

# THE CONGRESSIONAL GLOBE:

CONTAINING

## THE DEBATES AND PROCEEDINGS

OF THE

SECOND SESSION OF THE THIRTY-EIGHTH CONGRESS:

ALSO, OF THE

SPECIAL SESSION OF THE SENATE.

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BY F. & J. RIVES.

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which were laid on the table, and ordered to be printed.

#### TAX ON SALES.

Mr. F. CLARKE. I ask unanimous consent to offer the following resolution:

*Resolved*, That in order that the Government may have, and the people understand, its fixed and determined policy in reference to restoring the currency of the country to its normal value, the Committee on Ways and Means are hereby instructed to inquire into the expediency of imposing a special tax of one per cent. on all sales of the country for the period of one year, and a tax of three fourths of one per cent. for one year thereafter, and a tax of one half of one per cent. thereafter, until the whole sum collected equals in amount the United States notes now issued by the Government; and that the proceeds of the tax, as it may from time to time be collected, be especially appropriated to the redemption of said notes until all are redeemed and canceled. And also that the Secretary of the Treasury be authorized, at any time after the close of the war, to issue bonds not having less than five nor more than forty years to run, to an amount equal to all of the Treasury interest-bearing legal-tender notes that have been or may hereafter be issued, and dispose of the same from time to time as may be required to pay said notes as they mature from and after the close and termination of the rebellion, and report by bill or otherwise.

Mr. STEVENS. I object, and call for the regular order of business.

Mr. ANCONA. I ask my colleague to give way until I introduce a resolution for reference.

Mr. STEVENS. I call for the regular order of business, and will yield for no purpose.

#### ABOLITION OF SLAVERY.

The SPEAKER stated the question in order to be the consideration of the motion to reconsider the vote by which the House, on the 14th of last June, rejected Senate joint resolution No. 16, submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States; and that the gentleman from Ohio [Mr. ASHLEY] was entitled to the floor.

Mr. ASHLEY. I yield to the gentleman from Pennsylvania [Mr. McALLISTER] to have read a brief statement.

Mr. McALLISTER sent to the Clerk's desk and had read the following:

When this subject was before this House on a former occasion I voted against the measure. I have been in favor of exhausting all means of conciliation to restore the Union as our fathers made it. I am for the whole Union, and utterly opposed to secession or dissolution in any shape. The result of all the peace missions, and especially that of Mr. Blair, has satisfied me that nothing short of the recognition of their independence will satisfy the southern confederacy. It must therefore be destroyed; and in voting for the present measure I cast my vote against the corner-stone of the southern confederacy, and declare eternal war against the enemies of my country.

[Applause from the Republican side of the House.]

Mr. ASHLEY. I now yield to the gentleman from Pennsylvania, [Mr. COFFROTH.]

Mr. COFFROTH. Mr. Speaker, I speak not to-day for or against slavery. I am content that this much-agitated question shall be adjudicated at the proper time by the people. It is my purpose to state in all candor the reasons which prompt me to give the vote I shall soon record.

The amending of our Constitution is fraught with so much importance to the American people that before it is accomplished the amendments proposed should be scrutinized with the strictest criticism. No frivolous, vague, or uncertain experiment should be for a moment tolerated. The life and existence of this nation is centered in the observance and faithful execution of the powers conferred by the Constitution upon the servants of the people.

The joint resolution before us proposes:

That the following article be proposed to the Legislatures of the several States as an amendment to the Constitution of the United States, which, when ratified by three fourths of said Legislatures, shall be valid, to all intents and purposes, as a part of the said Constitution, namely:

ART. XIII, Sec. 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Sec. 2. Congress shall have power to enforce this article by appropriate legislation.

The first inquiry is, has Congress this power? I turn to the Constitution, and find article fifth provides—

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three fourths of the

several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

It is not claimed that Congress itself can engraft this amendment into the Constitution without being ratified by three fourths of the States. Then, sir, under the Constitution, Congress has no power beyond discriminating what shall or ought to be submitted to the people. The members of this House assume no responsibility, they enact no amendment, but as faithful Representatives they submit to the people, the source from whence their power comes, the proposed amendment. "Governments are instituted among men, deriving their just power from the consent of the governed." All political power is invested in the people. At their will constitutions can be remodeled and laws repealed.

The amending of our Constitution is no new experiment. Already at three different times amendments have been submitted to the Legislatures, and by them adopted. The first amendment was ratified in 1791, the second in 1798, and the third in 1804. It never was intended by the wise men who adopted the Constitution that it should remain unchanged. The growth of the nation, its progress and its advancement, will, as time passes, demand new articles and additional provisions. The people are the guardians of the Constitution, and I am not convinced that any danger is to be anticipated, as presented in the following illustrations of the gentleman from Ohio, [Mr. PENDLETON,] put with such admirable compactness and scholastic force:

1. "I assert that there is another limitation, stronger even than the letter of the Constitution, and that is to be found in its intent and spirit and its foundation idea. I put the question which has been put before in this debate, can three fourths of the States constitutionally change this Government, and make it an autocracy? It is not prohibited by the Constitution."

2. "Can three fourths of the States make an amendment to the Constitution of the United States which shall prohibit the State of Ohio from having two Houses in its Legislative Assembly? It is not prohibited in the Constitution."

3. "Sir, can three fourths of the States provide an amendment to the Constitution by which one fourth should bear all the taxes of this Government? It is not prohibited."

4. "Can three fourths of the States, by an amendment to the Constitution, subvert the State governments of one fourth and divide their territory among the rest? It is not forbidden."

5. "Can three fourths of the States so amend the Constitution of the States as to make the northern States of this Union slaveholding States?"

I do not think there is any power in the Constitution which would permit three fourths of the States to change the form of government. The Constitution provides for a republican form of government, and to establish an autocracy would not be amending the Constitution, but utterly destroying it, and establishing upon its ruins a new form of government of self-derived power.

I would not give one of the new copper two-cent pieces for the insertion into the Constitution of explicit prohibitions against every other supposition brought forward by the gentleman from Ohio, [Mr. PENDLETON:]

"Long before three fourths of the States can become so debauched and demoralized that they would practice such monstrous injustice, they must have lost the sense of honor that would be bound by a compact, and the fear of God that would keep an oath. When these virtues have died out, no matter what safeguards a written constitution might contain, they would be of no more value than so much waste paper. There are certain things which can never be attempted so long as there is public virtue enough not to evade, explain away, or openly violate the Constitution. It is for this reason so little limitation was put upon the amending power."

"The actual limitations on that power operated against natural equity, and hence the necessity for their insertion. One of them restrained Congress from putting an end to the slave trade prior to 1808, and the practical effect of the other is to give New England, which has a smaller population than New York and only a fraction more than Pennsylvania, twelve Senators, while New York and Pennsylvania have each only two. The Constitution presumes that the majority of the people in three fourths of the States cannot be corrupted; or that, if they should, they would not afterward respect paper restraints on their passions. A constitution is no stronger than the sense of the moral obligation of the parties bound by it. It is futile to take men's engagements against crimes more heinous than breaking an engagement. You might as well swear a man not to commit highway robbery. If he has conscience enough to respect an oath, it would be needless, and if he has not, an idle precaution."

Again, it is argued that this amendment is unconstitutional; that the Congress of the United States has no legal authority to propose this amendment, nor have the States in ratifying it the

constitutional power to destroy or interfere with the right of property. Learned gentlemen of this House differ on this subject. The Constitution itself provides the remedy by which all these differences of opinion can be legally adjudicated. Section two of article three provides:

"The judicial power shall extend to all cases in law and equity arising under this Constitution."

In my opinion, if any person is injured by this amendment, he has a judicial remedy before the highest court of the country.

If the States of the South desire to retain slavery, they can do so by refusing to ratify this amendment. There are thirty-five States. In order to adopt this amendment twenty-seven States must ratify it. Eleven States have seceded from the Union. This is more than is required to defeat the amendment. Certainly no one will pretend to argue that this amendment can be adopted without being submitted to the eleven seceded States. If it was, these States would not be considered a part of the Union. In fact it would be, to all intent and purpose, recognizing them as independent States, and not being under the control of the Federal Constitution.

If this view is taken, then this amendment can do no harm to the people of the States in the Union. In June last my objection to this amendment was that it was taking away the property of the people of the States that remained true to the Union; that the Constitution was made the means to oppress rather than protect the people. Since that time Missouri and Maryland have abolished slavery by their own action, and the Governor of Kentucky in his message recommends to the Legislature of that State gradual emancipation. The same objection which was then urged against this amendment cannot now be urged.

It is argued that new State governments will be formed in the seceding States under the control of military governors, and this amendment ratified by them. Whether this amendment would be binding upon the people of the seceded States thus ratified will depend entirely upon the result of this war. If after a long struggle, and each of the contending armies or Powers will conclude to adopt the wise and humane policy of a peaceful solution of the difficulties now existing, all of the acts of the State governments formed by military power will be invalid, and the old organization of these States recognized. In this event the ratifications by the new-made State governments will not be worth the paper upon which they are written. If the South achieve her independence, then this amendment will only apply to that which does not exist. If the people of the South are subjugated and their State lines obliterated, and they are ever admitted into this Union under new constitutions, each and every one of the constitutions will have to come free from slavery before the State will be admitted.

The South would not remain in the Union under the Constitution as it now is; they demanded stronger guarantees for their institution of slavery. Can any intelligent person believe that after fighting as they have for nearly four years they will accept that which they rejected before the war? If they will not come back under the Constitution, why not abolish slavery; strike from our statute-books every enactment which protects it; make our Constitution and our laws free from the subject of slavery? And then, when this unfortunate, inhuman, barbarous, and bloody war has been prolonged until every heart shall turn sick with its carnage and the reports of its wrongs and outrages, and the people demand a cessation of hostilities until it be ascertained if glorious peace cannot be accomplished by compromise and concession, there will be no obstacles in the Constitution to defeat the accomplishing of a much desired result. We will be free to give new guarantees or new amendments to protect the rights and property of every person who shelters himself under the American Constitution.

