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Select Poetry.

[From the Philadelphia Sunday Mercury.]

Race for the Presidential Nomination,

Between the Sillybrated Horse Black Abe and Greenback Chase.

"Damnable ! both sides rouge"—SHAKSPEARE.

Bring out your nags, for now begins
The Presidential Race ;
There are two horses in the field—
Black Abe and Greenback Chase.

Both of them at the starting post,
Have taken up their station ;
The horse that snorts and runs the best,
Will get the nomination.

Four years ago Black Abe ran
On the Chicago course ;
Although a swindling race, he was
Declared the winning horse.

A nigger jockey now bestrides
This old stale joking hack ;
And Greeley swears that he will bet
His gray coat on the Black.

The Greenback horse has not before
Been tried upon the track ;
But carries a heavy load of debt
And taxes on his back.

Great Pomeroy has brought him out,
Though some folks say its shabby,
To run the *Greenback* financier,
Against the "Government."

But Spraguey says if things are square,
And blacklegs quit the course,
He'll go a splendid wedding dress
Upon the Greenback horse.

Now bring both horses to the scratch,
And let them face the mark ;
They both must start as soon as John,
The Dog, begins to bark.

Bow-how, they're off, away they go,
As swiftly as the wind ;
The black horse has a large fence rail
A sticking out behind.

And fifty Proclamations, too,
Are sticking to the rail ;
Two billion worthless notes hang to
The Greenback horse's tail.

Now Black, now Green, now Green, now Black,
Give each of them fair play—
The horse that gets to Richmond first
Is bound to win the day.

"Hurrah ! Hurrah ! they come again !"
Resounds along the course ;
"Let go the rail, and loose the tail,
And be the winning horse."

But look ! what is the matter now
With Green as well as Black ?
They both have shied at Richmond,
And on Charleston turned their back.

Therefore the race must be postponed
A month or two, of course,
Until we bring up little Mac,
The Democratic horse.

National,

REPEAL OF THE FUGITIVE SLAVE LAW.

MINORITY REPORT.

VIEWS OF THE MINORITY, SUBMITTED BY

HON. C. R. BUCKALEW,

IN THE UNITED STATES SENATE, AND ORDERED TO BE PRINTED WITH THE REPORT OF THE COMMITTEE.

The undersigned, a minority of the Committee on "Slavery and the Treatment of Freedmen," to which committee were referred sundry petitions for the repeal of all existing laws of the United States for the rendition of fugitive slaves, have found themselves unable to agree with the majority of the committee in the views expressed by them in their proposed report to the Senate, or to concur with the majority in reporting a bill in accordance with the prayer of the petitioners.

The majority of the committee declare the acts of Congress of 1793 ane 1850, in aid of the reclamation of fugitives from service and labor, to be unconstitutional and inexpedient, and their report is a *resume* of the arguments which heretofore have been made against such congressional legislation. It is, therefore, a proper occasion for restating the grounds upon which Congress proceeded upon former occasions in making provision by law for the reclamation of fugitives from labor, and to refute and repel once more the impassioned and unjust objections by which that action of Congress has been assailed.

The fourth article of the Constitution contains seven miscellaneous provisions, the third and fourth of which, contained in the second section, are as follows :

"A person charged in any State with treason, felony or other crime, who shall flee from justice and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime."

"No person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

These clauses may be described as in the nature of clauses of extradition, and if they appeared in a treaty between States perfectly independent of each other, and without a common agent or authority for the determination of questions between them, would be executed exclusively by the political authority of the State where the fugitive from justice or labor should be found. They would be only articles of compact or agreement between independent parties, the execution of which would be a question of good faith in the party upon whom the obligation would rest.—And the remedy for a breach of the obligation would be by the action of the State aggrieved, in a resort to war, reprisal, or other means of redress known to international law.

But our States are not wholly independent of each other. They are associated together in a constitutional union, and have a joint representative or agent in the government of the United States. And the instrument by which that association is created, and that government established, cannot be rescinded or changed, except by the formal action of the political bodies which formed it, acting in the manner prescribed in the instrument itself. In fact, so intimate is the association, that it loses the character of an alliance or league of independent States (dependent upon the free assent of the parties for its continuance) as to all subjects, whether of power or duty, embraced in the agreement of union. The several States, and the people of each, are bound by the action of the common government upon all subjects committed to its jurisdiction.

