in the free States. How many of them are reclaimed under this or any other law? I would just as soon have the law of 1793 to acquire information. I ask, then, what is the cause which the research law is the research law. under discussion. The Senator from Kentucky has alluded to Indiana and some other States. What is the fact in relation to Indiana? Why, Indiana, Illinois, and Iows, and some of the other States, have come to the conclusion, while professing philanthropy at one breath, to exclude these people from their borders. I cast no censure on their policy. Their policy is to keep out all colored people, bond or free. It is a matter of policy that they have consulted more than any thing else. They have avowed it to be their policy that they will allow no black man to enter their borders hereafter; and the time will come when every black man who has escapti from his master into the State of Ohio will be expelled, not for any thing like a regard for the black man, but tom a policy, and a policy which I see is likely to be introduced into California. These persons would have been far befer to have been left as slaves than to have been seduced andeathis philanthropic advertisement that they will be free.

far beer to have been left as slaves than to have been seduced underhis philanthropic advertisement that they will be free. They have been in the nominal position of freemen only to be crued, degraded, and excluded from employment.

Genemen speak of the case in Boston as a mob of negroes. Gentle en may speak of it as they please, but it is a symptom thus fat that they will take the part of the fugitive slaves as long as hey can, not with a view to protect them ultimately when thy are free, but to exclude them from employment. This vertact in Boston will have been communicated (through speeches elivered here, through speeches such as have been delivered by the honorable Senator from New Hampshire, which has excused the act) to every Southern State in this deliveredly the honorable Senator from New Hampshire, which has excused the act) to every Southern State in this Union. Vhy, gentlemen are absolutely holding a spark over a powder nagazine. I do not know that they can succeed in exiting the slaves of the South to insurrection, but it will dissatisfy them, and the creatures are becoming every by more dissatisfied with their condition; although it a absolutely certain that their condition will be worse to be the swater of policy and missable philips. be worse there the system of policy and miserable philan-thropy which has been preached and practiced in some of the free Stes—infinitely worse. I am the friend of the black man empared with them, and he is a hypocrite who undertakes b preach in favor of a degraded race when in fact he takes less care of them than I would. I do not know how far this law to operate, but I will say that if a slave of mine recaim him so that as tay sooner than disturb him So far as regards the free people of color who bave gone to the North, the most of them would be glad to come back. I know it, because I have had some experience on the

setts ar averse to it, it is perfectly vain to rely upon Federal legislatin to supply what the constitution imposed upon them as a dut. I will never give up that it was a duty imposed on the pople of the States themselves to surrender fugitives from labr. Never was it expected that we should have to resort to he army, to the navy, or to the militia, and to proclamation, to supply this piece of legislation and that piece of legislation, and preach to the country that the law will be averaged. Law it is but preachings. I say there will be two officers. Nevertheless, the marshal made his communication to the mayor of the city, and thereupon the mayor ordered him to place a suitable force outside the court-house, presuming, I suppose, that he had no authority outside the suppose of the city, and thereupon the mayor ordered him to place a suitable force outside the court-house, presuming, I suppose, that he had no authority with. What was Jone inside, and this order, it appears, was complied with. What was Jone inside. Why, a band almost entirely of colored persons—the greatest number of white persons that you cannot detect where he is, because persons in the free States will conceal him, will throw all impediments.

as long as the persons interested may make the arrest. We may sleep for a while in the apprehension and the hope, but it is a delusive hope. He who looks no further than the present into this question chooses to disguise from himself that we are walking upon a precipice. These dangerous people have acquired a powerful control over the public mind in the non-slaveholding States. In some respects they have acquired the balance of power, and many of them sspire to the highest honors of the country and attain them. Am I to be told in the face of all this that our institutions are safe? I do not be-lieve a word of it. And I should not have been true to my position here if I had not proclaimed my convictions on this subject.

