

Now, Mr. President, I have submitted these views to gentlemen, and those only, who hold themselves bound by the constitutional obligations. If the sentimen's uttered upon this subject by the honorable senator from New York, (Mr. Seward) the other day are the sentiments of this body, I should not ; and if I believed them to be the sentiments of this body. I certainly should not have spent my time in submitting any remarks to the Senate. And if the sentiments he has avowed here are the sentiments of the northern people generally-if he speaks even the opinions and feelings of the great mass of his constituents in New York-I say it is in vain to expect that mutual attachment and concord can be restored be tween the different portions of this country.-

What does the Senator say ! "We down the principle of the law for the recapture of fugitive slaves unjust, unconstitutional, and immoral; and thus, while patriotism withholds its ion, the consciences of our people condemn You will say that these convictions of ours are disloyal. Grant, it, for the sake of argument .--They are nevertheless honest ; and the law is to be executed among us; not among you; not by us, but by the federal authority. Has any government ever succeeded in changing the moral convictions of its subjects by force ? But these convictions imply no disloyalty. We reverence the constitution, although we percaive this defect, just as we acknowledge the splendor an i the power of sun, although its surface is tarnished with here and there an opaque object. We cannuot, in our judgment, be either true

Christians or real freemen, if we impose on another a chain that we dety all human power to fasten on ourselves You believe and think otherwise, and doubtlessly with equal sincerity. We judge you not, and He alone, who ordained the conscience of man and its laws of action, can judge us. Do we, then, in this conflict, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you will be your own police, and in acting among us as such you shall conform to principles indispensable to the security of admitted rights of freemen? If you will have this law executed, you must alleviate, not increase, its rigors.

"The constitution regulates our stewardship ; the const tu ion devotes the domain to union, to justice, to defence, to welfare, and to liberty.

"But there is a higher law than the constitution, which regulates our authority over the domain, and

devotes it to the same and noble purposes" Now, sir, here is a distinct announcement, impos sible to be misunderstood, that, though the persons

for whom the senator speaks, reverence the constitution, yet they consider a law for the surrender of fugitive slaves, passed in pursuance of the constitution, as a violation of the constitution and as immoral! Here is a distinct announcement that they coneider it as a discharge of the high duties of hospitality, when they receive our fugitive slaves, entertain them, and withhold them from us. Here is an open Dle.

and direct encouragement on the part of the senator laves to escape

in itself volumentarily to surrender a fugitive slave never to be required, except before a tribu- | ed. who had escaped from his master, yet, as men and good offices they will feel themselves bound to carry into effect a law passed in pursuance of the constitution of their country---a constitution formed by common and mutual concession, and declaring that such fugitives shall be surrendered. Why, sir, any other doctrine saps the foundation of society. The principles of the sension from New York renders it impossible to count upon the execution of any law. The judge upon the bench may say, when called upon to pronounce judgement, that the act of the legislature which it is his duty to enforce. transcends some God He may say. I think the punishment im-

moral ; Lass of the opinion that no offence ought to be punished with death. What is he be, according to the doctrines put forth by the the honorable senator from New York, (Mr Seward !) I conceive clearly what he ought to do -either to pronounce sentence according to the law which he has bound hunself by oath to execute, or to resign his office. But according to the plication to improper purposes as the conriews put forth by the honorable senator from New York, he might continue to hold the office. and appeal from the law of the land to the law of God, and yet claim to be a loyal subject of the State and a faithful administrator of the laws of his country, yet leaving a law unexecuted while were never designed. In the treaty between e holds his place and receives his salary. These Great Britain and the United States, one pirnciples destroy the foundations of all law and of the offences for which a fugitive is to be ustice They give us a fanatical and wild notion, that every man in civilized society has a right as a citizen to make his own judgment a rule of conduct paramount to and over ruling the

aw of his country. Now, Mr. President, as I have said, no gentleman who admits the obligation of the constitution. who admits the obligation of this article of the constitution in relation to fugitive slaves, can deny the implied, irresistibly following obligation to carry it into execution, just exactly with the same fidelity, good faith, and promptitude, as though it contemplated what, in his view, is the most desirable object in the world. This is the duty. He s to execute this great fundamental law faithfuly. It is the law to him. He swears to be a good right to render a less effectual obedience because he disapproves of the object of this particular part of this constitution