And as to the stipulations above mentioned, which relate to the return of fugitives from one State to another, it must be manifest that the relation of the States would be different if they were wholy independent of each other. Doubtless the duty of executing the stipulation would be the same, but its obligation would be imperfect, or at least, its sanction would be different.

If there be no jurisdiction in the government of the United States over this subject of the return of fugitives, it is manifest that there is no sanction or power whatsoever for the enforcement of the right of reclamation against a defaulting State—against a State which declines to execute, or opposes the execution of the Constitution, and we would arrive at the absured or improbable conclusion that a solemn right and duty were created without any possible remedy for their violation; for it is manifest that a State aggrieved could not resort to any means of redress known to public law. By the tenth section of the first article it is declared that "No State shall enter into any treaty, alliance, or confederation, or grant letters marque and reprisal, nor, without the consent of Congress, keep troops or ships-of-war in time of peace, or enter into any agreement or compact with another State, or a foreign power, unless actually invaded, or in such imminent danger as will not admit of delay."

In case, therefore, of obstruction or denial of the rights of a State under the Constitution to have its fugitives returned, it could use no force for the vindication of the right against a State in default, nor could it even enter into any negotiation or form any agreement with such States in regard to the subject. The consequence would be, that the State upon which the wrong is inflicted would be in a worse condition as to the vindication of a right against another State, founded upon a compact of reclamation, than it would be in if it were an independent State, and had never entered into the compact of union. For by that compact it has surrendered all right and power to redress its own injury.

It follows that a construction of the Constitution which would deny to the federal government all jurisdiction and power over this subject of the reclamation of fugitives must be unreasonable and false. For we cannot suppose that those who formed the Constitution intended to declare a right which should be incapable of enforcement, or to place a State as to its rights, or the rights of its citizens, in a worse position than that in which it would stand as an independent power. The Constitution was a remedial instrument as well as one of order and union, and it must be construed as creating the powers necessary to the enforcement and vindication of rights declared by it. It is claimed for the system of English law, that it announces no legal right without providing an adequate remedy, and it would be an odious imputation upon our ancestors to assert that they did not make full provision for a like perfection in our laws, in creating the Constitution and government of the United States.

This subject of the return of fugitives became highly important in forming an intimate union of the States, which involved the surrender of many powers of independent action by them, and gave to criminals, slaves, bound servants and apprentices, increased facilities for absconding from one State to another. And it was adjusted in the clauses already cited, by an emphatic declaration of the right of reclamation, in the case of criminals upon demand of the executive of the State from which they have fled, and in case of "persons held to service and labor," upon claim of "the party to whom such service or labor may be due." And as to the latter class of fugitives there is an express provision that they shall not be discharged from service or labor in consequence of any law or regulation of the State into which they shall escape. The right of the claimant under the laws of his own State, to the service and labor of the fugitive, is to stand intact and unaffected at all times, in the new jurisdiction to which the fugitive has escaped. And, "he shall be delivered up." To whom is this injunction directed ? It is general, it does not specify any authority or person by whom the delivery shall be made; and being thus general and unqualified, it may be held to include any person or official in whose hands, or under whose control, the fugitive may be. And he is to be delivered up on claim, without anything further; upon an open assertion by the claimant of his rights. No judicial proceeding is suggested, no warrant is required. The clause is clear in indicating a right of recaption by the person to whom the service or labor is due, and is descriptive of such right as that described by Blackstone, in his Commentaries, (3 Com 4.) He says: "Recaption or reprisal is another species of remedy by the mere act of the party injured. This happens when any one has deprived another of his property in goods or chattels personal, or wrongfully detains one's wife, child, or servant; in which case the owner of the goods, and the husband, parent or master, may lawfully claim and retake them, wherever he happens to find them, so it be not in a riotous manner, or attended with a breach of the peace." But it does not follow that this constitutional right is independent of all statute law. The regulation of legal rights, though they be founded in a Constitution, must pertain to the legislative power. A Constitution cannot treat of details, nor establish the incidents of a right, nor the forms through which it shall be asserted. The right of recaption in the master exists, and has always existed, in every State possessing servile labor; but the exercise of this right in a free State is only by virtue of the Constitution. Would it not be very unreasonable to hold that while this right is subject to legal regulation [and it is in fact regulated] in the States from which a fugitive escapes, it shall be exercised without any regulation whatsoever in the State to which he has escaped ?