Again, I have voted for every peace resolution offered in this House. My heart yearns for peace. The gentlemen on the other side of this Chamber refused to appoint peace commissioners, but they tell us this amendment will do more to secure peace than any resolution proposed in this House. Although they would not try the remedy we presented, I am willing to try the one they present; and if by my vote this amendment

is submitted to the States, and it brings this war to a close, I will ever rejoice at the vote I have given; but if I am mistaken, I will remember it is not the first time.

Mr. Speaker, I desire above all things that the Democratic party be again placed in power. The condition of the country needs the wise counsel of the Democracy. The peace and prosperity of this once powerful and happy nation require it to be placed under Democratic rule. The history of the past demonstrates this. The question of slavery has been a fruitful theme for the opponents of the Democracy. It has breathed into existence fanaticism, and feeds it with such meat as to make it ponderous in growth. It must soon be strangled or the nation is lost. I propose to do this by removing from the political arena that which has given it life and strength. As soon as this is done fanaticism

"Writhes with pain,  
And dies among its worshippers."

Then the rays of truth will be unshaded, and once more our people will rejoice in the salvation of their country, and of the reinstating in power that party which made this country great, and which has done so much to secure to man civil and religious liberty.

Many of the honorable gentlemen of this House with whom I am politically associated may condemn me for my action to-day. I assure them I do that only which my conscience sanctions and my sense of duty to my country demands. I have been a Democrat all the days of my life. I learned my Democracy from that being who gave me birth; it was pure; it came from one who never told me an untruth. All my political life has been spent in defending and supporting the measures which I thought were for the good of the party and the country. My energy, my means, and my time were all given for the success of the Democratic cause. I am no Democrat by mere profession, but I have always been a working one. If by my action to-day I dig my political grave, I will descend into it without a murmur, knowing that I am justified in my action by a conscientious belief I am doing what will ultimately prove to be a service to my country, and knowing there is one dear, devoted, and loved being in this wide world who will not bring tears of bitterness to that grave, but will strew it with beautiful flowers, for it returns me to that domestic circle from whence I have been taken for the greater part of the last two years.

Knowing my duty I intend to perform it, relying upon the intelligence and honesty of the people I represent to do me justice. If this action shall be condemned by my people I will go back with pleasure to the enjoyment of private life, free from the exciting political arena; but no power on earth will prevent me from quietly depositing my ballot in behalf of the candidates of the Democratic party. I hope I will be granted the pleasure of reading the eloquent speeches made by my Democratic associates, and admire their rise and onward march to distinction. This boon I pray you not to take from me.

If, on the other hand, the course of the Democrats who will vote for this amendment will meet the approbation of the people, and we are greeted with the plaudit of "Well done, good and faithful servants," it will be the desire of our hearts to open our arms for your reception and shelter you as the hen shelters her brood, satisfied you were honest in your belief but mistaken in your opinions.

Mr. ASHLEY. I now yield the remainder of my time to the gentleman from New York, [Mr. HERRICK.]

Mr. HARDING. I ask the gentleman to yield to me for a moment.

Mr. JOHNSON, of Pennsylvania. Mr. Speaker, this is rather an arbitrary proceeding. One gentleman occupies the floor and farms it out to whoever he pleases. We have a Presiding Officer, and I prefer he shall assign the floor.

The SPEAKER. The Clerk will read the rule on the subject.

The Clerk read, as follows:

"While a member is occupying the floor he may yield it to another for explanation of the pending measure as well as for personal explanation."

Mr. JOHNSON, of Pennsylvania. Can these be called explanations relative to members?

The SPEAKER. The Chair thinks that these are explanations of the pending measure.

Mr. ASHLEY. I yield to the gentleman from New York.

Mr. MILLER, of Pennsylvania. I ask for five minutes of the time of the gentleman from New York.

Mr. HERRICK. I have no objection to give the gentleman five minutes of my time.

Mr. MILLER, of Pennsylvania. Mr. Speaker, I had hoped that I would be permitted to close my short career upon this floor without claiming any of the time or attention of the House; but I feel that I owe it to more than two hundred and sixty thousand lovers of the country, friends of the "Constitution as it is," in the State of Pennsylvania, to repudiate the sentiments and position of gentlemen, [Messrs. McALLISTER and CORFROT], my colleagues here, who have been heard this morning.

I came here, sir, with no ambition save to do what I conceived to be my duty in the service of my constituents and the preservation of a pure and consistent record.

But I prefer to go back to my home, I choose to meet those who sent me here, and say that I have tried to do that, at least, which was expected of me when I took the oath entitling me to a seat upon this floor, that I would, to the extent of my ability, preserve inviolate the Constitution of the United States, in word and letter, as those who made it gave it to us. I feel that I have not been derelict in the discharge of duty; that I have not forgotten what was due to myself and what was due to them. I have no argument to make in regard to what I conceive to be the merits of the question before us. That ground has been fully and ably covered by those who have preceded me. I stand here to-day to indorse the sentiments and arguments of my friend from Ohio, [Mr. PENDLETON.] I stand with him as to the power of this House to pass this measure. His able and eloquent arguments have not been answered—nor, in my judgment, can they be—by the ablest of those on the other side of the House.

Now, sir, it strikes me that much as this matter has been discussed, no member has yet satisfactorily met the great question at the bottom of this proposition. Abolish slavery, and no man among them has pretended to show what we are to do with the freedmen, except that, as good Christians, it will become our duty to feed and clothe them. The true philanthropists and tax payers of the country are equally interested in knowing what is to be done with the elephant when we get him. We should not pull down the old house until we have built the new one. I say to my friends on the other side of the House that for them to discuss the constitutionality of a proposed amendment is a broad farce. They propose to amend that, the body of which, in every essential, vital feature they have consistently violated in the action of the President of the United States, this House, and every subordinate department and employé known to this Administration. It would have been more creditable to the fairness of the dominant party if they had proposed to blot out the sovereignty of the States, and declared that there are no reserved rights in the Constitution which Congress and the President cannot ignore with impunity.

If, Mr. Speaker, I could be induced to vote for any amendatory proposition to the organic law of this land I would not do it at a time like this, when all is chaos.

The SPEAKER. The five minutes allotted to the gentleman have expired.

Mr. MILLER, of Pennsylvania. I rose simply for the purpose of repudiating the sentiments and the positions assumed upon this floor by two of my colleagues from Pennsylvania, and have only to request my colleague [Mr. CORFROT] to make his acknowledgments to my other venerable colleague [Mr. BAILY] to whose Quaker knocks he is doubtless indebted for his wonderful conversion.

Mr. HERRICK. Mr. Speaker, the joint resolution now before the House submitting to the Legislatures of the several States an amendment to the Constitution of the United States, comes before us under circumstances widely different from those existing when at the last session of Congress the same resolution failed to receive the requisite two-thirds vote of this body.

The eventful year which has elapsed has

wrought great changes in the situation of the country affecting this important question, and I approach its discussion at this time with quite altered views, as to its expediency, from those which governed me when I last addressed the House upon the same subject. The brilliant successes that have rewarded the gallant efforts of the military and naval forces of the nation, and the result of the presidential election, which has since transpired, have necessarily exercised an important influence over the public mind in both the loyal and the insurgent States; and this question has assumed a very different aspect from that which it bore at the last session of Congress. The rejection by the people at the polls of the proclaimed policy of the Democratic party has closed many avenues to reconciliation which then remained open, and the waning strength of the rebellion has brought its leaders to the verge of desperation. Perils which then seemed imminent have faded away, and others of quite different tenor menace us in the future.

In such a period of transition, when tremendous events succeed one another with almost inconceivable rapidity, it is impossible for the legislator to remain unaffected by the mighty changes that meet him on every side. It is weak, Mr. Speaker, it is criminal for him, from a false pride in preserving an imaginary consistency, to remain stationary when all the rest of the world is moving forward, and to regulate his words and actions by what he has said or done in the past. Change is the universal law of nature, pervading the world of mind as well as the world of matter. Ordinarily it effects its operation by almost imperceptible gradations, and their results only become visible at long intervals. But every generation sees further and more clearly than its predecessor that the radicalism of one century becomes the conservatism of the next, while steadily through the ages the eternal march of human advancement sweeps on. In such a period, however, as that in which our lot is cast, and in such a crisis as that now resting upon the country, when the whole fabric of society is convulsed by the fierce struggle between contending opinions, upon the issue of which depends the continued existence of the American Republic, if not, indeed, the fate of constitutional liberty throughout the world, this progress goes on with marvelous celerity, and the changes of a century are sometimes condensed into a single year.

Mr. Speaker, at the last session of Congress I voted against this resolution from a solemn conviction of duty. And as I shall now vote for it from a similar conviction, it becomes me to explain to the House and the country what considerations prompt me to assume a new attitude upon the question before us. Events which will now govern my action have superseded the arguments which influenced the vote I recorded last year. The considerations which then rendered the amendment proposed impolitic, in my view, have ceased to operate, and reasons of great force, which were not then in existence, have arisen to make it now expedient, and to warrant me in reversing my former action.

In my humble judgment the rejection of this measure at that time was demanded by the best interests of the country, which now, on the contrary, seem to call for its adoption. Mr. Speaker, circumstances have changed, and I shall now vote for the resolution, as I formerly voted against it, because I think such action on my part is best calculated to assist in the maintenance of the Government, the preservation of the Union, and the perpetuation of the free institutions which we inherited from our fathers. These are the great objects for which the loyal people of this country have struggled during the last four years with a courage and self-devotion to which history affords no parallel, and poured forth their blood and treasure with an unhesitating patriotism that has astonished the world. So long as a Representative seeks these objects, regardless of partisan or political prejudices, he cannot be rightfully charged with inconsistency, no matter how widely the means he may find it necessary to employ at one time or another, to adapt himself to ever-varying circumstances, may differ. I believe this is the only consistency that is truly desirable. It is certainly the only one to which I make any pretensions.