As regards this matter of recovering fugitives, I would sav. As regards this matter of recovering fugitives, I would say, in justice to Pennsylvania, that I believe she is the soundest of all the non-slaveholding States on this subject except the Northwestern States. I believe so. This law has never been tested in the interior of New York, and other non-slaveholding States. It has been enforced in the city of New York, and there was reason for that. The city had more intimate intercourse with the South, and it was their interest to preserve friendly and commercial relations with it. As I have said, it is not this mere case, but you are sowing the seeds of dissatisfaction and of danger among the blacks. I do not say that it will become very formidable, or that the dangers are likely to acquire any great influence, but it is proverbial among our overseers that every day and every year the management

Mr. CLAY. I thought the Senator alluded to the message. Mr. Precident, an old maid of my acquaintance—the anecdote has been told before—was running on, upon one occasion, in the city of Baltimore, very much against Napoleon, speaking of his conduct very harshly, much against Napoleon, speaking of his conduct very harshly, much against Napoleon, speaking of his conduct very harshly, much against Napoleon, speaking of his conduct very harshly, proport to express which usually characterizes that nation, being present, said, "Madam, I am very sorry that you think proper to express these sentiments of his Imperial Majesty, and I have no doubt that it will inflict great pain on him when he hears of it." [Laughter.] The President will feel about as much pain when he hears the opinion which has been promounced by the Senator from New Hampshire upon a solemn and deliberate act in the performance of a high duty.

If has been said that this is an isolated case. Do you ever, sir, see the papers from Boston; I mean the abolition papers from that city, and not only from that city, but from other portions of the country? Do you not see this Union denounced? Do you not see a declaration that within the limits of Massachusetts the fugitive slave law never can be executed? Do you not there see advice given to the blacks to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to arm themselves and kill the first person that attempts to the blacks. I do not sa arraign any man's motives for being opposed to slavery in the abstract, but I say he is the very worst man, if he had the courage to look at the consequences, who could make it one of the elements of his ambition. While he may sport with it, while he may play with it as part of the political game, it is one of those things that have brought this Confederacy, once devised by wisdom and preserved by good faith, to the once devised by wisdom and preserved by good faith, to the peril from which the patriots of the country have in vain attempted to rescueit. The debates go on at the North all on one side, with no one to combat them. The letter of the passed a law some seven years ago, from which he suspension of the machine that is coming down upon us, and

forborne to en'er into this discussion while there were points evidently of personal controversy going on between gentlemen; but I should hardly discharge my duty to the constituency which I represent if I should not express some views which I entertain upon this subject. I am not disposed to question the motives upon which this inquiry was set on foot. It will remain to be seen, and history will tell us, whether this is one of the fit and angrepriate occasions for the overrise of a It will remain to be seen, and history will tell us, whether this is one of the fit and appropriate occasions for the exercise of a power that I believe has been very sparingly exercised during the existence of this Government. The issuing of a proclamation by the Executive Department of the Government, which, in and of itself, necessarily implies that there is existing in public feeling a sentiment which is dangerous, or which

and I desire to recall the attention of the Senate to this case, gathering the facts from these sources. I cannot be answerable of course for their entire correctness; but I have no better means, and perhaps not half so good as the Government, to acquire information. I ask, then, what is the cause which arrests public business and provokes denunciation of Massachustet? Why, we are told that a mob has appeared in the very sanctuary of justice, and has rescued a person from the custody of the marshal or his deputy, and that it is an act of great enormity and outrage. Well, thus much I believe: that the court-house was employed as a prison, and that a mob of colored people did break open the door of that prison in open daylight, and did rescue one of their own color there in custody. Thus much is true. But the question is, does it follow that this is one of those violations of the law which bears not only the impress of outrage upon its face, but of such danger to the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of this great Government in the exercise of a power of the future administration of justice as to authorize the interference of the future administration of justice as to authorize the interference of the future dependence of its when they appear in is the present law, for any purpose, so far as regards the relamation of fugitive slaves. I said so when this law was under discussion. The Senator from Kentucky has alluded Indiana and some other States. What is the cause which arrests public business and provokes denunciation of Massachustus Why, we are told that a mob has appeared in the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of justice, and has rescued a person for the very sanctuary of jus without any attempt to overawe the public by a resort to military force? These are inquiries which are pertinent, I think, to this subject. They are proper, and they are suitable. I would ask whether, if fifty men are gathered around the court-house in this or any other place, they could not do vio-lence? Could not they interrupt the session of the court? Could they not seize an officer of the court and take him away, if they were so disposed, and would it imply any neaway, if they were so disposed, and would it imply any neglect of the people, or any absence of suitable preparations
for such an emergency if it should happen? Are we to carry
on our courts with a military force surrounding the temple of
justice, or are we to go on in the usual peaceable, quiet, and
orderly way? That is the inquiry. There are acts of violence too frequently occurring in all parts of the country.
We witness them here in this District, over which Congress exercises unlimited power. How long is it since a man was shot down and taken up dead in the streets here at a fire? How long is it since another individual was shot down in like manner in front of one of the principal hotels, in a contest among firemen? How long is it since I saw in the newspapers of this city an instance of individuals firing into private houses? Are these acts of violence fit and suitable occasions for a proclamation of the President, or can the punishment of all such acts be entrusted to the administration of

the law?