Therefore, I have submitted these observations to show that, according to the frame of the constitution, and according to the construction put upon it by those who aided in its formation-adopa case for a preliminary investigation before a magistrate, under prompt summary examination. upon affididavit or trial testimony, as the case may be-to be followed by delivering up the fugied to extend it? tive, upon a prima facie case made to the satisfac-

ion of the officer who has proper jurisdiction of the question

upon this subject of fugitive slaves, I look duce as a substitute for that reported by the common ground. Now, it seems to me that, an exercise of power for the mere purpose for a complete and entire execution of that Judiciary Committee, is, in its general scope after what has been said upon this subject by of manifesting superiority, as a wanton dolaw in every State of the Union, as well at and provisions, free entirely from objection. so many able and distinguished gentlemen ing of that which is offensive and at the same the North as at the South. I count upon it If there are any amendments in matters of upon this floor, and particularly after the ob- time useless-as involving in itself an insult with the utmost confidence from the sense of detail which it may seem to require, they can servations made the other day by the honor- and indignity to those whose wishes upon justice and constitutional loyalty of the peo- easily be ingrafted upon it. And permit me able senator from Massachusetts, [Mr. Web- this subject are outraged, and outraged cause-

nal authorized to make a final determination Mr. President, with regard to the Wilmot upon the question, and settle it upon its mer- Proviso, I will endeavor to reduce what I

its between the parties forever. This propos- have to say within a narrow compass. In the first place, I will remark that my ed enactment is, therefore, a well considered and well-guarded provision, preventing, as far as human foresight can prevent it, all reasonable apprehension of injustice, fraud, or oppression It is certainly free from the the Pacific ocean the Missouri compromise objection raised by the honorable Senator line. I have thought that it in itself was a from New Hampshire (Mr. Hale,) that under just and reasonable settlement, commended its operation, a resident person, a citizen of one of the northern States, might be- seized and transferred to the South, as one held to service and labor there. If a resident or citizen, his residence or citizenship must be cap- kind of reverence which belongs to aid things able of easy proof before the commissioner as can well be found is a nation of so recent perhaps the majority of southern statesmen to be a philosopher, and to speak the langu-

who is to hear and consider all the evidence. origin as ours. This bill is by no means so liable to misapventions for the extradition of criminals between the United States and foreign countries. than this bill-these extradition treaties my best to get that yeaty so amended as to as being a part of those political regulations move from one spot of the earth to another might be used for purposes for which they exclude all acquisition of territory; I voted in the conquered countries inconsistent with without an improvement of his conditionof the offences for which a fugitive is to be President, believing that our danger lies in an sisting institution, recognised and protected the speech I have never read; the extract I Carolina upon any such questions as the rew of found in one of the newspapers of the day- I have just stated. Last the rew of the dayder .- Now, we know that, according to the indefinite extension of our limits-a premalaw of that country, as well as our own, an ture expansion of our population, a weaken- ed Territories-in the generally conceded after that announcement, talk not of southassault made upon a public officer while in ing of all the central parts without adding opinion that there is no likelihood, in point ern egotism, talk not of our disposition to the discharge of his public duties, if inten- real strength to the circumference, I should of fact, that slavery will ever reach these sacrifice to our peculiar notions and our peded to produce death, or likely to produce delight in seeing that Missouri compromise Territories, what motive can he assigned- culiar relations the peace and happiness, the death, is deemed an assault with intent to line applied, because Ibelieve it would close what reason which addresses itself to the growing prosperity and the mutual concord death, is deemed, an assault with intent to line applied, because intervent would close mind of the statesman can be urged why this of this great Union. Now, sir, if that an-murder. Suppose, then, that in these politi- the account of acquisition of territory, on the Provise should be adopted? It is not a procal excitements that are continually agitating part of our government, forever. If the char- Proviso should be adopted? It is not a pro- nouncement goes abroad into the southern the popular mind in Ireland-the people of acter of territory, which might be acquired vision which is to accomplish any object, country attended by the wanton application Ireland seeking after what they demanded north or south of any given line, were fixed which is to exclude by its force from the of this Wilmot Proviso. an irritating comas justice from the British government, what so as to fall in with the views or interest of Territory what would otherwise be found mentary upon that patriotic announcement. as justice from the British government, what so as to fall in with the views of interest of the views of is in the law to main. He swears to be a good it to be justice-there should be committed a constitutional majority, in my judgment, complished for which it is necessarry-there est emotions of indignation in the bosoms of it to be justice-there should be committed a constitutional majority, in my judgitution in this body for the is no result to be produced by it that will those born and brought up where slavery ex-an assault upon a public officer, charged with could never be procured in this body for the is no result to be produced by it that will those born and brought up where slavery ex-could never be procured in this body for the is no result to be produced by it that will those born and brought up where slavery exthe execution of the laws, by an Irish mal- acquisition of any territory, North, South, not come without it. There can, therefore, ists, and taking totally different views of the content, who should make his escape to this East, or West. And, sir, I mention it be- be no strong or justifiable reason for apply- institution from those which are taken by country; and suppose that he is reclaimed cause I intended to state frankly my own ing it to these Territories. And then, if I the honorable gentleman who has placed him-

myself, but for every senator from the South, gether. The honorable senator from Michi-