This right, then, like other rights created or asserted by the Constitution, may give occasion for statute laws, and the inquiry arises, what political authority has jurisdiction over the subject ? Does the government of the United States possess such power, or does it pertain to the States ? By what has been already shown it appears that such power must reside in the government of the United States, and can be exercised uniformly, certainly, and beneficially by it alone. And the federal government has exercised such power, without serious question, until recently.

In consequence of a question of the reclamation of a fugitive from justice, arising between the States of Pennsylvania and Virginia, and a communication from the former State to President Washington the subject of legislation by Congress in aid of the reclamation of fugitives came to be considered as early as 1791. The question was submitted to Congress by the President in that year, but no final action being then had, its consideration was resumed at the following session. At last, after debate and amendment, a bill entitled "An act respecting fugitives from justice, and persons escaping from their masters," was enacted into a law, Febuary 12, 1793. This act is yet in force, though amended in 1850. By the first two sections fugitives from justice in State and Territories are to be delivered up to the executive of the State or Territory from which they fled; and provision is made for the manner in which it shall be done, and to punish any person concerned in a rescue of the fugitive. The third and fourth sections authorize the claimant of a fugitive from labor in any State or Territory, by himself, his agent, or attorney, to arrest the fugitive and take him before a judge of a United States court, or before any magistrate of the county, city, or town, where the arrest may be made, and upon proper proof to obtain a certificate which shall be a sufficient warrant to remove him to the State or Territory from which he fled. And then follows a provision for the punishment of any person obstructing the claimant his agent or attorney, in the reclamation.—(Annals of Congress; 1791-93, pages 1914-15.

This act appears to have been debated and fully considered in both houses, passing the Senate without a division, and in the House of Representatives by a vote of 48 to 7.

The act of 1850 was simply amendatory of the act of 1793, and it had become necessary in order to secure to claimants their rights under the Constitution. That portion of the act of 1793 which authorized State magistrates to act, had become inoperative, and in the case of many States, their assistance in the execution of the law had been forbidden by statute.—One main object of the act of 1850 was to substitute commissioners appointed under the authority of the United States, in place of the State officials designated by the act of 1793. Other provisions of the amendatory act were drawn with reference to the experience of the country in cases of reclamation, and, were necessary or at least appropriate to the execution of the constitutional provision. The act was agreed to in the Senate upon the question of engrossment by a vote of 27 to 12, and passed the House finally, on the 12th day of September, 1850, by a vote of 109 to 75.

These are the laws which it is now proposed to repeal, and their repeal will leave the constitutional right of reclamation without any statute provision what ever for its vindication.

The most important argument urged against these laws by the majority of the committee is this: That the duty of returning fugitives is charged upon the *States* by the Constitution, and that Congress has no jurisdiction over the subject.

But it is not proposed by those who seek a repeal of these laws that the States shall perform any duty in returning fugitives from labor. In point of fact they are as much opposed to State action upon this subject as to federal, and will be found resisting it to the utmost wherever and whenever proposed. Therefore, the argument is not made by them in good faith, for the purpose of inducing an execution of the constitutional provision in question, but for the purpose of defeating it by preventing the reclamation of fugitives at all. The repeal of these laws by Congress is not to be accompanied or followed by State laws or State action, in aid of the master, but by measures and action of an exactly opposite character. The claimant is to encounter opposition under personal liberty laws of the States and other devices of hostile sentiment, and is to receive no aid whatever from State officials in the vindication of his right. What is proposed and intended by the advocates of repeal is not a new and more appropriate remedy for a constitutional right, the substitution of State for federal action, but the defeat and virtual destruction of the right itself, by withholding all government aid whatsoever from the claimant pursuing it.