I have no doubt of the power to make this

amendment to the Constitution in the manner proposed. It is altogether immaterial, for the purposes of this discussion, whether the power of three fourths of the States to alter the organic law is altogether unlimited, except by the reservation in the amending clause of the Constitution. It may well be doubted whether the people do not possess certain inalienable rights, of which a minority, however small, cannot be divested by a majority, however large. But the States formed the Federal Government by a grant to it of their sovereignty over certain specified subjects, and it must seem to follow that they can also confer upon it any other rights or powers which they themselves possess, in the manner prescribed by the Constitution itself. By the adoption of that Constitution the States transferred to three fourths of their number their entire sovereignty, which can be at any time exerted to augment or diminish the functions of the General Government, save in the two particulars excepted by special limitation. Three fourths of the States can, by an amendment of the Constitution, exercise throughout the United States any power that a State individually can exercise within its own limits.

The institution of slavery is purely a creation of law, and completely under the control of the State in which it may exist, at whose pleasure it may be modified or abolished. What the State may do, the higher power to which by the adoption of the Constitution the State voluntarily ceded its whole sovereignty, except in two particulars, is certainly competent to do, whenever it chooses to assert its authority. In amending the Constitution, three fourths of the States actually represent the whole; and the agent is invested with all the powers that belong to his principal.

That this was the view entertained by the founders of our Government is conclusively established by the fact that a proviso, declaring that "no State shall, without its consent, be affected in its internal police," was defeated in the Convention which framed the Constitution by a decisive majority. The power thus acknowledged was never disputed from that day until the abolition of slavery by a constitutional amendment became a practical question in the politics of the country. I have never entertained a doubt of the existence of this power, and I am now convinced that the time has arrived when it is expedient to exercise it in consummating the amendment proposed in the resolution now under consideration.

Mr. Speaker, I never had any love for the institution of slavery. I always regarded it as a moral, social, and political evil, and a fruitful curse to any community in which it might exist. In this sentiment I believe that I fairly represent the views of the great bulk of the Democratic party of the northern States. That party has never been either pro-slavery or anti-slavery; but it has ever been devoted to the Union and the Constitution, and always consistent in the position that the Federal Government had no right to interfere either for or against the institution, except to fulfill the duty in regard to the return of fugitive slaves imposed upon it by the Constitution. Democrats of the school in which I was educated believed, and believe now, that under the Constitution as it exists, every State has the exclusive control of the subject within its limits, and that the Federal power can neither abolish it in a State nor prohibit it in a Territory. The contrary doctrine we regard as repugnant to the very theory of the Government and inimical to its peace and safety; and Democratic statesmen clearly foresaw and predicted that the ascendancy of an anti-slavery party in the North and in the Government would provoke an armed collision between the northern and southern States of the Union. The Democracy cared nothing for slavery. Its preservation or destruction was with them a subordinate consideration in comparison with the stability of the Government, the supremacy of the Constitution, and the integrity of the Union; and they accordingly exerted their utmost power to keep the irritating subject out of party politics, and thus to avoid the terrible catastrophe which its agitation has brought upon the country. As a party they did all they could to prevent the war in which we are now engaged, and no portion of the responsibility for it rests upon the shoulders of the northern Democracy. They warmly supported the "Crittenden compromise," and were perfectly willing to give to

the South any additional constitutional guarantees that might be requisite for the future security of their "peculiar institution."

For the sake of the Union the Democratic party of the North would have cheerfully acquiesced in amendments to the Constitution explicitly acknowledging the right of citizens of the slaveholding States to carry their slaves into the Territories and hold them there until the new States, upon their admission to the Union, should declare for themselves whether they would have the institution or not. For the sake of peace and the Union they would gladly have voted for the then proposed amendment providing that the Constitution should never be changed so as to destroy or weaken slavery in the States where it then existed. Had their views prevailed, and governed the action of the Administration, all the blood that has been shed and all the money that has been expended, North and South, during the last four years, would have been saved, and the country would have gone on uninterruptedly in her marvelous career of prosperity and power. But the voice of Democratic wisdom was disregarded; men of extreme opinions controlled both sections, and a civil war ensued, of which the end is not yet—the South fighting for secession, and consequently the perpetuation of slavery, and the North for the Union, and incidentally for the abolition of slavery.

The Democratic party, while sustaining the Government, believed that the interests of the country, of humanity, and of the cause of liberty would be best consulted in a peace, in which both parties must give up something for the sake of agreement. They believed that there was no impassable gulf between the North and the South which should prevent them from coming together again under the same Government, and that the issue of slavery might be of the greatest importance in any negotiation which might be undertaken to restore peace and reestablish a perfect Union. They thought that both of the combatants, weary of the carnage and devastation that were desolating the land, and taught by dearly-bought experience to respect the bravery and determination of each other, would gladly consent to a peace upon the basis of mutual concession—the South surrendering its project of a separate nationality and the North its hostility to the institution of negro slavery.

These were the views which prevailed in the Democratic party a year ago, and made it then practically a unit in opposition to the measure now before the House proposing the abolition of slavery by an amendment of the Constitution, in accordance with its own provisions. As a lifelong member of that time-honored political organization, whose history is the history of the Government in its proudest days, and whose policy, carried out by a long line of wise and patriotic statesmen, made this country what it was four years ago, I raised my voice and recorded my vote as a member of this House against the joint resolution now under consideration.

The tone of the public mind at that time seemed to me, as it no doubt seemed to all who agreed in opinion with me, to foreshadow a change of Administration and the accession to power of the Democratic party, which we believed would be able to check the red tide of war and induce the South to return to the Union, by showing a conciliatory spirit and giving it the fullest assurance that all its rights and privileges under the Constitution, as it exists, should be preserved, and their continued enjoyment of them for the future guaranteed by such constitutional changes as might be requisite to effect that object. The two parties into which the people were divided prepared for the presidential election with a distinctly understood issue. The party of the Administration incorporated this amendment in the platform of principles upon which they entered the canvass. The Opposition boldly declared for a cessation of hostilities and a national convention to redress all grievances, settle all difficulties, and make an honorable and lasting peace by a satisfactory compromise. It was well understood that the principal business of this contemplated national convention, should it ever assemble, would be to put at rest, at once and forever, by the agency of amendments to the Constitution, the vexed question of slavery, which has disturbed the harmony of the country ever since its agitation was commenced,

when Missouri applied for admission into the Union. There was therefore no conflict of opinion between the two parties as to the power to amend the Constitution in regard to the institution of slavery. Stripped of all side issues the main question presented to the people for their decision was whether slavery should be abolished and the seceded States coerced into allegiance to the Constitution, as it is now proposed to amend it, or whether the war should be speedily terminated and the ægis of the Constitution thrown around the social system of the South. The people by a large majority sustained the first proposition and fully indorsed the policy of the Administration on the slavery issue, and I am now disposed to bow in submission to that popular decree.

I have no doubt, however, that if the popular verdict upon this momentous question had been different from what it was, we should now be in sight of the blessed haven of peace, for I am fully persuaded that the olive-branch held out in the election of the distinguished and patriotic citizen and soldier who was nominated at Chicago, and the indorsement by the northern people of the principles enunciated by the Democratic party, would have been hailed with joy by our fellow-countrymen of the South as the harbinger of an honorable and a lasting peace. The ablest men of the whole country would have come together in a spirit of mutual concession and compromise and resettled the foundations of the Government so firmly that the superstructure might defy the wind and the storm for ages yet unborn.

But this was not to be. The anti-slavery sentiment proved predominant. The candidates of the Democratic party for President and Vice President were defeated, and a Congress elected which is certain to adopt the resolution now under consideration unless we anticipate their action. The question is settled by a popular verdict, which I am not disposed to further resist. So far as the national Government is concerned, slavery is no longer a political issue. We cannot influence its fate, which now depends upon the action of the States in their individual capacity. And released from all party ties which formerly bound them to it, but which now belong to a past state of things, the Representatives of the Democratic party in this House are left free to act upon the question pending as in their estimation, individually, will best promote the restoration of the Union, and preserve our free Government. For my part, I shall vote for the resolution, because, under existing circumstances, I think its immediate adoption will in a great degree tend to secure those objects nearer than all others to every patriotic heart.

Now, and for the next two years at least, the Democratic party is, and must be, powerless in the nation. It may embarrass, but it cannot change, the policy of the Administration. For good or for evil, the Administration now in power will wield the functions and control the destinies of the Government. It may end the war and restore the Union. At all events its opponents cannot. Such being the case, I am unable to reconcile it to my ideas of duty to stand between it and the people. The Administration desires now to submit this amendment to the States, and, in my judgment, a Democrat may consent to this submission simply from a desire to allow its policy a fair opportunity with the people, while holding himself at perfect liberty to advocate or oppose the amendment in his own State, as circumstances may seem to require. Sir, if this were an absolute enactment to abolish slavery by legislation, in defiance of the constitutional provision that the States shall have exclusive control of their local institutions, a widely different question would be presented from that which is involved in the measure now pending. As, however, it is but a preliminary measure to enable the people to practically reach and legally pass judgment upon an important issue which has agitated the country ever since the formation of the Union, I am unable to discover any violation of the great principles of the political party with which I have been identified through all my past life, in recording my vote in favor of its passage. I am willing to accord to my constituents the privilege I enjoy, as their Representative, of personally passing upon this measure. It may be, sir, that the adoption of this resolution, at this particular time, will be productive of beneficial results to the national cause, while it can certainly do no harm, since, in the event of its failure in this Con-

gress, it is sure to be passed by our successors in these seats, who are already elected by the people, with a full understanding that they are to consummate this movement, and thus provide for the complete extermination of slavery in the Union.

Now, Mr. Speaker, let me ask my Democratic colleagues upon this floor, of what possible advantage will the defeat of this measure be to our party at this time, in full view of the fact that our political opponents have the power to pass it immediately upon our adjournment in spite of us, and boldly proclaim their intention to do so at an extra session of the Thirty-Ninth Congress, to be convened immediately after the 4th of March?