never required, and in my judgment, ought a false show of granting what is in fact deni-that class of public men who entertain the rocities of a servile war; he would fill the reation in a common granting what is in fact deni-that class of public men who entertain the rocities of a servile war; he would fill the that class of public men who entertain the rocities of a servile war; he would fill the eration in a common government, opinion, and have a very strong conviction with midnight conflagration : all this vea laws which prevailed in these ceded Terri- and more-all the vials of wrath which God tories at the time they passed into our hands, in his providence might see fit to pour down whether such laws relate to the existence or upon us, he would suffer. rather than perthe non-existence of slavery or anything else, mit, not one man who is now free to be made continue in force-that they are not repealed a slave-that would be extravagant enough by any silent and necessary operation of the -but rather than permit one man who now constitution, and that they continue until the stands upon the soil of North Carolina a slave country. conqueror, until the United States, acting to stand a slave upon the soil of New Mexithrough the legislative department of the go- co!

vernment, shall think proper either to repeal I have preferred a also upon another which I have expressed upon this constitu- glorious Union proposed by a patriot-not ground. I believe that our country is too tional question. They think that these laws rather than freemen should be made slaves ground. I believe that out to the exten- are superseded by the silent operations of the -not rather than the condition of even one sion of our domains which resulted from the constitution, or at any rate, if nothing is done human being should be made worse than it ratification of the treay with Mexico; I did by Congress to put them in force, they fall now is-but rather than one man shall reagainst its ratification, because of the acqui- the general scheme of our fundamental law. without passing from slavery to freedom.against its ratification, because of the unles, which presuppose the speech I have never read; the extract I Carolina upon any to speak the re

upon an affidavit, sworn in Ireland, charging views. I do not suppose it within the reach am correct-if the general view which I self upon this cool and deliberate, humane him with the offence; under the treaty, and of possibility that any such measure can be have undertaken to lay down as to the pro- and philosophical position." ted with remarkable unanimity in both houses of the law to carry it into execution, he must adopted. I have no ultimatum to propose per qualification upon the exercise of dis-Congress-this is not a case for trial by jury, but be surrendered. And, when carried back upon this subject. I go for the adjustment puted powers, or even admitted powers, is a under this charge, what hinders his being put of this question, and for moderating and let- mode exceedingly distasteful to a large porupon trial for a political offence, to which ting down the excitement upon each and tion of the country-it would seem to folthis government never would have consent- every topic connected with it, so that, if pos- low clearly that this Wil not Proviso ought sible, moderate men, those who are not ex- not to be passed. Why, sir, must it not be I consider, therefore, Mr. President, that treme, those who do not insist upon pressing understood, and cannot gentlemen see that the amendment which the honorable senator their own notions in their ultimate extent to it cannot be otherwise than understood by Mr. President, with an effectual provision from Virginia (Mr. Mason) proposes to intro- actual adoption, may meet together upon a the southern people of the United States, as while I am upon that subject, to say as I ster,] we ought to be able to unite upon a lessly? For one, I think it would be less fugitive slaves, the duty of hospitality requires indignity, because such must be the warment The next question is, as to the Wilmot think I can say with confidence, not only for proposition to drop the Wilmot Proviso alto- offensive to southern people if it were an ad-

Yes. sir, here is a sacrifice of life and hapor modify those laws, or to commit to some piness and of all that is dear to the black and in resisting in any mode the action of the black and ment? Will she under the action of the black and ment? doing it. But there are many gentlemen— sacrifice proposed by a gentleman who claims for revolution, or for retaliatory legisl -who entertain a different opinion from that age of calm deliberatation-a sacrifice of our Now, sir, in this state of divided opinion Sir, after that announcement, thus made, by law, by the constitution, in these acquir- found in one of the newspapers of the day- 1 have just stated. Last year the

Sir, we know, with regard to two or more of the southern States, emphatic pledges have been given, though their legislatures, that some mode of resistance to this Proviso will be adopted .--Now, what is to be the result of the Nashville sir, that North Carolina would not comm Convention which has been called for June next, count of the passage of the Wilmor Pm should that body assemble and find matters in any measures for the dissolution of the their present condition ? If no bill shall have pass- resistance to the government. My own ed to do us justice, by affording as far as the law is, that it would furnish no sufficient m can afford it, the effectual restoration of fugitive slaves; if a bill shall have passed, or be likely to at home when the proper time arrive, ass, with the insult of the Wilmot Proviso cause. essly and wantonly inserted in it, after the announcement made in the extract of the speech which I have just read-after the announcement made by the senator from New York, that so far to us-not, perhaps, designed-1 will not from their being an obligation to restore to us our any with a deliberate design to insult b

querors and the conquered. Bel ever the unhappy hour should arr ican blood is shed in a contest ber some desiring to secede, and the ing to compel them by force of the Union-whenever that hour nexion is immediately broken to 7 purposes for the happiness or Now, Mr. President, with