But the question of the power of Congress to enact fugitive laws has been most fully determined in favor of the power by the appropriate constitutional tribunal.

In the case of *Prigg vs. The Commonwealth of Pennsylvania*, 16 *Peter's Reports*, p. 543, the Supreme Court decided that "The act of 12th of Febuary, 1793, relative to fugitive slaves is clearly constitutional in all its leading provisions, and, indeed, with the exception of that part which confers authority upon State magistrates, is free from reasonable doubt or difficulty." And Judge McLean declared in the same case that "Congress have legislated on the constitutional power, and have directed the mode in which it shall be executed. The act of 1793, it is admitted covers the whole ground, and that it is constitutional there seems to be no reason to doubt."—(Ib., 669.)

In the case of *Ableman vs. Booth*, 21 *Howard's Reports*, p. 526, the Supreme Court say, speaking of the act of 1850:—"In the judgment of this court the act of Congress commonly called the fugitive slave law is, in all of its provisions, fully authorized by the Constitution of the United States."

These decisions would solidly establish the doctrine already maintained by us upon the question of power, if authority were needed to support it.

The Constitution having declared the right of reclamation of fugitives from justice and labor, a power is necessarily implied in the government of the United States for its execution. It is a reasonable and necessary power, resting upon the express provision declaring the right in question. And from the foundation of the government the power has been exercised without any hostile decision, from any tribunal or authority entitled to pronounce conclusively upon it; in fact, there has been less difference of opinion upon this subject than upon almost any other important provision of the Constitution which has been subjected to debate.

It is true that while the majority of the Supreme Court held, upon one occasion, that this power was exclusively in the United States the minority held that it was a concurrent power, and might be exercised by the States in aid of the claimant's right, in the absence of Congressional action. But it is quite immaterial which of these views be accepted, so far as our present purpose is concerned. If the power exist in either from in the United States the right of Congress to pass proper laws pursuant to it is undeniable, for by the concluding clause of the eighth section of the first article of the Constitution, "Congress is authorized to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, [those enumerated expressly,] and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof."

Having now stated the case upon the question of power, we proceed to submit some observations upon particular points contained in the report of the majority and and will then state some general considerations which stand opposed to the repeal of the fugitive acts.

1. The majority say, in speaking of the delivery of the fugitive, "It restores to the claimant the complete control over the person of the victim, so that he may be conveyed to any part of the country where it is possible to hold a slave, or he may be sold on the way. From these circumstances it is evident that the proceedings cannot be regarded, in any just sense, as preliminary or auxiliary to some further formal trial, as in the case of the surrender of a fugitive from justice, but are complete in themselves, final and conclusive."

The answer to this is furnished by the laws themselves. The act of 1793, section 3, says: "It shall be the duty of such judge, or magistrate, to give a certificate to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labor *to the State or Territory from which he or she fled*.

The act of 1850 provides, in section 4, that the commissioners who hear fugitive cases "shall grant certificates to such claimants upon satisfactory proof being made, with authority to take and remove such fugitives from service or labor, under the restrictions herein contained, *to the State or Territory from which such person may have escaped or fled*."—(See also section 6.)

These citations consitute a sufficient reply, without more, to the statement of the majority. That statement is obviously unfounded.

2. The majority say: "It is because of the contempt with which, to the shame of our country, under the teachings of slavery, men have thus far regarded the rights of colored persons, that they have been willing for a moment to recognize the constitutional right to hurl a human being into bondage without a trial by jury. Had the victims been, in point of fact, white, it is easy to see that the rule would have been different. But it is obvious that, under the Constitution, the rule must be the same for all, whe ther black or white."

To which we answer: that the laws are not confined to persons of color, that is, to negroes and mulattoes, but embrace, "all persons held to service or labor under the laws of a State." The majority in another part of their report state that white apprentices have been reclaimed by their masters under the laws in question, and doubtless under a just construction of them; and by those parts of these laws which relate to fugitives from justice, white persons merely *accused* of crime in the State from which they flee are to be returned upon executive demand, and without trial in the State where they are found.