I go this far. I say that whenever you go beyond this back I know it, because I have had some experience on the subjet. I was the means myself of sending some fifteen to Ohio and I think they would be glad to come back.

The consequences of such an act as this in Boston is not limited to the particular act itself, but its consequences are now privading this community and creating a disturbance and dissatifaction among these poor degraded creatures which gentleten cannot measure. My friend from Virginia has very poperly said that when the States will not execute this law, that when the people of the Commonwealth of Massachusetts ar averse to it, it is perfectly vain to rely upon Federal legislatin to supply what the constitution imposed upon them. in the way of his apprehension; and after his sprehension, you have to go through a course of litigation to reclaim the property which the constitution required the States themselves to deliver up. The recovery of the property, it seems, is to depend on the physical arm of this Government. The army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army and the navy are to be invoked to enforce an army are to be invoked to enforce an army are to be invoked to enforce an army and the navy are to be invoked to enforce an army are to be invoked to enforce a marshal did not desire assistance. This in substance he states. What becomes, then, of these charges against the city government? What becomes of this denunciation of the police? I may add that when the city government assempolice? I may add that when the city government assembled, they passed resolutions of express instruction to the police to interpose their power in all such cases. Some speculative doubts had arisen under the laws of Massachusetts whether it was their duty, and it was, as I suppose, dispel those doubts that these resolutions were adopted. I now beg leave to read from one of the Boston papers an ac count of the matter. After quoting a New York paper, the paper which I hold in my hand, the Daily Bee, says:

"In the above opinion, respecting the pusilianimous conduct of the deputy marshal, almost every one concurs. As yester-day evening's Journal (a daily paper) truly remarks, that functionary appears to have made no preparations to retain his prisoner in case of an attempt at rescue, and when a rush was tionary appears to have made no preparations to retain his prisoner in case of an attempt at rescue, and when a rush was made into the court room by a small body of unarmed men, instead of making a manful defence until assistance could have been rendered by the city police to preserve the peace, not a single blow was struck, not a symptom of resistance was manifested—but the deputy marshal and his assistants allowed this outrage to be committed in their presence, without apparently raising a finger to prevent it.

"Certainly, this is what the facts in the case show. The deputy marshal was unarmed, and unprovided with a resolute force. Nay, when the outrage took place, he was, to quote his own testimony, "squeexed behind the green door." We cannot see how any man can defend a public functionary who will thus be quietly cooped. Nor is it right to attempt to shield such conduct, by falsely imputing interested motives for the non-interference of others. An individual who seeks to claim a lion's share of glory, should bear a double portion of the shame."

I might go on and multiply these accounts from the variou apers, and still come back to the inquiry, whether this is a fitting or suitable occasion for the exercise of this power, but I leave the public to settle that question.

I said the other day that I would venture to predict that the people of Massachusetts, by peaceable means, would ex-ecute the laws of the United States. I have seen nothing which leads me to distrust this opinion, and I shall not dis-trust until I see better evidence than any which now exists Why, what was to prevent the execution of the law in this feeling in relation to this law Phere was a disapprobation of it in the minds of many citizens ; and I submit to you, sir, whether it would not been prudent and proper for the United States officer to have taken some suitable and proper means to have defended bim-self against such a gang as collected. He not only took no means, so far as the papers represent, but there was not one single effort made, as far as I understand, to recapture the person who was rescued. Whether these facts cast blame and reproach on the officers who had charge of the fugitive in custody, let every man judge for himself. I have no desire to arraign the conduct of any one, and therefore leave the facts as I find them to speak for themselves.