State. Should this Proviso be ador satisfaction not be given in the which I have mentioned, will Nor ment? Will she unite in measures so far, sir, from undertaking to subject for the South, which I stood now and always as disavow not feel myself even impowered to be the judgment and conduct of r As was well said the other days colleague, in presenting some Senate, distinion is a question which discuss here as one for senatorial ac sent here to represent the State und tion, and to discharge ordinary legislative and ecutive duties, which presuppose t my State passed a series of resolution after expressing in very strong and de the sense felt by the people of wrong of the Wilmot Proviso and measures, they nevertheless adopted extracted from the Farewell Address not to look upon the Union as in any even abandoned. Making all the proper not of that large and most comprehensive error of " in any event," it could have no les in tation than this-that none of the even ground for the abandonment of the Unite Carolina ; primary meetings have been bed ferent resolutions have been passed by the ings, some discountenancing and decima represented in the Nashville Convention approving the call and resolving to send de and one meeting, with a somewhat single consistency, while protesting against a gover of unlimited powers, solemnly pleded a

advance to abide by and support whaten Nashville Convention shall determine such a procedure. I say that here-I sal should ever arrive when it shall be new say it. But this I say, also, that I shall b such an event as the adoption of the Provage happen-that a serious indignity has been mitted fact, that, according to the law of from us; that the constitutional law which re distinct notice that it will quires their restoration to us is contrary to the law light. And rely upon it, sir, that whate of God, and not binding in conscience; and still be the result in regard to any external to more, that those who visit our shores, coming un- the people of the southern States, if somehing ing law which puts the constitution down and operations of the constitution. They will makes it a nullity, has converted what we call a certain extent, a painful conviction that crune into a high and meritorious act of duty-if majority of the inhabitants of the free Sta this convention, meeting under such circumstan- not that sympathy with their feelings and for their rights, that justice and moderate consequences ? I say it not because 1 wish it-I exercise of known do not wish it-the conviction has been forced from the needless exercise of doubtful upon niv mind by evidence reluctantly received; tionable ones, which are so essential to and there are I wish my friends around me to pay mind of the country united . and unless for that reason the more credit to what I say-il are united, the forced association of reine that convention shall meet under such circum- munities, who stay together not to the stances, in my judgment the Union is from that from their connexion, but to avoid the se day dissolved. I do not say that dissolution will paration, does not deserve the name of in follow instantly-I do not say but a connexion, Mr. President, I am sorry that I have an external Union may be maintained, and linger the Senate so long. I will endeavor to on for a few years longer. But the meeting of few remaining remarks I have to make to that convention will be to our institution, in the dy close. I have submitted with entire language of Napoleon, "the beginning of the end" the views which I entertain. I believe -it will be the initiative step in such a course of | tiously believe, that there is in the norther measures. North and South, as will result in con- of the Union a sincere attachment to the vulsing us, so far that the ills to which we fly tion, a firm adherence to the comprome cannet in our julgment exceed those we bear; constitution, and a just consideration forth and thus will put upon the people of the South and the feelings of their southern brehm the necessity, the painful, hard necessity of a dis- I have a strong hope, an abiding confid solution-a final separation. Now, sir, why do I these sentiments will, on every procession take this view ! In the first place, the meeting of be manifested by the great body of man the Nashville Convention is, upon its face, a step the free State. If I thought otherwise, towards a seperate and distinct organization of the be without hope, and should be inclined southern States. The very movement separates sider my birth an event to be deplored, them for a time, in purposes and intent, from the ing upon me the necessity of witnessit great mass of the population of the country .- destruction of my country. But, sr, # They meet there for what purpose ? To consid- bill for the recapture of fugitive slaved er, to deliberate, to debate-what ? -what course let this Wilmot Proviso be dropped, (a of action shall by mutual agreement be taken by sible, sink into insignificancy and old the States whom this convention will represent, I am willing to deal with every quette what manner of resistance, what mode of redress. the Senate in the utmost liberaliar of o Now, sir, in all mat ers of this kind, in all revolu- Yes, sir, I have no objections to con tions, in all breakings up of the ties which bind us The Union sprung out of comproms together, the first step is one of great difficulty .-- nion is supported by a legislative con It is so even in social and private life; it is so in compromise incorporated in the fundam the married state. The first wanton and public -the constitution. Springing out of a outrage on the part of one towards the other of the this Union can only be preserved and m parties is easily followed by such steps as end in mote the great and good ends designed total and thorough estrangement. well, then hoped from it, by our carrying on the suppose no measures are proposed which look to habitually in the spirit of compression a separation of the Union-I have no reason to view, sir, I am willing to withdraw a suppose that any will be proposed looking to that to the admission of California, with of " as an object-I fully believe that that convention alteration of her limits as settled by the in Mississippi, which terminated its union in the tion. And when I say that, Mr. Pres call for this convention, was influenced by high mit me to say that I make a great series and patriouc motives, seeking to preserve and not I occupy the same position with regard to destroy the Union. If I wanted anything to nia now as I did at the last session. satisfy me of that (besides abundance of other rea- able senator from Mississippi, now " venerated Chief Justice Sharker, a most learned those Territories as States. I annound jurist and patriotic gentleman, would be sufficient at once that I was totally and absolute for me. But when we have ascertained what to their admission in any form, and what people design by any particular movement, we division of territory. I have heard a are far, very far, from having ascertained what move the objections I then enterland; " they may accomplish by it. Now, suppose this manner of the organization of the meeting should resolve that, by a common con- there, I find additional objections, strong currence of the States represented, common laws selves, and giving additional force to the should be passed, police regulations be adopted in I had before. And if I could believe that the slave States of the most irritating and offen- expressed by the senator from New sive kind towards the northern portion of the Seward) the other day upon this side ly taken from our ports by the vessels that vis t them, my objections would rise almost them for the purpose of commerce; that, thus ta- surmountable repugnance-to a per ken, they are withheld from us, and their sedue uon. For that senator has not bestand ers are neither discountenanced at home nor re- in substance that we have no choice a stored to us for punishment; and that a flagrant ting California-that she is a Suit, wrong on one side naturally provokes to measures she will continue, irrespective of and at once of protection and retaliation from the oth gress; that she comes here and denand

