

Fugitive slave bill ... Approved, September 18, 1850. Millard Fillmore.

Fugitive Slave Bill.

As passed by the Senate and House of Representatives, Sept. 12, 1850, and approved September 18, 1850, by President FILLMORE.

AN ACT to amend, and supplementary to the act entitled, "An act respecting fugitives from justice, and persons escaping from the service of their masters," approved, Feb 12, 1793.

Section 1. That 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 authorised to exercise the powers that a *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, imprisoning, or bailing the same under and by virtue of the thirty-third section of the act of the 24th of September, 1780, entitled "An act to establish 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.*

Sec. 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 acknowledgements of bail and affidavits, and to take depositions of witnesses in civil causes which is now possessed by the Circuit Courts of the United States; all commissioners who shall 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 Court of the United States for similar purposes, and shall moreover exercise and discharge all the powers and duties conferred by this act.

Sec. 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 discharge of the duties imposed by this act.

Sec. 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.

Sec. 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 use all proper means diligently to execute the same, he shall on conviction thereof, be *fin*ed in the sum of ONE THOUSAND DOLLARS to the use of such claimant on motion of such claimant, by the circuit or district court of the district of such marshal; and after arrest of such fugitive by such 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 with the requirements of the Constitution of the United States and of this act, they are hereby authorized and empowered, *within their counties* respectively to appoint in writing under 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 authority to such commissioners or the person 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 WHENEVER THEIR SERVICE, 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 are executed.

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 United States, the person or persons to whom such services 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 officer of 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 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 magistracy 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 said 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 out 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 each 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 OR HEARING UNDER THIS ACT SHALL 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 preveal all molestation of said person or persons by any process issued by any court, judge, magistrate or other person whomsoever.*

Sec. 7. And be it further enacted, That any person who shall knowingly or 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 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, 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, ABRT, OR ASSIST SUCH A 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 offences be subject to *a fine not exceeding ONE THOUSAND DOLLARS and IMPRISONMENT NOT EXCEEDING SIX MONTHS*, by indictment and conviction before the district court of the United States for the district in which such offence may have been committed, or before the proper court of criminal jurisdiction if committed within any one of the *organized territories* of the United States; *and shall, moreover, forfeit and pay by way of civil*

damages to the party injured by such illegal conduct, the sum of ONE THOUSAND DOLLARS FOR EACH FUGITIVE SO LOST, as aforesaid, to be recovered by action for debt, in any of the district or territorial courts aforesaid, within whose jurisdiction the said offence may have been committed.

Sec. 8. And be it further enacted, That the marshals, their deputies, and the clerks of the said district and territorial courts, shall be paid for their services the like fees as may be allowed to them for similar services in other cases; and where such services are rendered exclusively in the arrest, custody and delivery of the fugitive to the claimant, his or her agent or attorney, or where such supposed fugitive may be discharged out of custody for want of sufficient proof as aforesaid, then such fees are to be paid in the whole by such claimant, his agent or attorney; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of TEN DOLLARS in full for his services in each case, *upon the delivery of the said certificate to the claimant*, his or her agent or attorney; or a fee of FIVE DOLLARS *in cases where the proof shall not in the opinion of such commissioner, warrant such certificate and delivery*, inclusive of all services incident to such arrest and examination, to be paid, in either case, by the claimant, his or her agent or attorney. The person or persons authorized to execute the process to be issued by such commissioners for the arrest and detention of fugitives from service or labor, as aforesaid, shall also be entitled to a fee of *five dollars each* for said person he or they may arrest and take before any such commissioner as aforesaid, at the instance and request of such claimant, with such other fees as may be deemed reasonable by such commissioner for such additional services as may be necessarily performed by him or them; such as attending at the examination, keeping the fugitive in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner; and in general for performing such other duties as may be required by such claimant, his or her attorney or agent, or commissioner to the premises, such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid by such claimants, their agents or attorneys, whether such supposed fugitives from service or labor, be ordered to be delivered to such claimants by the final determination of such commissioner or not.

Sec. 9. And be it further enacted, That upon affidavit made by the claimant of such fugitive, his agent or attorney, after such certificate has been issued, that he has reason to apprehend that *such fugitive will be rescued by force* from his or their possessions before he can be taken beyond the limits of the State in which the arrest is made, it shall be the duty of the officer making the arrest to *retain the fugitive in his custody, and to remove him to the State whence he fled*, and there to deliver him to said claimant, his agent or attorney. And to this end, the officer aforesaid is hereby AUTHORIZED AND REQUIRED TO EMPLOY SO MANY PERSONS AS HE MAY DEEM NECESSARY to overcome such force, and to retain them in his service so long as circumstances require. The said officer and his assistants,

while so employed to receive the same compensation, and to be allowed the same expenses as are now allowed by law for transportation of criminals, to be certified by the judge of the district within which the arrest is made, and PAID OUT OF THE TREASURY OF THE UNITED STATES.

Sec. 10. And be it further enacted, That when any person held to service or labor in any State or Territory, or in the District of Columbia, shall escape therefrom the party to whom such service or labor shall be due, his, her or their agent or attorney may apply to any court of record therein, or judge thereof in vacation, and make satisfactory proof to such court or judge in vacation, of the escape aforesaid, and that the person escaping owed service or labor to such party. Whereupon the court shall cause a record to be made of the matter as proved, and also a general description of the persons escaping with such convenient certainty as may be, and a transcript of such record authenticated by the attestation of clerk and seal of the said court being produced in any other State, Territory or District in which the person so escaping may be found, and being exhibited to any judge, commissioner or other officer authorized by the law of the United States to cause persons escaping from service or labor to be delivered up, *shall be held and taken to be full and conclusive evidence of escape, and that the service or labor of the person escaping is due to the party in such record mentioned.* And upon the production by the said party of other and further evidence, *if necessary either oral or by affidavit*, in addition to what is contained in the said record of the identity of the person escaping, *he or she shall be delivered up to the claimant.* And the said court, commissioner, judge or other person authorized by this act to grant certificates to claimants of fugitives, shall upon the production of the record and other evidences aforesaid, grant to such claimant a certificate of his right to take any such person identified and proved to be owing service or labor as aforesaid, which certificate shall authorize such claimant to seize or arrest and transport such person to the State or Territory from which he escaped. Provided,

That nothing herein contained shall be construed as requiring the production of a transcript of such record as evidence as aforesaid. But in its absence the claim shall be heard and determined upon other satisfactory proofs competent in law.

Approved, September 18, 1850.

MILLARD FILLMORE

THE BLACK LIST.

Total vote from free States in favor of the Fugitive Slave bill

Democrats— *Maine*—Messrs Fuller, Gerry, Littlefield—3.

New Hampshire.—Messrs. **HIBBARD** and **PEASLEE**—2.

New York—Mr Walden—1.

New Jersey—Mr Wildrick—1.

Pennsylvania—Messrs Dimmick, Job Mann, McLanahan, Robbins, Ross and James Thompson—6.

Ohio—Messrs. Hayland and Miller—2.

Indiana—Messrs. Alberston, William J. Brown, Dunham, Gorman, McDonald—5.

Illinois—Messrs. Bissel, T. L. Harris, McClernand, Richardson, Young—5.

Michigan—Mr A. W. Buel—1.

Iowa—Mr Leffler—1.

California—Mr Gilbert—1. Total 27.

Whigs.—Messrs. Elliot. of *Mass.*; McGaughey, of *Ind*; John L. Taylor, of *Ohio*—Total, 3.

Total Ayes from free states, 30.

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