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.

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, small possess all the powers and exercise all the duties conferred by law 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

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 elaimants, 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 fined 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 sugitive escape, whether WITH OR WITHOUT

some of the courts, judges or commissioners afore- and detention of fugitives from service or labor, as said, of the proper circuit, district or county for the aforesaid, shall also be entitled to a fee of five 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 said, at the instance and request of such claimant, SECTION 1. That persons who have been or or causing such person to be taken, forthwith before with such other fees as may be deemed reasonable may hereafter be, appointed Commissioners in vir- such court, judge or commissioner, whose duty it by such commissioner for such additional services tue of any act of Congress, by the Circuit Courts shall be to hear and determine the case of such as may be necessarily performed by him or them; of the United States, and who in consequence of claimant in a SUMMARY MANNER; and upon such appointments, are authorised to exercise the satisfactory proof being made, by deposition or fugitive in custody, and providing him with food powers that a justice of the peace or other magis- affidavit, in writing, to be taken and certified by trate of any of the United States may exercise in such court, judge or commissioner, or by other determination of such commissioner; and in genrespect to offenders for any crime or offence against satisfactory testimony, duly taken and certified by eral for performing such other duties as may be the United States, by arresting, imprisoning, or some court, magistrate, justice of the peace, or required by such claimant, his or her attorney or bailing the same under and by virtue of the thirty- other legal officer authorized to administer an oath agent, or commissioner in the premises, such fees third section of the act of the 24th of September, and take depositions under the laws of the State or to be made up in conformity with the fees usually 1789, entitled "An act to establish Judicial Courts territory from which such person owing service or charged by the officers of the courts of justice of the United States," shall be and are hereby labor may have escaped, with a certificate of such within the proper district or county, as near as may authorized and required to exercise and discharge magistracy or other authority, as aforesaid, with be practicable, and paid by such claimants, their the seal of the proper court or officer thereto at- agents or attorneys, whether such supposed fugitached, which seal shall be sufficient to establish tives from service or labor, be ordered to be delivthe competency of the proof, and with proof also ered to such claimants by the final determination 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 persous 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 limits of the State in which the arrest is made, it setting forth the substantial facts as to the service shall be the duty of the officer making the arrest upon the commissioners appointed by the Circuit or labor due from each fugitive to the claimant, to retain the fugitive in his custody, and to re-Court of the United States for similar purposes, and of his or her escape from the State or territory move him to the State whence he fled, and there to in which such service or labor was due, to the deliver him to said claimant, his agent or attorney. State or territory in which he or she was arrested, And to this end, the officer aforesaid is hereby with authority to such claimant or his or her AUTHORIZED AND REQUIRED TO EMagent or attorney, to use such reasonable force PLOY SO MANY PERSONS AS HE MAY and restraint as may be necessary, under the cir- DEEM NECESSARY to overcome such force, cumstances of the case, to take and remove such and to retain them in his service so long as circumnumber of commissioners, with a view to afford fugitive person back to the State or territory from stances require. The said officer and his assistants, reasonable facilities to reclaim fugitives from whence he or she may have escaped as aforesaid. while so employed to receive the same compensalabor, and to the discharge of the duties imposed IN NO TRIAL OR HEARING UNDER THIS tion, and to be allowed the same expenses as are ACT SHALL TESTIMONY OF SUCH AL- now allowed by law for transportation of criminals, LEGED FUGITIVE BE ADMITTED IN EVI- to be certified by the judge of the district within DENCE; and the certificates in this and the first which the arrest is made, and PAID OUT OF section mentioned SHALL BE CONCLUSIVE OF THE TREASURY OF THE UNITED STATES. THE RIGHT OF THE PERSON OR PERSONS IN SEC. 10. And be it further enacted, That when WHOSE FAVOR GRANTED, to remove such fu- any person held to service or labor in any State or gitive to the State or territory from which he Territory, or in the District of Columbia, shall escaped, and shall prevent all molestation of said escape therefrom, the party to whom such service person or persons by any process issued by any or labor shall be due, his, her or their agent or atcourt, judge, magistrate or other person whomso- torney may apply to any court of record therein,

> SEC. 7. And be it further enacted, That any her agent or attorney, or other person or persons lawfully assisting as aforesaid when so arrested, OR SHALL AID, ABET, OR ASSIST SUCH A PERSON SO OWING SERVICE OR LABOR AS AFORESAID, DIRECTLY OR INDIRECTLY TO arrest of such person, after notice or knowledge of oral or by affidavit, in addition to what is contained \*

fugitive person, either by procuring a warrant from to be issued by such commissioners for the arrest dollars each for said person he or they may arrest and take before any such commissioner as aforesuch as attending at the examination, keeping the and lodging during his detention, and until the final

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

or judge thereof in vacation, and make satisfactory proof to such court or judge in vacation, of the person who shall knowingly or willingly obstruct, escape aforesaid, and that the person escaping hinder or prevent such claimant, his agent or at- owed service or labor to such party. Whereupon torney, or any person or persons, lawfully assist- the court shall cause a record to be made of the ing him, her or them, from arresting such fugitive matter as proved, and also a general description of from service or labor EITHER WITH or WITH- the persons escaping with such convenient certain-OUT PROCESS as aforesaid; or shall rescue, or ty as may be, and a transcript of such record auattempt to rescue such fugitive from service or thenticated by the attestation of clerk and seal of labor, from the custody of such claimant, his or 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, pursuant to the authority herein given and declared; 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 from such claimant, his agent or attorney, escape, and that the service or labor of the person or other person or persons legally authorized as escaping is due to the party in such record menaforesaid, or SHALL HARBOR or CONCEAL tioned. And upon the production by the said party such fugitive, so as to prevent the discovery and of other and further evidence, if necessary either