3. The majority say: "As it is for the public weal that there should be an end of suits, so, by the consent of civilized nations, these must be instituted within fixed limitations of time; but this act, [of 1850,] exalting slavery above even this practical principle of universal justice, ordains proceedings against freedom without any reference to lapse of time."

To this we answer: that the right of reclamation under the Constitution being without limitation of time, it was not within the power of Congress to apply a clause of limitation to it.

4. The majority say: "Contrary to the declared purpose of the framers of the Constitution, it sends the fugitive back 'at the public expense.'" The allusion here is to what occurred in the constitutional convention, August 28, 1787, when it was moved to require fugitive slaves and servants "to be delivered up *like criminals*:" to which Mr. Wilson objected, "because it would oblige the executive of the State to do it at the public expense"—that is, at the expense of the State. The form of the proposition was subsequently modified, and the objection thus made by one member of the convention has no relation to the act of 1850, which imposes no expense upon a State. The expenses are borne by the claimant, or by the United States.

5. The majority further say: "Adding meanness to the villainy of the Constitution, it bribes the commissioner, by a double fee, to pronounce against freedom. If he dooms a man to slavery, the reward is ten dollars; but saving him to freedom, his dole is five dollars." To this statement it may be answered: that the pay of the commissioner is simply proportioned to the service performed, as is usual in relation to all officers who receive fees. No certificates or other papers are to be issued to claimants when fugitives are discharged, and therefore the compensation is less. If there were any substance in this small objection, the law would be corrected by Congress without hesitation, upon the explanation made to it.

6. The majority insist at much length, that where words have a double intendment, or are ambiguous in their meaning, that construction should be given them which is favorable to liberty, or least odious. We do not propose to impeach the authority of the several authors who are cited in confirmation of this doctrine, or the doctrine itself. But we are quite unable to perceive what application it has to the subject before us—the construction of the Constitution and the fugitive laws.—Negro slaves are persons held to service and labor under the laws of some of our States, and we are not aware of any words which would more certainly designate them. It is true that these words describe apprentices; but because they describe others they do not therefore the less describe slaves, and we are not at liberty to exclude slaves from their application. These words, as used in the Constitution, have no double intendment, and are not ambiguous. They exactly describe negro slaves, and it does not derogate from their clearness, propriety, or force that they describe other persons also. Admitting that they are more extensive in meaning than the word slaves, they still contain the signification of that term.

Against the conclusion sought to be drawn from verbal criticisms of the majority, stand opposed the declarations of those who made, and were contemporaneous with, the making of the Constitution; the clear language of the fugitive act of 1793 and its enactment; the decisions of courts of the United States, authorized to construe the Constitution; and the general understanding and consent of the country, when the Constitution was made and subsequently. To which may be added, as we think, the clear import, the plain meaning, of the language itself.—Slaves were mentioned in the convention in connection with this clause, as the journals themselves show, and they were also so mentioned in such connection in conventions which adopted the Constitution, and yet the majority assert that the language does not apply to them because the language used does not sufficiently declare the intention. This we conceive to be a remarkable argument—that the Constitution is not to be taken in the sense in which it was made and adopted, and, in fact, acted upon and applied by the government, of the United States, but according to some strained and unnatural interpretation, founded upon slight verbal criticisms made more than half a century afterwards! In this case we do not know which to admire most, the futility of the proposition or the exuberance of bad faith which it implies.

7. We are not impressed by the argument of the majority that this proceeding of recaption, or extradition, is a suit at common law, falling within the clause of the constitutional provision requiring a trial by jury. It is a proceeding by virtue of a special provision of the Constitution of the United States, and, instead of involving or requiring a suit at law, is the personal assertion of a claim by an individual in his own right.

Judge McLean says (16 Peters, p. 667) "both the Constitution and the act of 1793 require the fugitive from labor to be delivered up on claim being made by the party, or his agent, to whom the service is due. Not that a suit should be regularly instituted. The proceeding authorized by the law is summary and informal." The objectors to our legislation upon the subject of fugitives would be the last men in the world to admit that, in the absence of the constitutional provision in question, a claimant could enforce his claim to the possession of his servant in a State to which the servant had fled, because the common law there existed.