to the freemen of the North, and for northern freemen to aid them in escaping. He assumes, then, that all will be received with open arms, and that the freemen of the North will therefore be considered as having discharged the high duty of hospitality. Now, sir, if that is the case, how perfectly idle is it for gentlemen to talk about respecting the constitution ! He who obeys the constitution only in what he thinks right, does not obey it at all-he but follows his own inclination ; and he who, having taken an oath to support the constitution, refuses to obey is because he thinks there is some " law above the constitution" which forbids slavery, places himself in the same position taking for his guide his own individual judgment and opinion, above and against the constitution, which he can rightfully do only after surrendering the office he holds, and which he holds on the condition which that oath implies and intends to enforce. Here, sir, is a key to open the mind of the public to the honorable senator's bill -His purpose is to extend hospitality to fugitive slaves. He announces it to be immorality to surrender them ; and he then comes here and presents an amendment to the bill for the delivery up of fusitive sinves, which, of course, must be intended to this subject. Such a position is indefensible-it is immoral. Talk about morality! Immoral for a man to hold a slave! Immoral for a man to de not immoral to open your arms, contrary to the evpress stipulations of the constitution, to the fugitive slaves of your neighbor, to receive them, protect be able to disentang'e, and at the same time to taunt him with the declaration, " you are made your own police officer ! I have said, Mr. President, if these are the sentiments and feelings of the people of the er empannelled to pass upon a question of States. North, generally-if the senator from New York, right between parties, except when the de-(Mr. Seward) knows and freely expresses their opinions and purposes, it is impossible harmony can be restored and the Union preserved. For one, sir, though by no means extreme upon this subjectsuite the contrary-I have no hesitation in declaring, if this is the general sense and belief-if this is the code of morals-if this is the feeling of integrity which influences our northern fellow-citizens, di rectly or indirectly, to set aside constitutional obligations, and deprive us of the property which we old-if this is the purpose that is to be carried out, It is sparcely desirable that we should remain in the Union. For what does that state of things imply ? It implies this : that the States are associated gether under a common constitution, binding them to discharge towards each other certain duties, according to the terms of the constitution; and yet say to us, "We intend to discharge the amount of duty towards you that we please ; for we reserve to ourselves the right of deciding when anything reguired of us is opposed by moral obligations, and having so decided, to refuse its performance, while we hold you to the discharge of every obligation imposed by the letter and spirit of the emstitution " How could our connexion be long main ained un ler this state of things, with no public faith, no sense of private obligation, on the one side to induce, and no power on the other to compel, the performance of ments of men; and because selected by and sonstitutional duties? We should be left in a conamedable to such judges, the commissiondition not only distracting, but dangerous to our present rights whilst political immorality, bad faith, would render our future insecure, worthless. No thing, under such circumstances, could keep us to mather but a deep sense of the greater evils of part-ing. We should remain united, if it all, not from inclination or duty, but from a stern necessity-not from the hope of good in our connexion, but from the dread of the consequences of separation. But Mr. President, I have not the smallest idea in the world that the senstor from New York (Mr. Sewerally, or the people of any one State in the Union believe they repudiate his sentiments-they hold themselves morally and conscientionsly bound by the stipulations in the constitution. I believe they may pass upon this subject. I do not agree with some gentlemen here who have said, " Pass what law

Proviso. I shall not agitate the question. I have not much to say about it. I shall now that if there can be any portion of that bill gan [Mr Cass] is clearly in favor of having Mexico, African slavery existed in these yield to the motion to adjourn.