Looking at the subject as a party man, from a party point of view, as one who hopes soon to see the Democratic party again in power, this proposition seems to present a desirable opportunity for the Democracy to rid itself at once and forever of the incubus of slavery, and to banish its perplexing issues beyond the pale of party politics, no longer to distract our counsels and disturb the harmony of our movements. It has been our seeming adherence to slavery, in maintaining the principle of State rights, that has, year by year, depleted our party ranks until our once powerful organization has trailed its standard in the dust and sunk into a hopeless minority in nearly every State of the Union; and every year and every day we are growing weaker and weaker in popular favor, while our opponents are strengthening, because we will not venture to cut loose from the dead carcass of negro slavery. The institution of slavery was cruelly murdered in the house of its friends when they raised the standard of rebellion against the constitutional Government which had ever protected it from the popular disfavor that always attached to it in the North. When the Representatives of the slaveholding States, with base ingratitude, deserted the Democracy, which had always sustained their rights, and left their seats in Congress, while, with our cooperation, they had ample power to protect slavery even from such a measure as that now before the House, they not only gave a death-stab to the institution, but forever absolved the Democratic party, which had always protected it, from any further obligations to breast the storm of popular sentiment which will continue to rage against it in all the northern States until its prohibition, as contemplated in the resolution now before the House, shall have been incorporated into the Constitution. It is plain enough to my mind that if the Democratic party would regain its supremacy in the Government of the nation it must now let slavery "slide."

Why, Mr. Speaker, when the chosen Representatives of the border States upon this floor stand up and advocate this measure in the eloquent and persuasive tones which we have heard from the gentlemen from Delaware, Maryland, Kentucky, and Missouri, who have spoken in this debate; why, I ask, should the Representatives of the Democracy of the free States any longer contend against an inevitable result, especially when no advantage from such contention is to accrue to either our party or the country? Two gentlemen from Missouri, a State whose people have voluntarily abolished slavery since this House adjourned last July, [Messrs. ROLLINS and KING,] who, at the last session voted with me against this resolution, both of them being slaveholders, have spoken at this session in favor of it. They, who are far better qualified than I am to judge of the justice and propriety of this measure, have become convinced by the events of last year that the best interests of the country will be promoted by the passage of this resolution by the present Congress. I agree with them, Mr. Speaker, and I have become likewise convinced that the best good of the old Democratic party will be enhanced by its adoption. Upon the consummation of this measure a new organization of parties will be inevitable, and the slavery question being forever disposed of, other issues connected with the future interests and policy of the Government will divide the people; and it needs no prophet to foretell the speedy triumph of the true Democracy with the great principles inscribed upon its banner by Jefferson, Jackson, and other patriots and sages who have borne it aloft through the great political struggles of the past.

Suppose, Mr. Speaker, this House should fail to respond to the popular sentiment in passing

this resolution, and the President should call an extra session of the next Congress, at which it should pass, as it undoubtedly will, so as to become an issue in our State elections next fall. In the light of past experience I would ask my friends on this side of the House if we could reasonably expect to successfully meet the prominent question that would be forced upon our party. All candidates for the Legislature would be confronted with this measure, and all our elections would necessarily be conducted with special reference to it. In the State of New York, if this negro question should be put out of our politics by the adoption of this resolution in season for the Legislature now in session to pass upon it, the Democracy, I doubt not, will elect a majority of both Houses of the next Legislature and reclaim full possession of the government of the Empire State upon the expiration of Governor Fenton's term. But if this question remains in issue I do not hesitate to express my opinion that outside of the cities of New York and Brooklyn scarcely a Senator or Assemblyman could be elected next November in the State. If my Democratic colleagues from the noble State of New York desire to see it redeemed from the Republican misrule which now prevails at Albany, I am confident that the most direct way of approaching that result will be found in the adoption of the resolution now before the House. It will dispose of the inevitable negro question and open an easy path to victory and the triumph of our party, in the popular vindication of the great principles which underlie its foundation. The passage of this resolution by Congress, in season to be finally disposed of by the present Legislature at Albany, will be more disastrous to our opponents in the State of New York than was the capture of Fort Fisher to the rebels. It will explode their chief magazine and spiketh their heaviest ordnance. The way will then be clear, and union and harmony being restored to our ranks, the political power of the State must inevitably come into our hands.

Then again, Mr. Speaker, in a national point of view, it is barely possible that the misguided people of the insurgent States, hopeless of establishing their independence, and nearly exhausted by the unequal struggle they have so long maintained, may be willing to return to their allegiance, even under the present Administration, for the sake of preserving the remains of slavery that still exist. The adoption of this resolution will open a way for the restoration of the southern States without subjecting them to what they would doubtless consider the humiliation of making any terms with the present Administration in regard to their peculiar institution. After they shall have laid down their arms, Mr. Speaker, under a general amnesty, and again taken their places as equal and sovereign States in the Union, they could vote upon this amendment, and the other States would come to the consideration of the subject with far different and more friendly feelings than those which may actuate them now. Perhaps, sir, in this way the South may, through the generosity of the loyal States, happy to welcome their "wayward sisters" back to the family of the Union, yet save slavery from the doom which certainly awaits it in any other contingency.

I have, however, little hope of such a result. All indications go now to show that the rebel leaders, undaunted by the disasters and undeterred by the sufferings of the people whom they rule with despotic power, are stubbornly determined to fight on to the bitter end. They appear, since the presidential election, to have thrown aside all ideas of reconciliation which they may have before entertained—for I believe that a reconciliation could have been effected had that election resulted differently—and will now accept no alternative but recognition or subjugation. Making every other consideration subordinate to their hatred of the Union, and satisfied that slavery must die, they have no doubt resolved to sacrifice to that passion even the institution for the protection of which they first raised their parricidal hands against the Government. No rational man can doubt that they are now ready to abolish slavery by their own action, if that will secure their recognition abroad, or the intervention of foreign Powers in their behalf. And it is not at all impossible that if they gained the former the latter would soon follow. I, for one, think there is imminent danger of such recognition and such intervention, be-

cause I feel convinced that the monarchies of Europe, and especially the Governments of France and England, regard it for their interest that a permanent separation between the North and the South shall take place, and a balance of power be established on this continent. The division of the United States into two distinct and unfriendly nations, both obliged to support large military and naval forces, weighed down with immense debts, and subject to all the burdens which depress the communities of Europe, would at once rob republicanism of many of the attractions with which our example has hitherto clothed it, protect the colonies of England on the north, and the nominally Mexican but really French empire on the south, from the "manifest destiny" with which the reintegration of the Union threatens them, and give to England and France, through the exclusive control of the cotton trade and the command of the transit routes in Mexico and Central America, the commercial supremacy of the world.

Fully satisfied that these consequences would flow from the success of the rebellion and the admission of the southern confederacy into the family of nations, I have always believed that France and England would never allow the restoration of the union of these States if it was possible for them to prevent it. Their interference was not to be feared when the rebellion was vigorous and defiant, but the danger increases in proportion as the rebellion shows signs of weakness and yielding. One great obstacle, Mr. Speaker, has always stood in the way of foreign intervention: the invincible hostility of the people of England and France to the institution of slavery. That obstacle the insurgent leaders are ready to remove, in order to claim the sympathies of the world as a people fighting only for the right of self-government, and abolishing slavery in order to secure their own liberty. We, in this country, know how utterly false such representations are. We know that they began the war for the protection of slavery, that they have carried on the war for four years for the preservation of slavery, and that they only consent now to abolish it because they know its abolition is inevitable. We know all these things, Mr. Speaker, but the people of France and England do not know them, and there is really great danger that the diplomacy of the rebels may excite a popular sentiment in those countries that will give their Governments the moral support without which they dare not venture to recognize the southern confederacy, or actively intervene in its behalf. I deem it of the utmost importance that our Government should checkmate these designs of the southern traitors. To enable it to do this, the adoption by us of the resolution now under consideration is indispensable. So it seems to me. By such action we will show the world that the South has abolished slavery only because it could not save it, and that we are not clinging to an *effete* institution after those whom it most concerns have given it up. We shall appear in our true light, as a resolute and patriotic people, contending for the life of the nation against traitors who rose in rebellion for the sake of slavery, and now seek to destroy the Government in revenge for the destruction of slavery. With the perfect apprehension of these facts which the adoption of this resolution will give to the people of foreign countries, I do not believe that their rulers will dare to lend either moral or material aid to our domestic foes; and this, Mr. Speaker, has been a consideration of great weight with me in arriving at a determination to vote for the resolution under consideration.

Such, Mr. Speaker, are the views and opinions, somewhat incongruous, I confess, which have brought me at last, after long deliberation, to a conclusion, the stronger in that it has not been lightly or carelessly formed. I feel it to be my duty now to vote for this resolution, and I shall do so whatever may be the consequences to me, politically or otherwise. I may incur the censure of some of my party friends on this floor, and perhaps displease some of my respected constituents; but to me the country of my birth and the Government under whose benign protection I have enjoyed all the blessings of liberty, and under which, restored to more than all its original splendor, and strengthened and purified by the trials through which it has passed, I expect my children and my children's children to enjoy the

same blessings, long after my mortal frame shall have moldered into dust, is dearer to me than friends or party or political position. Firm in the consciousness of right, I know that posterity will do me justice, and feel that no descendant of mine will ever blush at the sight of the page on which my vote is recorded in favor of country, Government, liberty, and progress.

Mr. BROWN, of Wisconsin. It is not my intention to discuss the measure now pending before the House, but simply to give a résumé of the reasons which must determine my own course. This, upon a matter of so great importance and involving differences of opinion so wide, is due both to myself and to my constituents.

The amendment of the Constitution abolishing slavery can be made effective in the rebellious States only by arms. But the President has already by proclamation declared those slaves free, and asserted his intention to use our armies to enforce it. The President has four years in which to try this experiment, with the unlimited control of the resources of the nation during that period; the amendment could not hasten military operations or take from the power of his master a single slave. It is therefore, for the purpose of abolishing slavery, without practical effect unless the President should recede from his declared intention of enforcing his proclamation.