But the h norable Senator from Virginia (Mr. Mason)

n one side, with no one to combat them. The late law, I read a paragraph or two, in relation to the use of her prisons think, in some measure has given rise to a freer scope of discussion, and to some extent it may produce a pause; but as I have before said, it is only the pause of a day. It is only the this charge let us understand what Massachusetts has done in suspension of the machine that is coming down upon us, and I look upon my part of the country, unless there is some mode to arrest it now, as a do-med and destined portion, and that too, not originating from an enlightened policy or from the principles of true philanthropy, but from hypocrites and demagogues who cho se to sport, with safety to themselves, with the elements of an agitation which is likely to involve this country in ruin.

Tregard to the restoration of fugitive slaves? She undertook, like most, if not all the States, to carry out the resolution of the most, if not all the States, to carry out the resolution of the constitution on this point. She considered this clause in the constitution, by its own terms and by the resolution of 1789, as imposing a duty on the State to legislate for the return of fugitive slaves. She did legislate for that purpose in good faith, and at the time the Supreme Court in Prigg vs. Pennsylvania declared her this country in ruin.

Mr. DAVIS, of Massachusetts. Mr. President, I have laws and the laws of other States unconstitutional, her statutes were in full force; and she had executed them as far as I were in full force; and she had executed them as far as I know in connexion with the law of the United States of 1793 When the constitutional authority declared that she had no

eral obligation whatever. Then what becomes of the declara-tion of the Senator from Virginia that Massachusetts has been

false to her federal obligations?

The Senator goes on still further to speculate on the state of public sentiment, or public opinion which exists there. He says, and so says the honorable Senator from South Carolina, that there is a public opinion existing there which is un-favorable to this law and hostile to it. I am not disposed to draw in question the substance of that declaration, if it goes no further than to allege disapprobation of some of the provisions of the act. I believe many of its stringent provisions are offensive to the great mass of the commu-nity, and if there were time I think I could state very good

mitted to the law officer of the Government, and the law offi-cer of the Government said the marshal had done his duty. What had he attempted to do? All he had failed in doing was in his unsuccessful attempts to arrest the individual. And I take it, when the law officer of the Government declares I take it, when the law officer of the Government declares that he stands justified on this point, he means to say the facts were such as proved that he performed his duty. I do not know what he did. I have never seen these papers. It is enough for me that the law officer of the Government, after examining the matter, says he did his duty. The Attorney General, in his statement, as the Senator from Kentucky says, was not entirely satisfied with his conduct, but still there was no such departure, no such neglect as authorized any punishment to be inflicted upon him.

Did the people prevent him from arresting this fugitive? Is that any part of the evidence? Was it owing to the citizens of Boston or the citizens of Massachusetts it was not done?

of Boston or the citizens of Massachusetts it was not done? If it was, I have never seen the proof of any such thing. The people of Massachusetts were mere lookers-on in this matter. There was a state of perfect tranquility in the city of Boston; and the account given by one of the agents in that case from Georgia is nearly ludicrous. He says he felt no danger, he felt no apprehension, he saw nothing to fear. He saw some excitement among the black population; and that is about the whole story.

Then we come down to this case. Does this bear out the

charge which is implied in this proclamation, and in this mes-sage, against the citizens of Boston? I know there are dis-affected men there, and men who entertain principles which I abhor as much as the Senator from Kentucky can, and who I abhor as much as the Senator from Kentucky can, and who talk openly and freely about a dissolution of the Union. But, thank God, they are very few in number. I am not here to approve of their conduct, or of their policy in any respect; but I am here to speak for my fellow citizeus generally, and I would vindicate them as far as I could from any reproach unjustly cast upon them. And I cannot help feeling that the covere of proceeding on the part of the Administration is to course of proceeding on the part of the Administration is, to say the least, hasty. When I say so, I mean to go no further than to declare that in my judgment just so far as it implicates the citizens of Boston as a body, or the citizens of the commonwealth of Massachusetts, it does them great injustice. I hold that they are true to the constitution; they are true to their fidelity to this Union; and they have furnished no evidence in this transaction to the contrary.