On Tuesday, Mr. Badger resumed and concluded his remarks, as follows :

principles, and were liable according to the any may who is now free.

view of the framers of the constitution and of Yes, sir, and I will say, after a practice of that act, to a similar mode of proceeding, more than thirty years at the bar in a slaveand that a claim for the return of a fugitive holding State, that I have never known an of either class was not to be submitted to the instance-that I have never heard of an indecision of a jury. Nor when I said that it stance in which an action was brought by a carry out the views which he has announced upon was a case to be determined upon prima fa- black man against his supposed master, for cie evidence, did I mean that it was to be de- the purpose of trying the question of freedom cided upon slight suspicions or remote proba- or slavery, in which there was the slightest what the associates of Paul, and James and John bility. I meant this: that it was not a case ground to suspect unfairness or bias against did! Immoral for a man to do what the wiscest and to be determined upon what is called tech- the plaintiff, or, I may say, on the contrary, best men that ever lived upon earth have done ; and nically full proof, or that amount and strin- that if there be any leaning in the minds of gency of evidence upon which a final judg- our jurors, it is in favor of him who, upon ment passer, concluding the whole matter of probable grounds, sets up the claim of freewhole of our legal notions, and the practice and I presume what is true of North Carolina

Several Senators. Certainly, certainly;

termination of that right and the judgment everywhere. Mr. Hale. The sympathies of the people following upon it are to be a decisive settle-

ment of the questions at issue. Nothin :, are against the law.

meaning by that term, utterly inconsistent | cordance with the law. The hearts of the peocedure-than to say that a question should cure it, and I wish the hearts of all the peo-York or the State of New Hampshire, and a proper condition. judgment passed upon that determination.

and immediately afterwards be made the lar provisions in other States; but in my mitted, and ought not to be admitted, as ever freedom is raised, that the first thing the in the hands of one single ruler, it could not prima facie evidence of the truth. The tri- courts require is, that the alleged master shall be said on any occasion that he usurped powbu al proposed by the amended bill of the enter into bond and security that he will not e ; but, if he abused the powers thus confihonorable Senator from Virginia (Mr. Mason) remove the slaves from the State, or beyond ded to him to purposes of oppression and inis fair, just, and adequate. It consists of the jurisdiction of the court, until a final de- justice-if his administration rendered propcommissioners appointed by the courts of cision shall be had, and in the mean time erty insecure and life intolerable-beyond all justice, by judges separated from all the ordiwill allow him to attend to the trial of his doubt, there would be the same right of renary influences which may pervert the judgcause and treat him with humanity.

This, then, Mr. President, is a provision of law for the recovery of fugitive slaves, which ers themselves will be removed from such we think it is absolutely necessary should be influences. The judges themselves hold adopted. It is one sufficiently guarded to atheir offices by an independent tenure, and void injustice to all who may be falsely claimhave a compensation beyond the reach of ed as fugitives; and it seems to me sufficient, executive on legislative power Judges liv- if fairly and honestly carried into execution ing in the free States cannot be supposed to -as I doubt not it will be-to insure to those trust. have any unfair bias against the claimants of who are really owners of slaves that have freedom, and may safely be trusted with the escaped from the State in which they lived selection of commissioners. These commis- a return of their property to them, and an uland) speaks the opinion of the northern people gen- sioners are not required to give judgment ac- timate devolution, if there be any doubt in cording to the mere facts, as sworn in an af- the case, of the uitimate question of freedom fidavit, nor are they bound by the form and upon the tribunal that has proper jurisdiction appearance of any technical evidence. They of the subject and rightful authority to settle will stand ready to enforce any law which Congress are to hear and determine the question in a the question. It is to return this que-tion, summary way it is true, but still to hear and not to a set of savages-not to a collection of