It is mischievous in so far as it would tie the hands of the President in so regulating the mode of abolishing slavery as not to precipitate upon the country three million ignorant and debased negroes, without the slightest preparation for liberty, or power on the part of Government, by a system of apprenticeship or otherwise, to require them to labor.

It removes all inducement on the part of southerners to resist in the last instance the proposition of Davis to free and arm the southern slaves and turn them against our northern armies and people.

With that proposition slavery is a weapon in our hands and for our benefit. The slaveholders, between the hostile action of the two opposing parties, will be glad to save any portion of their rights; they will, when Davis undertakes to enforce his desperate policy, be only too willing to assent to an abolition as rapid as the interests either of the country at large or of the negroes themselves will permit.

It reserves no power, in case experience should demonstrate great evils in the intermixture of large masses of the black and white races, to guard by colonization against such evils.

It utterly ignores the greatest evil of slavery; extends through generations its effect in completely debasing the subject of it and making him unfit either to be a good citizen or a good man.

It violates that good faith which all civilized Governments have hitherto observed, by destroying valuable rights hitherto acknowledged as property, and yet refusing compensation.

England, in emancipating the slaves on her islands, not only established a system of apprenticeship, but compensated those who lost. It is no answer that slavery is immoral; individuals, upon the faith of laws which recognized right in negro labor, have invested their property in such rights. When the Government sees fit to change its policy and destroy the rights, it owes compensation. Of course compensation is due only to loyal owners.

It is a dangerous abuse of the power of amendment conferred by the Constitution.

I agree with neither of the gentlemen who have argued the constitutional effect of such an amendment.

I draw a distinction between the right to make such an amendment and the power to make it. The right affects the consciences of those authorized to act, the power the consequences of the act when complete. In most of our States, by constitutional enactment, no person can twice be put in jeopardy for the same offense; the verdict of a jury, therefore, acquitting a criminal is not susceptible of a review; no matter how corrupt or how much in violation of law, it is final and conclusive. They have, therefore, power to disregard the instructions of the judge on points of law and acquit an acknowledged criminal, but they have no such right, and it would be a violation of conscience and of their highest duty. Amendments proposed by two thirds of Congress, and ratified by three fourths of the States become

part of the Constitution. The power of determining what is or is not an amendment rests with Congress and three fourths of the States; they, on their consciences and oaths, say that any provision is an amendment, and nowhere is there a power, except by revolution, which can hold that determination wrong. The Supreme Court cannot, because the very existence of that court is, beyond question, within the power of amendment. Congress and the three fourths of the States are therefore the final judges as well of what is an amendment, or the removal of a defect, as of the propriety of making it a part of the Constitution. The gentleman from Ohio [Mr. Cox] is therefore right in saying that the power of amendment extends even to creating a king. But this is only because our decision, supported by three fourths of the States, is final, and if we are false to our oaths there is no review. But I hold that if, upon a desert island where there is no civil government, one man kills another, he is not the less a murderer because there is no power to punish. And in our case, the fact that we are to act as judges as well as legislators only increases the responsibility of observing strictly the spirit and object of the Constitution.

The Supreme Court of the United States, in sustaining the validity of the United States Bank, put their decision on the ground that the decision of Congress in declaring it necessary as a fiscal agent of Government could not be reviewed. It was true, as a part of the current history of the period, that its fiscal agency had little influence upon its creation, and that its general financial power and the regulation of exchanges were the chief objects it accomplished; but Congress decided otherwise, and an institution at war with the real spirit of our Government was preserved. Our present banking law, if (as I do not believe) it should finally be sustained by the highest tribunals, must be sustained on the ground of the decision of Congress that it was the fiscal agent of Government, or necessary as a part of its financial system, although the majority of us, and doubtless the courts themselves, believe that it was a scheme to enable overgrown moneyed capitalists to increase their gains from the necessities of the country, and to escape from their share of State taxation, (necessary to sustain the war,) and throw the whole burden upon the poorer classes, real estate owners, laboring and business men. It is therefore as judges that we are to say that the proposition before the House is an amendment within the spirit of the Constitution.

An amendment implies the removal of a defect or an improvement upon the Constitution; it is necessarily consistent with and not destructive of the Constitution in its true spirit. It is to the fabric of government very nearly what "repair" is to a building. There is probably no lawyer in this House who has not been employed in cases involving the distinction between a new erection and repairs. It is almost impossible to give any general definition by which, in every case, the distinction between the two can be determined; but almost every one in ordinary cases can feel that distinction. The power given is to amend, and an amendment must be consistent with the fabric, improving portions of it. Here again I must illustrate, by reference to ordinary life, another distinction.

I have said that the word amendment in the fabric of the Constitution answers very nearly to "repair" as applied to buildings, but addition is very different from either repair or amendment. The owner of a house is discontented with its extent; he adds a library-room, a dining-room, or a kitchen; this is no repair; nor would any addition in substance to the powers of the General Government or any destruction of the powers of the State be an amendment. Still I concede that amendment has a somewhat more extensive signification than repair, and that it would not be always safe to resort to the analogy.

The Constitution in its true spirit delegated certain powers of general interest in every State to the General Government; in no instance did it seek to interfere with the merely local interests or institutions of any State. Indeed, any such interference would be entirely inconsistent with the declaration of the Constitution itself as to its objects. I do not believe that any one State voting for the Constitution would have done so had any such exercise of the power of amendment been

deemed possible. We are therefore on our oaths to declare that interference with an institution local in its character is not merely an addition to the powers of the General Government as a destruction of the local powers of the States, but is a matter necessary to the general weal of all parts of the country. I cannot so hold, and am less inclined so to hold because there is no tribunal to review our decision. I am not now and never have been an apologist for slavery. I have never believed that it could be a permanent institution; the seeds of death were in its nature. Had I lived in Maryland I should have voted to abolish slavery; I should so have voted in Missouri; I would so vote in Kentucky. Their material interests will undoubtedly be advanced by such abolition; but it is still a question reserved under the Constitution for their own people.

This is, however, not even a question of the practical abolition of slavery. There are causes at work, which in any event will destroy it; the progress of our armies is wasting it; even a recognition of the confederacy would not save it from its final doom. The rebels have themselves challenged for their favorite institution the attention and hostility of the world; they have placed it in the front rank, where every blow dealt by our soldiers at rebellion strikes it with destructive force.

Thousands of the most intelligent have already escaped; new ideas as to liberty (a word hitherto unknown to them) have through intermingling with our soldiers been scattered among them; the patient drudge of former times (who then scarce knew that he had a soul) will soon inquire into the reason why his bone and sinews are the property of another; the wealth of the southerner in slavery, if it cannot take to itself wings, will at least take to itself legs and disappear.

Nor am I altogether indifferent to the effects upon national character of such an amendment. It is a declaration upon our part that slavery is not merely a local institution, but a national sin, sustained and upheld by the Constitution. Our fathers carefully avoided the possibility of this charge; nowhere have they used in the Constitution the word *slave*. In providing for their surrender it uses the words "persons held to service or labor;" in depriving the South of full representation for slaves, it requires an enumeration of free persons, &c., and three fourths of all others. So careful were they to avoid a recognition in any way of slavery! We might fairly change these two provisions; but to ingraft upon the Constitution a provision abolishing slavery, is to declare upon our oaths that slavery was connected with the purposes and object of the Constitution, and belonged to the North as well as to the South.

But while for the reasons stated I cannot vote for the amendment, I have been extremely doubtful whether I ought to vote against it. I recognize the absolute fealty due from a member of Congress to the interests of his country and his constituents. Not only is it his duty, as a matter of conscience, not to vote for a bad measure, but he is bound, when he cannot defeat bad legislation, not to increase the evil by useless opposition. We all know that in the next Congress there is a majority of extreme men. They will, without regard to the effect of this measure upon the country, pass it. And whatever may be the personal wishes of the President, he is so committed to the radicals on this question that he must call a special session of Congress. A session of Congress unsettles all the business interests of the country. No man seeking legitimate profits can know what course to pursue. Some new freak of legislation may tax him into bankruptcy, or so depreciate the currency as to effect the same result. Better a pestilence than a session of Congress, so far as business is concerned. If a session is pernicious to the business interests, it is ten times more so to our armies. Each day politicians throw stumbling-blocks in their path. It was only yesterday that this House passed a resolution impliedly censuring the most successful general of the war—a complete soldier in his plans, a hero in the field, a statesman in council. I mean General Sherman.

If, then, there is no hope of great advantage by the mere delay of this measure, it is the duty of those opposed to it not to vote.

But is it not of the greatest consequence to relieve our armies, even for a short time, of this bur-

den which we are attempting to put upon their shoulders? Grant, Thomas, and Sherman, in despite of both rebels and radicals, may, if we delay this blow at them, succeed in a few months in overthrowing the rebellion. I have stated that, so far as slavery is concerned, I consider this question as one involving simply the difference between a healthful process of emancipation and one injurious alike to the negro and the country. But that is certainly a mere matter of opinion, and gentlemen honestly believing in emancipation may well ask for a security. I have, to avoid this doubt, drawn a substitute for the amendment, which obviates the greater part of the practical objections which I have raised; it leaving only the question of abuse of power. I ask that it may be read, as at the proper time I intend to offer it.

The amendment was read, as follows:

SEC. 1. Hereafter every sale, transfer, or assignment of the right of one person to the service or labor of another, shall be void; and by the mere fact of the consent of the owner to such sale, assignment, or transfer, the person owing service or labor shall be released from all such obligation and become free.

SEC. 2. All females, such as are usually termed slaves, owing service or labor to others, are hereby released from such obligation, and are and shall be wholly free.

SEC. 3. From and after the 1st day of January, A. D. 1880, slavery, and all involuntary service, except that arising from the relations of parent and child, master and apprentice, guardian and ward, or that imposed as a punishment for crime, are and shall be abolished.

SEC. 4. Congress shall by law provide compensation for the actual and direct damage or loss sustained through the operation of this law, by loyal citizens of the United States.