I will not trouble the Senate at this late hour by entering

I. will not trouble the Senate at this late nour by entering more into this subject. My whole object was to draw the attention of the Senate to the points which I have presented. And I wish when this matter go:s out to the world that the world may take the facts, and let those who can reason with candor mon this subject, and who can examine it with estan-ness, to decide for themselves whether any blame attaches to the city of Boston or to the body of the people of Massachusetts, and whether there is any obstruction to the administranot overcome. I do not stand here to vindicate the act itself. It is indefensible unquestionably. But the true question is whether it stands upon the same footing with other acts of viclence which are perpetrated almost daily, or whether it stands so prominent and so distinct in its character, and is so dangerous to the community, as to call for this interposition of power.

Mr. BADGER. Mr. President, I agree with the honorable
Senator from Massachusetts, who has just taken his seat, that
whether this proclamation of the President of the United States is a proper exercise of Executive power, and whether there was just occasion for the grave and serious contents of the message which he has sent us, depends upon the inquiry whether the transaction to which it has reference was one of the ordinary outbreaks of popular violence which occasionally occur in our country or not? If it was one of those ordinary outbreaks, I admit that the proclamation was uncalled for, and portance to which, in its own nature, it is not entitled. But how stands the fact ? This transaction is not to be judged by its own particulars and circumstances, nor is its value and importance to be estimated by the number of those engaged in it, or the particular violence, or the particular amount of outrage involved in the transaction itself. It claims pre-eminent importance because it is the acting out of a great and widelyspread scheme throughout no small portion of New England. If this had been an occasional outbreak of negroes or of whites, growing out of the momentary excitement, that men were stimulated to activity by the events of the day, which passed away with the hour of perpetration, it would be a case, however worthy of punishment, not worthy of the solemn importance with which it has been invested. But that is not the nature of the transaction. Sir, it is in vain to attempt to disguise it; it is but the acting out of a desperate thing long meditated, long encouraged, stimulated, and prepared for months; aye, sir, for years.

Now, how stands this case? In the year 1843, in conse-

quence of the decision of the Supreme Court of the United States in the case of Prigg and Pennsylvania, the Legislature of Massachusetts passed an act, and now let us see whether that act is reconcilable with the positions assumed by my friend from Massachusetts on behalf of his State. What did the court decide? That the imperative obligation of carrying out the clause of the constitution in respect to the reclamation of fugitive slaves was upon the Government of the United States; that that obligation was not upon the States, as such ; that the State officers who were specified in the act of 1793, and there authorized to execute the law, were not by that law pledged to execute it; that the United States had no power to require from the State officers that they should execute the law of the United States. But they held that authority was ultimately conveyed to them to execute the law if thority was ultimately conveyed to them to execute the law if they thought proper to use it. That was the decision of the court. Now, what was the act which Massachuset's passed? In the first place she prohibited the use of her prisons for the confinement of this class of persons seized under the authority of the United States. Was that an exhibition of spite against the Supreme Court of the United States and the authorities of the nation, or was it a legitimate carrying out of that adjudication upon the meaning of the fundamental law? It was not the latter, clearly, for the court had not said that was not the latter, clearly, for the court had not said that the States could not permit their prisons to be used for the purpose of confining these as well as other persons arrested under the authority of the United States. Why, then, was it withdrawn. Why, but to embarrass, to obstruct, and, as far as depended on the action of the Legislature of Massachusetts, to render it impossible to execute the law of the United States ?

In the next place, the State does not stop with discharging her officers from any obligation to carry out the law. The State does not stop with declaring they shall not act in the execution of the law in their respective official capacities; but the law goes further, and expressly and unequivocally prohi-bits the office bearers in Massachusetts from lending their as-sistance as citizens of the United States, when summoned by the authority of the United States to execute the law of the United States. United States. The law of Massachusetts provided that their onstables and other officers should not execute the law, and should not aid in its execution. It is evident beyond dispute, no human ingenuity can make a doub, no human skill can avoid the conclusion, that if that act is to be carried out, it preextent to which her set was carried, I must say, in reply to the Senator from Virginia, that I see no obligation, except an obligation of courtesy, on the part of the State of Massachusetts, to employ her officers, or her prisons, or her legislation, to execute or carry into effect a provision confined exclusively to the United States. The power of interpretation of the United States, with a process in his hand, either when he is assailed by overpowering forcer, and his prisoner about to be rescued from him, calls upon the sheriffs and other officers of the State of Massachusetts to sid him in executing his duty, they are liable to a thousand dollars fine or to two years imprisonment for near forming the duty they owe to the United States. duces this result: that if the marshal of the United States, with