liable to just or reasonable exception, likely no Proviso; but he meets the Proviso upon Territories, and the Wilmot Proviso should to give opportunity for any successful fraud the ground of want of constitutional power be adopted. That would be doing us what der the protection of the American flag within our isfactory is not done respecting fugure to entrap any person who is now free into a to apply it; and as others who may desire to we should deem a wrong; but for it some jurisdiction, and there, in violation of our laws, se and if the application of this Wilnot h state of bondage, or to give encouragement see it applied, do not enter into and adopt his reason might be assigned, and there would duce our slaves from us, and carry them to the insisted upon, there will be left in the be Mr. President: In saying, sir, that the re- or assistance to kidnappers, we will not only particular view upon the subject, of course be an object accomplished by it You might North, shall not be surrendered up as fugitives our people a rankling sense of injustice delivery of fugitive slaves is subject to the gladly support but shall be prompt to propose the opinions and judgment which he gives say, "We deem it of high importance that from justice, because the same high and overrul- fence. They will have less of hope in the same rules as the surrender of fugitives from every proper amendment. Neither we nor do not have upon this question the weight slavery should not exist in these Territories; jus ice, and was so treated by the constitue- our constituents desire aught but what justly to which his high and eminent character so but it exists there now, and, without prohition, and by the framers of the act of 1793. belongs to us. We wish a bill which will justly entitles him. But from the senator bition, will continue to exist; and however I did not, of course, intend to say that the insure the return of our slaves, and not en- from Massachusetts we have a reason for disposed we may be to gratify your feelings ces, what may be-what probably will be the cases were, in all respects, in all subordinate danger the rights of freemen. And we look dropping this odious Proviso, which may be in this matter, we cannot sacrifice what we particulars, identical with each other, but with horror upon every contrivance or received and acted on by every man, what- deem an important and overruling considerthat they depended upon the same general attempt to bring to the condition of a slave, ever his views of the question of power may tion to accomplish that purpose." But now be, without violating, in the slightest degree, the adoption of the Proviso stands without

them, and throw around them such contrivar ces for right; and I mean, sir, to say that to require dom. I speak with entire confidence of that Congress has the constitutional power regard it, patriotism, states manship, the recogmaking their escape effectual as no ingeauity shall such proof would be inconsistent with the these matters, as they are in my own State, to apply the Wilmot Proviso to this Territory, nised obligations of good neighborhood, reand all the Territories that belong to the U- quire you to forbear. of all our judicial tribunals. Juries are nev- is true of every one of the slaveholding nited States. I believe that Congress has

Sir, I do not know what are the particu- circumstances, it may be just as fair and reasonable a ground of resistance as if the powcase of wanton disregard and violation of the the Capitol :

confidence upon which the power was given. One is violence ; the other is fraud -

Now, sir, it has been said, and well saidtruly and philosophically said-that "the assertion of extreme right is always odious."-In political matters such an assertion of extreme right, such a resolution to do whatever we may lawfully do, to the utmost extent of our power lawfully to do it, always ends in despotism. It is a principle in the private business transactions of life that inevitably

the notions of legal right or appearing to sur- reason and without excuse. It is a mere render constitutional authority. Now, sir, I assertion of superiority : it seems to involve am one of those who believe in the constitu- in it something of taunt, of insult. It contional power. I have had occasion to say, veys to southern people an impression of unand have endeavored, so far as I was able, willingness to gratify their wishes, or save to prove it on the floor of the Senate. I have their feelings even, when, by so doing, nothsaid it at home; I have said it everywhere; ing is lost to the majority and no advantage I have said it at large mass meetings; and I is gained by us. It is idle for gentlemen to choose to say it again, because I have no to say "we mean it not as an insult." It is concealment upon this subject, and believe unnecessary, if there is no reasonable ground that what I aim at can be best accomplished for supposing that anything will be accomby a frank avowal of the truth, so far a- I un- pl shed by it that will not be accomplished derstand it. I have said, and I say it again, without it; and, since you know how we must

Now, Mr. President, supposing this Proentire power and jurisdiction over the Terri- viso to be adopted, the question naturally tories; that we are the supreme lawgiver presents itself how would it be received by over them; may dispose of their institutions the people of the southern States? Of the as we think right, and let in and shut out just southern States generally I undertake not to whom and just what we please. But, Mr. speak. Of their sentiments and opinions I in my judgment, could be more absurd- Mr. Badger. No sir; they are in exact ac- President, when the power to adopt a mea- know nothing, except as I gather them from sure is admitted, permit me to say that very | what is said by representatives here. and see with all our legal notions and modes of pro- ple are in favor of the right, and the laws se- little is done towards ascertaining that it is them shadowed forth in the resolves of their proper that the power should be exercised. primary meetings. But this much is cerbe determined by a jury in the State of New ple of the United States were in the same An abuse even of an admitted power is not tain : if we may judge from these indications, only just ground of complaint, but, under the application of the Proviso to these Territories will be considered as a wanton violation of the feelings of the South, an insultsubject of re-examination between the same own, so careful are our courts, and so careful er were exe cised were usurped. If our ing exercise of power; and, however it may parties in another jurisdiction, where what have they always been, to prevent undue government were a simp e despotism, if all or may not be resisted by outward action, it had been so determined would not be ad- advantage being taken when this question of the powers of all its branches were centered will be deeply resented in the inmost feelings of a large portion of the people of the South, whose representatives have spoken upon the subject here.