Mr. BROWN, of Wisconsin. It will be perceived that it immediately obviates the worst objections to negro slavery, and yet presents inducements for the rebels to return to their allegiance. It is much better for them than Davis's proposition to free and arm the slaves, and therefore may defeat that measure.

It prevents an industrial revolution which, destroying the South, will utterly forbid the idea of aid from that quarter in paying the interest on our public debt.

If this substitute is accepted, while I cannot directly vote for it, as being an abuse of power, I shall not vote against it, and I am well assured that there are others on the Democratic side who will either directly or indirectly support it; so that the measure will pass the House. It is for gentlemen on the other side to say whether they urged this in good faith, or as politicians; if in the first view, they will accept the substitute; if in the last, reject it.

Mr. HARDING addressed the House. [His remarks will be published in the Appendix.]

Mr. KALBFLEISCH. Mr. Speaker, the argument upon the question now before the House has been so ably conducted and so long continued that it is with more or less reluctance I venture to delay the public business by stating even briefly the reasons which induce me to dissent from a majority of my fellow-members, and to cast my vote, as I propose to do, to maintain the Constitution as it is and as it was when our country, governed under it, was marching with proud and stately step to empire and to greatness. I am not sure, sir, that I would trespass at all upon the House at this stage of its proceedings upon this question if it were not for the fact that my immediate associate, speaking for a constituency closely connected with that which I have the honor to represent, sees the line of his duty in a different direction from that which I propose to take. Though what I have to say may not influence the vote of any member who hears me, still, sir, I believe the people of the great city in whose behalf I have the honor in part to speak on this floor would not be fairly represented in the national councils if I did not in the name, and I believe with the approval, of a large majority of them state here that their faith in the Constitution as it is and as it was when they required of me the promise to faithfully maintain it, is not impaired by anything which has since transpired, but that, on the contrary, they cling to it still as their fathers did before them as to the sheet-anchor of their safety.

Mr. Speaker, I have watched the course of events to little purpose if the troubles which now surround us are in any degree due to imperfections in the Constitution; on the contrary, sir, I am mistaken if these troubles might not have

been averted had we rendered a more cheerful, a more implicit obedience to that instrument. Instead of squaring the Constitution to suit our notions, we would do better to make our opinions conform to the Constitution. All our misfortunes are, to my mind, clearly traceable to a disregard of its provisions. I can understand those who have never loved the Constitution in the past eager to tinker it now, and if you show me a man who has been noted in the past for disloyalty to the Constitution, and for his disregard for the Union which it made possible, I will show you a man in favor of this amendment. The party to which I belong have looked ever to the Constitution as the guide of their policy. It was the chart by which they directed the course of the ship of State in the better days when the vessel was under their guidance. The chart has been discarded by others; the ship is among the breakers; storms, dark and menacing, shut out the sky. In such an hour, instead of trying to amend the chart, I am for following it, and I doubt not, if we do, but that there is still a pleasant voyage before us, and a haven of safety at the end of it, in which the old ship may lie in security and at peace.

I am told, Mr. Speaker, that if I desire to save the Democratic party, I will help to amend the Constitution so as to abolish slavery; I must try to cut it loose, so it is said, from dead issues. Singularly enough, sir, this advice comes from men who have spent their lives in misrepresenting the Democratic party and in vilifying its leaders. These men have become very suddenly solicitous for the welfare of the Democracy. They tell us, sir, there is a great future in store for us, if we Democrats only follow their advice. I am suspicious of this new-born zeal for the interest of the Democratic party coming from such a source. I for one have not learned Democracy from its most inveterate foes, and I will not place myself under their instruction now. I cannot but believe that my immediate colleague has been giving too much importance to this new school of Democratic advisers. I am afraid, sir, he is repeating second-hand the charge that the Democratic party had been always subservient to the South, and found its subserviency followed by increased exactions in the interest of slavery. I owe it to my own self-respect as a Democrat, I owe it to my party, to say that this charge is entirely unfounded. When the South asked what the Constitution gave her we cheerfully yielded that; we as Democrats could not do less, and we never did more. My colleague again says that he has an especial enmity against the South as a Democrat, because the South abandoned the Democratic party. Well, sir, here the South committed for herself and for all of us a very sad mistake, as all who purpose to follow the bad example will; but I cannot believe that the spirit of revenge and recrimination which such remarks as these indicate is that which should be indulged in by those who are intrusted with the grave responsibility which devolves on the members of this body. Not only the South, but a majority of the people of the North, have abandoned, temporarily, the Democratic party; and sir, the majority of both sections have traveled further, and I believe have fared worse.

Mr. Speaker, since I entered this House I have endeavored to shape my conduct to the end that no word or act of mine would stand in the way of the restoration of peace and Union to these States. I believe the legislation of the country should be shaped in the spirit by which, I believe, I have been actuated. In my opinion the amendment you now propose to provide for may stand in the way of both peace and Union. Even while this measure is under discussion messengers are passing between Washington and Richmond, and if these men are successful, and if the negotiations they propose to inaugurate result in anything, the very question we now propose to commit ourselves upon will form the chief obstacle in the way of a settlement of our difficulties. Suppose, sir, that the South should be willing, as the basis of peace, to consent to gradual emancipation? Should we place ourselves in a position that would prevent the acceptance of such terms? The amendment you now propose to make will then stand as the only obstacle in the way of peace. If there be men here willing to risk the life of the nation on the hazard of battle, and willing to see rivers

of human blood shed for immediate as against gradual emancipation, among such men I do not desire to be numbered.

It is not many months since the President of the United States, above his own signature, publicly stated that if he could save the Union he would do so, irrespective of slavery. I am for leaving open to him the opportunity of redeeming the pledge thus given to the country. Since that time the President, in his famous note addressed "to all whom it may concern," insisted upon the abolition of slavery as a preliminary to peace. The position taken in that document was so generally condemned that even the editor of the New York Tribune was disgusted by the folly of the man who wrote it. We now propose to commit the country to a policy which everybody condemned but a few months ago. Sir, I, for one, cannot give my vote to do it. The proclamation of emancipation was all but universally condemned by the true friends of the Union. I believed it to be at once impolitic and illegal, and yet I am asked to give my assent now to legalize a policy which I cannot approve of, either in the President or in Congress.

Mr. Speaker, I desire to save the party in power from itself, and I tell its leaders here that they had better never have been born than live to see the day when their experiments in legislation, of which this amendment is one, may be the chief obstacle in the way of the realization of that most dear to the truly loyal American heart—the restoration of the Union.

While I have argued, sir, against this measure as if it were in truth an "amendment" to the Constitution, I regard it as subversive of the entire spirit of that instrument. We have been warned by the "Father of his country" to discountenance irregular opposition to the Constitution, "and at the same time to resist with care the spirit of innovation upon its principles, however specious the pretexts." One method of assault, he tells us, sir, "may be to effect in the forms of the Constitution alterations which will impair the energy of the system, and thus to undermine what cannot be directly overthrown." These, sir, are words of prophetic warning. Under "SPECIOUS PRETEXTS" of amending the Constitution, you desire to make it the instrument of depriving men of vested rights, and to leave behind you a precedent which, if followed, will leave every right, civil or religious, which the minority possesses at the will of the majority. When the Constitution went into operation there were twelve slave States and but one free State. It was within the power of the twelve slave States to force slavery on Massachusetts, in the same way that you propose to force abolition on the South. Would Massachusetts, think you, have submitted to so gross a perversion of the compact she had just entered into? Did she fight against England for seven years for the right to manage her own affairs only to transfer that right to another authority against which she had no legal safeguard? Sir, Massachusetts might have been left a wilderness, but this right could not have been wrested from her people. Do you propose to force from South Carolina, men of Massachusetts, what you would have yielded yourselves only with your lives?

We are told, sir, and the fact seems to be conceded by a vast majority of those in favor of this measure, that slavery is dead. The progress of the war and the incidents connected with it, we are told, have destroyed the institution in this country, and placed it beyond the hope of resurrection. Why then do we find gentlemen, and especially those most clamorous in insisting that slavery is dead, so urgent and pertinacious in seeking to lay sacrilegious hands upon that venerated and almost sacred instrument, our glorious Constitution, under the pretense that alteration of it is necessary for the abolition of slavery? Has not its abolition been proclaimed by the President? Nay, further, does not the President demand as a condition precedent to the restoration of peace, and in fact as the only terms upon which he will consent to a restoration of the Union, that the States in rebellion shall themselves abolish slavery? In the face of all this, how can his political supporters now deny that the destruction of slavery is demanded at our hands? Taking these gentlemen at their words, Mr. Speaker, and there is no necessity for any change in the Constitution to secure the abolition of slavery. What,

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then, is their object in demanding this change? Let us beware that under a false plea other and more nefarious objects are not really sought to be obtained, and which it is feared openly to avow; such as the establishment of freedmen's bureaus with numerous hordes of political leeches, confiscation of property, to be divided among favored victors, and kindred and equally objectionable schemes which have found advocates upon this floor. Above all this, in the absence of any valid reason for bringing this proposition again before the present Congress, let us make ourselves sure that it is not in reality a covert attempt to ascertain to what extent the American people are willing to consent that the sovereignty of the States shall be curtailed and their form of government converted into a strong, centralized, imperial Power. It is not the first time in our history that such an attempt has been made. Nay, sir, it was resistance to such an attempt that gave existence to the Democratic party itself. There are some of us who can remember the administration of the elder Adams, who remember his odious alien and sedition laws, and other measures of his administration destructive alike of the rights of the States and the liberty of individuals.

