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The learned Senator from Massachusetts, I apprehend, has made a very radical mistake in regard to the application of this language of the French constitution. The purpose for which this language was used in the original constitution of the French republic of 1791, was to abolish nobility and privileged classes. It was a mere political reformation relating to the political rights of Frenchmen, and nothing else. It was to enable all Frenchmen to reach positions of eminence and honor in the French Government, and was intended for no other purpose whatever. It was never intended there as a means of abolishing slavery at all. The Convention of 1794 abolished slavery by another and separate decree expressly putting an end to slavery within the dominions of the French republic and all its colonies.

Now, sir, I wish as much as the Senator from Massachusetts in making this amendment to use significant language, language that cannot be mistaken or misunderstood; but I prefer to dismiss all reference to French constitutions or French codes, and go back to the good old Anglo-Saxon language employed by our fathers in the ordinance of 1787, an expression which has been adjudicated upon repeatedly, which is perfectly well understood both by the public and by judicial tribunals, a phrase, I may say further, which is peculiarly near and dear to the people of the Northwestern Territory, from whose soil slavery was excluded by it. I think it is well understood, well comprehended by the people of the United States, and that no court of justice, no magistrate, no person, old or young, can misapprehend the meaning and effect of that clear, brief, and comprehensive clause. I hope we shall stand by the report of the committee.

Mr. SUMNER. My proposition is withdrawn, the Chair understands.

Mr. DAVIS. I was going to make one remark in relation to the proposed verbiage of the Senator from Massachusetts. I think that that Senator and all Senators ought to be very guarded in the terms they adopt when they take \$500,000,000 of property from other people, in which they have no interest themselves, and propose to give them no compensation for it. When the Parliament of England liberated the slaves in the West Indies they appropriated £20,000,000 as compensation to their owners.

Sir, the owners of no property of that value ever voluntarily disposed themselves of it. Whenever any such legislation as that has taken place in the world the legislation has been of a power and by a people that did not own the property. If at the commencement of the war of 1812 a proposition had been made, by legislation or by a change of the Constitution, to take all the shipping interest of New England, and the other States had been strong enough to carry such a measure in the form of legislation or amendment of the Constitution, there did not live a man within the States of New England at that time but what would have been in open revolt against it.

Here are these gentlemen, uninterested in slave property, and, with the exception of one or two in this body, having no interest whatever in it, who actually come up and propose to amend the Constitution and take that property from a great number of people more loyal than themselves, more true to their Government, more true to the true principles of the Constitution and the Union, without making them one cent's worth of compensation for that property. Everything is as smooth as a marriage bell when men who do not own the property propose to take it from those who do own it. It makes no odds what the amount of it is, or in what manner it is to be done, if it is just in accordance with their will. Whatever may be the origin of that will it is all fair, all proper, all politic.

Mr. President, the proposition that I assume I believe to be irrefragably true; that the power of amending the Constitution does not authorize the abolition of slavery. I deny that the power of amendment is illimitable. I deny that it carries every power which the amending power may choose to exercise. I deny that the power of

amendment carries the power of revolution. It is an absurdity to say that this power of amendment will impart the power to change the Government and to establish a monarchy if the different departments and authorities authorized to enact the amendment choose to adopt it. It cannot be done, legitimately at any rate.

Mr. President, if the men who are to pass this amendment were as much interested in this property as those who are opposing it here and elsewhere, there is not one of them but would be found in opposition to it. It is a very beautiful operation, to be sure. They say to us, "We will take from you your property; we will make you no compensation for it; and we will do it under the power to amend the Constitution." Sir, property is a matter of State or domestic institution. The General Government have not legitimately, and were never intended to have, any jurisdiction or authority over the subject of property. What subjects should constitute property, how it should be regulated, whether it should exist and continue in one subject or be discontinued in another subject, are questions which were never intended to be intrusted to the General Government. That is a great and fundamental feature of our Federal and State system of governments. The proposed amendment takes that principle to be true in relation to but one subject of property; but if it strikes at it in relation to one subject of property, it may in relation to all.

The power of amendment as now proposed to be exercised imports a power that would revolutionize the whole Government, and that would invest the amending power with a faculty of destroying and revolutionizing the whole Government. In my judgment, it is absurd to say that the power of amendment, which is simply a power to reform, a power to improve, imports and authorizes the exercise of a power to destroy.

I think, if gentlemen are determined to abolish the property in slaves, they have as much right so to amend the Constitution as to make compensation to the owners of the property as they have to deprive the owners of that property of them. If they think the abolition of slavery and the depriving of so many loyal owners of such a large amount of property is such an exercise of authority as that the permanent good of the nation requires it to be done, they ought to have the grace, the justice, the magnanimity to make provision for a reasonable compensation to the owners of that property which they take from the owners. They have as much power to make the compensation as they have to take the property from them.