8. The majority mention "that, according to the census, less than one thousand slaves escaped during the year ending June 1, 1860.,' We are not informed as to the accuracy of the census upon this subject; but, assuming its correctness, we have to remark that the number of fugitives who may escape when the fugitive acts are in existence does not measure the utility of the laws. Because the loss was small, compared to the whole number of slaves in the country, it does not follow that these laws were unnecessary or inoperative. Their value does not consist so much in returning fugitives who may escape as in deterring white men from assisting them to escape. Therefore, it does not follow from what is stated by the majority that these laws should be repealed upon the ground of inutility.

9. The majority quote declarations of Oliver Ellsworth, Elbridge Gerry, and Roger Sherman, hostile to slavery, and argue therefrom that the constitutional clause relating to persons escaping from service and labor did not relate to slaves, because those statesmen, as members of the convention, would not have assented to a provision which included slaves. We content ourselves with stating, in reply, that all those distinguished men were members of Congress in 1793, *and supported the fugitive slave act of that year!*

10. The majority make the extraordinary statement, that while Mr. Webster supported the fugitive act of 1850, "so far as his personal authority could go he condemned it as unconstitutional;" and a citation is given to support that statement, and citations follow from Judge Butler and Mr. Mason, to show that they concurred in his opinion. What was said by Mr. Webster was in substance this, that in his opinion it was a duty of the States to deliver up fugitives; but there was not the slightest intimation by him or the others named, that the States possessed the *exclusive* power to legislate upon the subject. They held that a duty was imposed upon the States, but they did not deny the power of Congress, which is the point in question. Mr. Butler, the chairman of the Judiciary Committee, in a speech delivered in the Senate on the 19th of April, 1850, insisted that the power was *concurrent;* and said, "in the position I have taken I stand sustained by Chief Justice Taney, and the justices alluded, to, [in the Prigg case,] as well as by the opinions of the distinguished gentleman, lately a member of this body, and now Secretary of State." And again, after quoting from an opinion of Judge Taney, maintaining the doctrine of a concurrent power in the federal and State governments upon this subject, he said, "there is the view of the chief justice entirely in accordance with the one uttered the other day by the gentleman [Mr. Webster] lately representing Massachusetts in this body." An illustration of Mr. Butler's view is furnished by the laws of Congress on the subject of returning fugitives from justice. It is the duty of the States to which criminals flee to return them, but the proceeding for their return is regulated by act of Congress

Let it be remembered that whether the power in question be concurrent, or exist exclusively in the United States as held by a majority of the judges of the Supreme Court, is of no consequence in an investigation into the validity of the fugitive slave laws. We may add, that in case of a concurrent power, so far as it is exercised by the federal government, State action is precluded. For the laws of the United States "are the supreme law of the land."

11. We regret to perceive in the majority report an appeal to prejudice, in the reference made to the authors of the act of 1850. It is said the bill was reported to the Senate by Mr. Butler, of South Carolina, and the statement is strictly true.—But any good reason for now stating that fact for public contemplation is not manifest. Senator Butler (now dead) was in 1850 chairman of the Judiciary Committee of the Senate, and to that committee properly belonged the consideration of such a bill. That he should report it to the Senate was both natural and proper. Nor does the fact that the bill was amended upon motion of one of the senators from Virginia (since engaged in revolt,) deserve the prominence given it by the majority. His subsequent misconduct can give no odious character to the enactment in question, unless we accept a principle of mere prejudice or antipathy as our standard of judgment upon this subject. Virginia was a border State of the south; she sought additional securities against loss and injury in the escape of her slaves; her legislature passed resolutions on the subject of reclamation, and it was quite appropriate that one of her senators should act a prominent part in giving form to the bill.

But if names are to be mentioned, these laws of 1793 and 1850 have a sanction which can be claimed for but few of our statutes.