I contend, Mr. Speaker, even admitting, which I do not, that the Constitution needs amendment in reference to the question of slavery, that this is not the proper time to agitate, much less to act upon, so grave and important a question. Let us wait until the nation shall calmly repose in peace, and all feelings of enmity toward our erring brethren of the South shall have subsided, and good-will and harmony again prevail over all sections of the country. Now, in the midst of war, when passion and prejudice are inflamed to their highest pitch, is not the time to essay the amendment of our fundamental law; and the more especially when it is admitted by the advocates themselves of the proposition to amend that the object they seek to attain, namely, the abolition of slavery, has already been accomplished. Let us not, impelled by the mere excitement of the hour, engage in acts which may cause us to repent for all future time. We have, Mr. Speaker, in the history of one of our churches an apt illustration proving how in our over-zeal to accomplish an apparent right we may perpetrate the most palpable wrong. The Methodist church in this country was originally, and for many years after its establishment, a prosperous and a united body. Some years ago abolitionism made its appearance in the church, and in the over-anxiety of some of the members for the welfare of the negro, it came very near being the instrument, in bad hands, of working grievous wrong upon a portion of their white brethren. It was first insisted upon that slaveholders should be disqualified from holding the office of bishop in the church. This disqualification was next extended to the ministry, and afterward urged by some to the extent of applying it to laymen by excluding them from membership. A disruption of the church was the natural consequence, and the sequel was the establishment of two distinct and separate bodies, the Methodist church North and the Methodist church South. After the separation, the church South insisted upon having their *pro rata* share of the property owned in common by the disrupted body, and also a proportionate share of the fund raised for the support and maintenance of aged and indigent preachers, (to which they had contributed,) but the radical abolition wing of the church North denied their application. The injustice of their proceeding must be clearly manifest to every unprejudiced mind, and I refer to it only as an illustration of the extent to which men impelled by an ultra spirit of fanaticism may become blinded to the most palpable considerations of even-handed justice. Of course the church South could not submit to be deprived of their rights and their property upon the simple plea that they were slaveholders, and not to be recognized for that reason as part of the church community, and they applied to the Supreme Court of the United States

for redress. The result was a verdict in their favor.

Does not this history, Mr. Speaker, afford us a lesson and warning which we should heed? It is not many years since the occurrence of these events, and many who were participants therein are yet on the stage of action. I have no doubt that they are now satisfied that they were then in error, and will agree with me that they should not too hastily act where it is possible that hurried action may cause injustice and wrong.

Let us then, in our action in reference to this question of constitutional amendment, heed this lesson, and be careful not to encroach upon the rights or enslave the white man, under the mistaken idea that we are thereby benefiting the negro. A blind spirit of fanaticism, under the excited passions of the moment, if suffered to sway our action, can bring harm only to both races and to the country.

There is, Mr. Speaker, another reason which should induce us to approach the consideration of this question with great caution. Adopt this amendment to the Constitution, force it upon the States now in rebellion, and let the result be then restoration to the Union, and who can predict what stumbling-blocks may be thrown in the way of the execution of the Federal laws on the subject? The abolition of slavery forced upon them without their consent and against their will, it is but natural to suppose that the people of those States will not feel particularly anxious to aid in carrying the measure into practical effect. Every one remembers the trouble experienced in the execution of the Federal law known as the fugitive slave law in some of the States which now claim to be filled to overflowing with what in modern parlance is called "loyalty to the Federal Government," but which, in my humble opinion, oftener partakes of the nature of party fealty than of that of true patriotism. In opposition to that law, some of the States adopted enactments going to the extent of disfranchising officials or citizens attempting or aiding to enforce it. Is there not, at least, danger to be apprehended that other States, following this example, may in like manner attempt to thwart and interfere with the execution of laws carrying into effect the abolition of slavery? Would it not be better to wait until the people of these States themselves, by their own action, provide for the practical abolition of slavery, or rather for the removal of the corpse from which, we are told, the life has long since departed. All the free States at the North have done so, and Delaware, Maryland, West Virginia, Missouri, Louisiana, and Tennessee are said to have followed suit already. Why not leave the causes which operated upon these States to work out the same effects upon their sister slave States?

Mr. Speaker, the platform upon which I was elected was "the Constitution as it is and the Union as it was." The Constitution was framed by far better and wiser men than ourselves. They are all gone, but they have left a record of purity and patriotism that in my opinion casts far in the shade the blatant claims of the most loud-mouthed and loyal of all the "loyal leaguers" in the land. For myself, Mr. Speaker, I shall prefer to be guided in my action by the landmarks laid down by the fathers of the Republic, and which, adhered to three quarters of a century, bore the ship of State safely and prosperously upon a glorious career, and the disregard of which has thrown the noble craft among the rocks which now threaten her destruction.

I shall strive to preserve inviolate the pledges I have made to support and defend the Constitution. I have lived under it for half a century, and I but do justice to my constituency and reflect their views when I say that they have not only been happy and contented under the rule of the Constitution, but will never consent to its amendment until at least the necessity for it shall be so manifest that the question shall not be fairly open to controversy.

The abstract question of our right to amend

the Constitution has been discussed at length and with great ability by members on both sides of the House, but the debate has elicited little really new. Conceding, even, that Congress has the right to amend the Constitution in reference to slavery as a domestic institution (which I do not) my position is that this is not the proper time for this power to be exercised. The pretense assigned by some that Congress should abolish slavery for the purpose of benefiting the slaveholders themselves is to my mind simply absurd. Are they incompetent to judge as to what is best for their own interests, and Congress alone competent so to do? That is the argument; and what an argument it is to be seriously urged in a representative republican Government like ours! It is the old British theory that "King and Parliament are omnipotent," and which our fathers repudiated when they framed our Constitution. Those who favor this theory are at least consistent in advocating an amendment of this instrument.

It is claimed by some that the result of the recent presidential election affords conclusive evidence of the fact that the people are in favor of amending the Constitution of the United States so that it shall abolish and prohibit slavery. This I deny. Whatever may have been the hopes and wishes of ultra abolitionists, I insist that this was not the issue made up and presented to the people. In my own State, at least, I know that this was not the case. What is the record in connection with this question? At the last session of Congress this same resolution was submitted and it failed to pass. The people had every reason to suppose that would be the end of it.

There may be some who will claim that the fact that Reuben E. Fenton received a majority of the votes of New York State for Governor is to be received as an indorsement of his act in voting in favor of this proposition at the last session of Congress. This claim, I imagine, will not bear the test of the slightest scrutiny. There were other causes which produced that result. The people, in my opinion, were in many cases led astray by brawling, hireling demagogues, who lived and thrived upon the spoils of office; who misrepresented the position of the Democratic party by charging its leaders as being in favor of a dishonorable peace at the sacrifice of the Union. In addition there was brought to bear in favor of Mr. Fenton and his party the immense patronage of the General Government; the army of custom-house, post office, and internal revenue officials; the employes in the navy-yard; Army and Navy contractors, and others. Yet with all this aid the party supporting Mr. Fenton would have failed (as I think even my colleague will concede) had the thousands who were unable to deposit their votes in New York and Brooklyn in consequence of inadequate provision for their reception, have been able to express their preferences at the ballot-box, and the Democratic soldiers now serving their country in the field been at home to vote untrammelled. I feel assured no reasonable man could have doubted but that the State would have given a handsome majority. Even as it was, sir, Mr. Fenton's majority was less than the number of Government employes in the single city of Brooklyn. I say, then, it is preposterous to claim that the people of the State of New York voted in favor of this constitutional amendment. So far from the question being submitted to them, it was carefully kept out of view during the campaign.

The platform upon which those of us from New York representing Democratic constituencies stood when we were elected was, "the Constitution as it is and the Union as it was." My colleague, I believe, stood there with me then; for myself, I am content to stand there now. The phrase, "the Constitution as it is," admits of no misunderstanding; it is plain, direct, and unequivocal, and cannot be tortured to mean the Constitution as a party majority see fit to make it. "The Union as it was," I construe to mean

the Union of former days, when constitutional guarantees were regarded as sacred by all sections of the country, and the integrity of that Union, with or without slavery, it will be my humble effort ever to preserve inviolate.

Mr. Speaker, there are those, and my colleague is among them, who plead as an excuse for voting for this proposition that after all it amounts merely to a reference of the question to the people of the States, and they are finally to decide the question. This argument would, I confess, have some force with me if it was a correct one, but so far as New York is concerned it is not. The present Legislature of the State will be in session long after this Congress has ceased to exist, and it is to that Legislature, who have already given utterance to their sentiments upon the subject, that this resolution, if it passes, will be referred. But, sir, as a Representative in this House I cannot fulfill the duty intrusted to me by shirking a responsibility which I am called upon to bear. My constituents do not desire this measure. I fulfill their wishes and perform my own duty in voting against it.

The Legislature now in session was not chosen with reference to the opinion of its members or their probable action upon the proposed constitutional amendment. No one will claim it, and yet it is proposed by my colleague that they shall act for the people of the State on the subject. Divided up as are the counties the Republican party, with a bare majority of the popular vote of the State, has nearly two thirds of the Legislature, and judging from the acts of their Representatives here it is easy to predict what would have been their action. The people of New York will never be permitted to give a direct vote upon the question. For one I will never consent that the voice of my constituents shall thus be suppressed and overridden.

Mr. Speaker, I am no advocate of slavery. Years ago I was opposed to its extension, so far as I could legally and constitutionally do so, beyond the limits within which it then existed. I believed slavery to be an evil then, and I believe it to be an evil now. I have been charged with inconsistency by some of my Democratic friends, who, when the institution had powerful friends, favored its extension, but who now, when its power has departed, are over-zealous in efforts to exterminate it. Nay, they are not satisfied with its acknowledged death, but are clamorous to be allowed to act as grave diggers at its burial. It is, perhaps, the zeal which we are told ever inspires new converts. For myself I have only to say that I have endeavored to be thoroughly consistent. My opposition to slavery does not permit me to aid in perpetrating gross wrong. I hope that slavery may be abolished, and have ever hoped so, but not through the impulses of a wild fanaticism, surging on reckless of the rights and interests alike of the slave and the slaveholder; not by the exercise of doubtful powers under the excitement of passion and prejudice, but by calm, careful, and considerate action. Let us convince the States interested in its abolition of its propriety, and let them abolish it, as under the Constitution they may do, and as some of them are doing. It is purely a local question, and Congress might with as much propriety interfere with the system of labor in the large manufacturing establishments in the East, as with slavery in the South, because evils are incidental to both. These have ever been my views, and they are my views now, and I cannot see wherein they are inconsistent.