But, sir, in a closing word, I make my protest against men who have no interest in such a large amount of property as the slave property owned by the loyal people of the United States, undertaking to seize this property without any compensation, ruthlessly, unjustly, and in defiance of the guarantee of property and of justice that the Constitution and Government of the United States gave to all its people. Although I know that the protest of an angel would not be heard, much less the protest of as feeble a worm as I am, I make my last protest against a class of gentlemen, against a portion of the people of the United States, against the great preponderating sectional power of the United States, depriving loyal owners of millions of property, without having the justice, the magnanimity, or the grace to make the least provision for compensation, as the English Parliament did to the slaveholders in the West India islands.

Mr. DOOLITTLE. I should be glad if I had the time to reply to some of the remarks of the Senator from Kentucky; but I will forbear doing so, hoping that we shall now come to a vote. On some future occasion I may answer him.

The VICE PRESIDENT. The Senator from Massachusetts may withdraw his amendment, if there be no objection.

Mr. SUMNER. It is entirely within my power, as the yeas and nays have not been ordered.

The VICE PRESIDENT. It is within the

province of the Senator to withdraw it without the consent of the Senate, as no vote has been had upon it, and the yeas and nays have not been ordered. The amendment is withdrawn.

Mr. SAULSBURY. I wish to know whether the amendment I sent up some time since is now in order.

The VICE PRESIDENT. That will be in order as a substitute; but all the other amendments are first in order.

Mr. SAULSBURY. I offer mine as a substitute for the whole.

The VICE PRESIDENT. The Chair so understood the Senator. If no other amendment be offered the Senator from Delaware proposes to strike out all of the words reported by the committee, and to insert what will be read.

The Secretary read, as follows:

ARTICLE XIII.

Sec. 1. All persons shall have the right peaceably to assemble and worship God according to the dictates of their own conscience.

Sec. 2. The use of the public press shall not be obstructed; but criminal publications made in one State against the lawful institutions of another State shall not be allowed.

Sec. 3. The right of citizens to free and lawful speech in public assemblies shall not be denied. Access of citizens to the ballot box shall not be obstructed either by civil or military power. The military shall always be subordinate to the existing judicial authority over citizens. The privilege of the writ of *habeas corpus* shall never be suspended in the presence of the judicial authority.

Sec. 4. The militia of a State or of the United States shall not be employed to invade the lawful rights of the people of any of the several States; but the United States shall not be hereby deprived of the right and power to defend and protect its property and rights within the limits of any of the States.

Sec. 5. Persons held to service or labor for life, in any State under the laws thereof, may be taken into any Territory of the United States south of north latitude 36° 30', and the right to such service or labor shall not be impaired thereby, and the territorial Legislature thereof shall have the exclusive right to make and shall make all needful rules and regulations for the protection of such right, and also for the protection of such persons; but Congress or any territorial Legislature shall not have power to impair or abolish such right of service in the said Territory while in a territorial condition without the consent of all the States south of said latitude which maintain such service.

Sec. 6. Involuntary servitude, except for crime, shall not be permanently established within the District set apart for the seat of Government of the United States; but the right of sojourn in such District with persons held to service or labor for life shall not be denied.

Sec. 7. When any Territory of the United States south of north latitude 36° 30' shall have a population equal to the ratio of representation for one member of Congress, and the people thereof shall have formed a constitution for a republican form of government, it shall be admitted as a State into the Union, on an equal footing with the other States; and the people may in such constitution either prohibit or sustain the right to involuntary labor or service, and alter or amend the constitution at their will.

Sec. 8. The present right of representation in section two, article one, of this Constitution, shall not be altered without the consent of all the States maintaining the right to involuntary service or labor south of latitude 36° 30', but nothing in this Constitution or its amendments shall be construed to deprive any State south of said latitude 36° 30' of the right of abolishing involuntary servitude at its will.

Sec. 9. The regulation and control of the right to labor or service in any of the States south of latitude 36° 30' is hereby recognized to be exclusively the right of each State within its own limits; and this Constitution shall not be altered or amended to impair this right of each State without its consent: *Provided*, This article shall not be construed to absolve the United States from rendering assistance to suppress insurrections or domestic violence, when called upon by any State, as provided in section four, article four, of this Constitution.

Sec. 10. No State shall pass any law in any way interfering with or obstructing the recovery of fugitives from justice, or from labor or service, or any law of Congress made under article four, section two, of this Constitution; and all laws in violation of this section may, on complaint made by any person or State, be declared void by the Supreme Court of the United States.

Sec. 11. As a right of comity between the several States south of latitude 36° 30' the right of transit with persons held to involuntary labor or service from one State to another shall not be obstructed, but such persons shall not be brought into the States north of said latitude.

Sec. 12. The traffic in slaves with Africa is hereby forever prohibited on pain of death and the forfeiture of all the rights and property of persons engaged therein; and the descendants of Africans shall not be citizens.

Sec. 13. Alleged fugitives from labor or service, on request, shall have a trial by jury before being returned.

Sec. 14. All alleged fugitives charged with crime committed in violation of the laws of a State shall have the right of trial by jury, and if such person claims to be a citizen of another State, shall have a right of appeal or of a writ of error to the Supreme Court of the United States.