That of 1793 has to it the hand of Geo. Washington, and there were given for it in Congress the votes of Fisher Ames, Abraham Baldwin, Jonathan Dayton, Wm. Findley, Elbridge Gerry, Nathaniel Macon, Frederick A. Muhlenberg, Theodore Sedgwick, and Thomas Sumpter. These are names from the list of yeas in the House. At the same session, John Langdon, Oliver Ellsworth, Roger Sherman, Rufus King, Philemon Dickinson, George Read, Rob't. Morris, and James Monroe, were members of the Senate.

In favor of the act of 1850, there are princely names of the second generation of our statesmen—men from the east, the west, and the south—the very latchets of whose shoes these abolition petitioners before us were not worthy to unloose.—For we were not then left bare and destitue of greatness in the high places of power. In that hour of peril and of passion, the republic possessed men of great endowments, of established reputation and tried patriotism, who stood forward to save their country from convulsion, and they accomplished their purpose. Discord retired before them; fanaticism, scenting blood and carnage in the distance, was whipped back baffled to its retreats in the north; southern revolt was checked and prevented, and once more the Constitution and the laws were made to triumph over both secret and open foes. The men who accomplished all this, and at least secured to their country ten additional years of peace, and growth and glory, gave their support to this law. It constituted one of their measures of adjustment, and it stands open to no just objection on account of its origin.

Having now concluded our observations upon the majority report, we have to state our conviction that the repeal of the reclamation laws, as now proposed, would be unwise, untimely, and unjust. That the grounds stated by the majority of the committee upon which to place the measure, are insufficient, appears from the examination to which we have subjected them. But further, it is clear that there are citizens of the United States, distributed through many States, who are entitled to the full and complete enjoyment of a right under the constitutional provision in question. To the enjoyment of that right these acts of Congress, or other acts similar to them in purpose and character, are indispensable, and their repeal, without the substitution of other appropriate enactments in their stead, would be a denial of the right itself, because it would deny what is necessary to its exercise. There would seem to be some vague notion entertained by the majority that this measure is a blow aimed at the existing rebellion. But such is not its character. It applies itself to the extinguishment of remedies valuable at this time only to men who have refused to engage in revolt, and can have no effect in the so-called Confederate States, unless it be to inspirit resistance to our arms. And so far as it offends those who support the government of the United States in this contest, its effect will be directly injurious to the public cause.

It was asserted by those who organized the revolt against the United States that it was the intention of the northern States, acting through this government as well as at home, to prevent all execution of the constitutional provision for returning fugitives. Is it expedient that we make good this assertion, or give to it a coloring of truth, by enacting this proposed measure of repeal?

Besides, it may be well worth some inquiry whether it is good policy to encourage, invite, or even allow, the migration of negroes northward, from those parts of the country where they are most suitably placed, and subject them to collision with a superior race, under conditions which tend irresistibly to their corruption and ultimate destruction. Their physical structure and characteristics denote adaptation to southern latitudes, and they are misplaced when, as fugitives or emigrants, they appear in the north, to undergo the competition, contempt and hostility of superior laboring populations, native to the soil or introduced from northern Europe. The structure of society, the climate, and the industrial pursuits of the north, are inimical to the welfare or even to the prolonged existence of the negro, and upon his account our efforts should be directed to all proper measures for discouraging and preventing his migration thither. Any policy which leads to the destruction of a race created by the Almighty must, before any tribunal in which the moral government of the world is recognized, be described as evil and criminal, and those who support it can only avert just condemnation from themselves by showing that they act under the pressure of dire necessity, or are ignorant of the consequences of their conduct.

But the policy is bad also with reference to the interests of our own race. It is true that a negro element of population in any northern State will die out eventually—will be extinguished by the operation of natural laws, as certain as those which regulate the winds of heaven, or the tides of the ocean—unless accessions continue to be made to it by immigration. But during the protracted process of death, it is a most injurious and pestilential element to the State. Despised, oppressed, hated; ostracised from honorable employments; hutted in the purlieus of cities and the outskirts of towns, it contaminates the social and burdens the political body into which it is intruded, and by which it is to be destroyed. And the corruption it induces, the debasement of