

Smith 26124

THE  
**FUGITIVE**  
**SLAVE**  
**BILL.**

ENACTED BY THE  
**UNITED STATES CONGRESS,**

AND APPROVED BY THE PRESIDENT,

**MILLARD FILLMORE,**

September 18, 1850.

---

BOSTON :

Printed and for sale at 145 Hanover Street.  
1854. .



THE

FUGITIVE

ACT

BILL

AS PASSED BY THE

SEVENTH CONGRESS

OF THE UNITED STATES

IN SENATE

APRIL 10, 1859

WASHINGTON

AND SOLD BY THE NATIONAL BOOK CONCERN

1859



## THE FUGITIVE SLAVE BILL.

---

A Bill to amend the Act entitled "An Act respecting Fugitives from Justice, and persons escaping from the services of their masters."

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That the persons who have been, or may hereafter be appointed Commissioners, in virtue of any act of Congress, by the Circuit Courts of the United States, and who, in consequence of such appointments, are authorized to exercise the powers that any Justice of the Peace or other Magistrate of any of the United States may exercise in respect to offenders for any crime or offence against the United States, by arresting, imprisonment, or bailing the same under and by virtue of the thirty-third section of the Act of the twenty-fourth of September, seventeen hundred and eighty-nine, entitled "An Act to establish the Judicial Courts of the United States," shall be, and are hereby authorized and required to exercise and discharge all the powers and duties conferred by this Act.

SECT. 2. *And be it further enacted,* That the Superior Court of each organized Territory of the United States shall have the same power to appoint Commissioners to take acknowledgments of bail and affidavit, and to take depositions of witnesses in civil causes, which is now possessed by the Circuit Courts of the United States; and all Commissioners who shall hereafter be appointed for such purposes by the Superior Court of any organized Territory of the United States shall possess all the powers and exercise all the duties conferred by law upon the Commissioners appointed by the Circuit Courts of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this Act.

SECT. 3. *And be it further enacted,* That the Circuit Courts of the United States and the Superior Courts of each organized Territory of the United States, shall from time to time enlarge the number of Commissioners, with a view to afford reasonable facilities to reclaim Fugitives from labor, and to the prompt discharge of the duties imposed by this Act.

SECT. 4. *And be it further enacted,* That the Commissioners above named shall have concurrent jurisdiction with the Judges of the Circuit and District Courts of the United States, in their respective Circuits and Districts within the several States, and the Judges of the



Superior Courts of the Territories severally and collectively, in term, time and vacation; and 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 persons may have escaped or fled.

SECT. 5. *And be it further enacted,* That it shall be the duty of all Marshals and Deputy Marshals to obey and execute all warrants and precepts issued under the provisions of this Act, when to them directed, and should any Marshal or Deputy Marshal refuse to receive such warrant or other process, when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars to the use of such claimant, on the motion of such claimant, by the Circuit or District Court for the District of such Marshal; and after arrest of such Fugitive by the Marshal or his Deputy, or whilst at any time in his custody, under the provisions of this Act, should such Fugitive escape, whether with or without the assent of such Marshal or his Deputy, such Marshal shall be liable, on his official bond, to be prosecuted, for the benefit of such claimant, for the full value of the service or labor of said Fugitive, in the State, Territory, or District whence he escaped; and the better to enable the said Commissioners, when thus appointed, to execute their duties faithfully and efficiently, in conformity to the requirements of the Constitution of the United States and this Act, they are hereby authorized and empowered, within their Counties respectively, to appoint in writing under their hands; any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective duties; with an authority to such Commissioners, or the persons to be appointed by them, to execute process as aforesaid, to summon and call to their aid the bystanders or *posse comitatus* of the proper County when necessary to insure a faithful observance of the clause of the Constitution referred to, in conformity with the provisions of this Act; and all good citizens are hereby commanded to aid and assist in the prompt and efficient execution of this Law, whenever their services may be required, as aforesaid, for that purpose; and said warrants shall run and be executed by said officers anywhere in the State within which they were issued.

SEC. 6. *And be it further enacted,* That, when a person held to service, or labor in any State or Territory of the United States, has heretofore, or shall hereafter escape into another State or Territory, of the U. States, the person or persons to whom such service or labor may be due, or his, her or their Agent or Attorney, duly authorized by power of attorney, in writing, acknowledged and certified under the seal of some legal office or court of the State or Territory in which the same may be executed, may pursue and reclaim such Fugitive person, either by procuring a warrant from some one of the Courts, Judges, or Commissioners aforesaid, of the proper Circuit, District, or County, for the apprehension of such Fugitive from service or labor, or by seizing and



arresting such Fugitive where the same can be done without process ; and by taking or causing such person to be taken, forthwith before such Court, Judge or Commissioner, whose duty it shall be to hear and determine the case of such claimant in a summary manner ; and upon satisfactory proof being made by deposition or affidavit, in writing, to be taken and certified by such Court, Judge, or Commissioner, or by other satisfactory testimony, duly taken and certified by some Court, Magistrate, Justice of the Peace, or other legal officer authorized to administer an oath and take depositions under the laws of the State or Territory from which such person owing service or labor may have escaped, with a certificate of such Magistrate or other authority, as aforesaid, with the seal of the proper Court or officer thereto attached, which seal shall be sufficient to establish the competency of the proof, and with proof also by affidavit, of the identity of the person whose service or labor is claimed to be due as aforesaid, that the person so arrested does in fact owe service or labor to the person or persons claiming him or her, in the State or Territory from which such Fugitive may have escaped as aforesaid, and that said person escaped, to make and deliver to such claimant, his or her Agent or Attorney, a certificate setting forth the substantial facts as to the service or labor due from such Fugitive to the claimant, and of his or her escape from the State or Territory in which such service or labor was due, to the State or Territory in which he or she was arrested, with authority to such claimant, or his or her Agent or Attorney, to use such reasonable force and restraint as may be necessary, under the circumstances of the case, to take and remove such Fugitive person back to the State or Territory from whence he or she may have escaped as aforesaid. In no trial hearing under this act shall the testimony of such alleged Fugitive be admitted in evidence ; and the certificates in this and the first section mentioned shall be conclusive of the right of the person or persons in whose favor granted to remove such Fugitive to the State or Territory from which he escaped, and shall prevent all molestation of said person or persons by any process issued by any Court, Judge, Magistrate, or other person whomsoever.

SECT. 7. *And be it further enacted*, That any person who shall knowingly and willingly obstruct, hinder, or prevent such claimant, his Agent or Attorney, or any person or persons lawfully assisting him, her, or them, from arresting such a Fugitive from service or labor, either with or without process as aforesaid ; or shall rescue, or attempt to rescue, such Fugitive from service or labor, or from the custody of such claimant, his or her Agent or Attorney, or other person or persons lawfully assisting as aforesaid, when so arrested, pursuant to the authority herein given and declared ; or shall aid, abet, or assist such person, so owing service or labor as aforesaid, directly or indirectly, to escape from such claimant, his Agent or Attorney, or other person or persons legally authorized as aforesaid ; or shall harbor or conceal such Fugitive, so as to prevent the discovery and arrest of such person, after notice or knowledge of the fact that such person was a Fugitive from service or labor as aforesaid, shall, for either of said



R-07323-2

2012.46.5



The Boston Police executing the infamous law, in the case of Simms, who was delivered into the hands of the oppressor, between the hours of moon-setting and sun-rising, in 1851.