Nor, Mr. President, must I forget that, in considering the effect which this Proviso is likely to have upon the condition of the sou. sons which I have,) the very fact that the con (Mr. Davis,) knows that I was with im thern mind, we must look to what has been vention was presided over by the venerable and committee charged with the subject of sistance as if the power thus unjustly and said by northern gentlemen in connexion oppressively used had been usurped, instead with this subject. Permit me to call the atof having been conferred. The one is a case tention of the Senate to a very brief extract of unjust seizure of power; the other is a from a speech delivered in the other end of

"In conclusion, I have only to add, that such is my solemn and abiling conviction of the char-One is open rapine ; the other is breach of acter of slavery, that, under a full sense of my responsibility to my country and my God, I deliberately say, better disunion---better a civil or a servile war- -better anything that God in his pro-Union : such a course will not appear surprising, views entertained by the people of D vidence shall send, than an extension of the bounds if we bear in mind the fact that slaves are constant- by the gentlemen who are sell ber of slavery."

Several Senators. Whose speech is that? A Senator. Mr. Mann's.

Mr. Badger. We have heard much Mr. President, of the violence of southern declamation. I have most carefully avoided reading the speeches of southern gentlemen at once of protection and retaliation from the oth gress; that she comes here and if not administer er. But, Mr. President, the moment these Statas, sion into this Union, and if not administer er. we will, it will not be executed." I have a very different opinion. This determine—not upon ex parte evidence, not different opinion. This determine. This determine. This determine. This determine. This determine. This determine evidence, not in business transactions of life with the fixed, in dependent republic upon the fixed. law may fail of execution in some instances; every law does lu the execution of this law, bias, preju-dice, force may perhaps occasionally, bias, preju-both the parties. The evidence is to be di-but to a peolpe as sensible to such claims, as this session, and before the other House was sures upon this subject, they have left the plat- I cannot believe, and I do not being

dice, force may perhaps occasionally prevent its rected to the three important facts in ques- ready to acknowledge them, prompt to dis- ultimately prove that the maxim is entirely were some bursts of feeling and denuncianice, force may perhaps occasionally prevent its rightful results; but I believe that such a law pas-med by Congress will be as faithfully and generally apon our statute book. I doubt not that men there will understand that, though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is though they may entertain an opinion that a law is the they double the provide the they double the provide the though they may entertain an opinion that a law is wrong, yet as a citizen, they have no right when and determined, does the person so ask, we have the guaranty of the constitu-cised, the existence of which power is denied clarations; the-e had everything to plead for claimed owe service or labor in the State tion. We test not our claim upon the gen- by many, and the propriety of whose exer- them as being spontaneous and fiery ebulliindigment of its merits just as they would understand this: that if one were under sentence of death, their is that service or labor which he owe due to en brethren—though I feel that we might unless under the influence of strong reasons, sense of wrong. And where, among these, epinion that the law was barbarous and the punish-ment greatly disconnectionate to the off the punish-him who makes this claim? Upon the es-safely rely upon these—but we rest it upon and for the accomplishment of justifiable and will you find anything equal to the cool, ment greatly disproportionate to the offence would mot justify their interference, forcibly or by fraud, to billing of enacting the law not being upon them, but made. It is not, therefore, the ordinary case. The second data and the punish-billing of enacting the law not being upon them but the second data and the punish-billing of enacting the law not being upon them, but made. It is not, therefore, the ordinary case. The second data and the punish-billing of enacting the law not being upon them, but the second data and the punish-billing of enacting the law not being upon them, but the second data and the punish-billing of enacting the law not being upon them but the second data and the second data and the punish-billing of enacting the law not being upon them, but the second data and the punish-billing of enacting the law not being upon them but the second data and the second data and the punish-billing of enacting the law not being upon them but the second data and the second data and the punish-billing of enacting the law not being upon them but the second data and the second apon those who made it. I believe these are many The surrender is not made upon that degree me that, upon every view of the subject,

it, because the constitution expressly forbids a ple of California. And I personality State to enter into any compact or agreement with two gentlemen whom she has selected another State without the consent of Congress. - and am sure they would be the first me When this first step is taken, the process is easy, renounce the position assumed by present Union. And therefore, in the event of the meeting of this convention, with the slavery Seward) seems to consider the administration question in the situation I have mentioned, I have, fornia as a matter beyond all price and I repeat, gloomy apprehension of what may be, to be attained at every hazard and every and most probably will be, the result upon the destinies of our country. Force, Mr. President, expressed with regard to slavery, the cannot keep the Statement of the day is a statement. cannot keep the States of this Union together- siders it a high, hospitable duly cannot preserve the constitutional Union. I dis-tinctly admit what was said thread Union. I distinctly admit what was said by the honorable sen-ator from their masters though he has a ator from Massachusetts, [Mr. Webster,] that no of the extension of slavery into the integrity of the great mass of people at the North me soncern of theirs; that if to have alares or not is so called for, and under the bill will be required. But full proof is not and ought a even ad excited feelings of the South by so to be demanded. So far as I know it is, the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the sore and excited feelings of the South by the base second the source and the the the mon-