Among other reasons adduced by my colleague for favoring the proposed amendment, is the alleged effect slavery produces in retarding the growth and prosperity of the States where it exists as compared with those where it does not. This is, in my judgment, jumping at conclusions. Why, let me ask my friend, does New York show a greater growth and a greater degree of prosperity than New Hampshire or Vermont? Is it because the latter are slave States? Why, let me ask again, does the city of Providence show a greater degree of prosperity and advancement than the city of Warren, both in Rhode Island, and both free? He will look in vain to find in slavery a solution of these questions. There are other causes which produce the effects ascribed by him solely to the institution of slavery, and my friend

cannot but admit this if he compares the statistics of Louisiana or Georgia with those of New Hampshire or Vermont, or those of New Orleans with those of Newburyport or Bennington.

My colleague further says:

"When labor shall be free at the South, then will it command and have the respect which is its just due. Then will millions of the white men of the North participate and share in the blessings thus secured. The masses of our native and foreign-born laborers, now toiling in the severer climate of the North, will be invited to enter upon these newly opened fields for their industry and occupation. The now hidden resources of the States south will be developed by the brain and muscle of the northern laborer."

I, sir, was of the class he alludes to. My Caucasian blood revolts at the idea advanced by my friend, that were the negroes freed by abolishing slavery the South would at once become the El Dorado of the native and foreign-born white laborer of the North by allowing him the privilege of laboring side by side with the African freedman of the South. We may as well expect the most opposite things in nature to be reconciled, the most incongruous to harmonize, as that such a thing can happen. He needs but to take one step further to advocate amalgamation.

I hope, sir, that this hitherto glorious and happy country, the home and asylum of millions of white men, will not be doomed to become the land of a race of hybrids, and thus by degrees be blotted out of existence in accordance with the immutable laws of nature.

Another question, Mr. Speaker, although of great importance, appears to be silently passed over by those favoring the amendment. How, sir, are the expenses of this war to be paid? Are they to be borne and made a burden upon the white labor of the North solely? Abolish slavery, and you destroy the ability on the part of the South to contribute a portion of what they should in justice be held to pay. Adopt the plan of gradual emancipation, as proposed, and it is reasonable to suppose they would be unable to bear their share. The South have been largely instrumental in creating this liability, and should not be permitted to evade payment by affording them an excuse for it. This cannot but be the case, unless abolition at the South produces results totally different from those experienced elsewhere, and the natural habits of the negro have become entirely changed. Indirect confiscation of the lands, if they should under the circumstances be of sufficient or any value, will have to be resorted to to get from the States now in rebellion what under a more humane and politic system might have been more easily obtained. Conciliatory action on our part, combined with proper vigilance, is more likely to produce good results than any system of violence and severity, which only produces irritation and discontent, and which is almost sure to result in real injury to the white man, while of doubtful benefit to the freedmen of African descent.

I have briefly stated my reasons, Mr. Speaker, for being opposed to the passage of any resolution having for its object a change in the fundamental law of the land, and shall vote against it. In so doing I shall act not only as my own convictions prompt me, but I am satisfied in direct conformity with the wishes of those whom I represent.

In conclusion, Mr. Speaker, permit me to add that I have been for thirty years a Democrat. The experience of a long and not uneventful life only lead me to place fuller and firmer faith in the principles of my party. I have seen these principles one by one stricken down, but in their fall I have seen no advantage to my country. I see in this amendment to the Constitution but the consummation of a policy which has led to the bloodiest war in history, and which has placed the fate of the Republic more than once on the hazard of battle. Upon you, gentlemen, upon the other side, the responsibility for this measure must rest. I, for one, cannot and will not aid you. You will soon have full power; exercise it. Take all the credit the act will bring, and assume all the danger it involves. The Democratic party will stand by its old and well tried policy, guided by its old land-marks, under its old banner, and keeping step to the music of the Union. I cannot wish my country better, sir, than that the party opposed to that to which I belong rival the success of the Democracy, and shall emulate its glory.

But I am constrained to say the past history of the party in power excites in my breast but little hope for the future. I am weary of the experimental legislation, ending no man can tell in what unforeseen disaster. Of such legislation the proposed amendment is a bad specimen, and I shall vote against it.

Mr. ASHLEY. I call the previous question upon the pending motion to reconsider the vote by which the House on the 15th of last June rejected a joint resolution (S. No. 16) submitting to the Legislatures of the several States a proposition to amend the Constitution of the United States.

Mr. STILES. I move to lay the motion to reconsider on the table; and upon that I demand the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the negative—yeas 57, nays 111, not voting 14; as follows:

YEAS—Messrs. James C. Allen, William J. Allen, Ancona, Bliss, Brooks, James S. Brown, Chandler, Clay, Cox, Cravens, Dawson, Denison, Eden, Edgerton, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Long, Mallory, William H. Miller, James K. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweet, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—57.

NAYS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brundage, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Deining, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, Farnsworth, Frank, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Ingersoll, Jencks, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoo, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Odell, Charles O'Neill, Orrin, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Stanton, Sloan, Smith, Smithers, Spalding, Starr, Stevens, Thayer, Thomas, Tracy, Upton, Van Valkenburg, Elhu B. Washburne, William B. Washburn, Webster, Wheeler, Williams, Wilder, Wilson, Windsor, Woodbridge, Worthington, and Yeaman—111.

NOT VOTING—Messrs. English, Hutchins, Lnzear, Le Blond, Marcy, McDowell, McKinney, Middleton, Nelson, Radford, Rogers, John B. Steele, Voorhees, and Whaley—14.

So the motion to reconsider was not laid on the table.

During the call of the roll, Mr. ROLLINS, of Missouri, stated that Mr. ROGERS, of New Jersey, had been confined to his room several days by indisposition.

Mr. CRAVENS stated that Mr. VOORHEES was still detained at his home in Indiana in consequence of severe sickness in his family.

The previous question was then seconded, and the main question ordered.

The question being on the motion of Mr. ASHLEY, to reconsider,

Mr. ANCONA called for the yeas and nays.

The yeas and nays were ordered.

The question was put; and it was decided in the affirmative—yeas 112, nays 57, not voting 13; as follows:

YEAS—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brundage, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Deining, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, English, Farnsworth, Frank, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Ingersoll, Jencks, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McIndoo, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Norton, Odell, Charles O'Neill, Orrin, Patterson, Perham, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Shannon, Sloan, Smith, Smithers, Spalding, Starr, Stevens, Thayer, Thomas, Tracy, Upton, Van Valkenburg, Elhu B. Washburne, William B. Washburn, Webster, Whaley, Wheeler, Williams, Wilder, Wilson, Windsor, Woodbridge, Worthington, and Yeaman—112.

NAYS—Messrs. James C. Allen, William J. Allen, Ancona, Bliss, Brooks, James S. Brown, Chandler, Clay, Cox, Cravens, Dawson, Denison, Eden, Edgerton, Eldridge, Finck, Ganson, Grider, Hall, Harding, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Long, Mallory, William H. Miller, James R. Morris, Morrill,

son, Noble, John O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweet, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—57.

**NOT VOTING**—Messrs. Augustus C. Bidwin, Hutchins, Lazard, Le Blond, Marcy, McDowell, McKinney, Middleton, Nelson, Radford, Rogers, John B. Steele, and Voorhees—43.

So the motion to reconsider was agreed to.

The question recurred on the passage of the joint resolution.

**Mr. ASHLEY.** I demand the previous question.

**Mr. MALLORY.** I rise to a question of order. My point of order is that a vote to reconsider the vote by which the subject now before the House was disposed of in June last requires two thirds of this body. That two-thirds vote has not been obtained.

The SPEAKER. The Chair overrules the point of order. The rules of the House authorize every bill and joint resolution to pass by a majority vote. The Constitution of the United States, however, declares that no constitutional amendment shall pass except by a two-thirds vote. On the question of the passage of the joint resolution the constitutional provision will operate, and not till that time. All other questions are governed by the rules of the House.

The Chair will state that this has been the uniform usage of the House in regard to bills vetoed by the President. In such cases all votes up to the time of taking the question on the passage of the bill over the President's veto are decided by a majority vote; but on the final vote a two-thirds vote is necessary.

**Mr. MALLORY.** My action upon this question of order will depend a good deal on the response to a proposition which I am about to make to the gentleman from Ohio, [Mr. ASHLEY.] There are gentlemen belonging to this side of the House who can be here to-morrow, but who are not here to-day, who are anxious to vote upon this question. If the gentleman from Ohio will agree that the vote shall be taken at a fixed hour to-morrow, all action upon this side of the House for delay will cease.

**Mr. ASHLEY.** It has been the universal understanding that we were to have a vote to-day. Gentlemen upon the other side of the House will bear me witness that I have prolonged this debate against the protest of gentlemen upon this side of the House and of leading friends of the measure in the country; and I think it does not come with a very good grace from the gentleman from Kentucky, in view of the time which has been extended to his friends on that side of the House, that he should demand now, when notice was given again and again that a vote would be taken to-day, that it shall be postponed until to-morrow. It seems to me that if gentlemen choose to absent themselves from the House their action ought not to operate either to keep us in session here or justify members in resorting to the usual parliamentary rules to procrastinate and put off the vote.

**Mr. MALLORY.** I was not aware that any understanding had been arrived at as to a vote on this question to-day. It was postponed till to-day, but at that time there was certainly no understanding that there should be a vote to-day.

**Mr. ASHLEY.** In reply to a question by the gentleman from Pennsylvania, [Mr. STILES.] I gave notice last week that the vote would be taken to-day; and at the beginning of the discussion this morning I fixed three o'clock as the time the vote would be taken, instead of which we have procrastinated it almost an hour to accommodate gentlemen upon the other side of the House.

**Mr. MALLORY.** Did that understanding exist upon this side of the House? If it did and if gentlemen will say so, I shall take no action in this matter.

Several MEMBERS. It was so understood.

**Mr. ASHLEY.** I cannot yield any further. I desired this morning to be heard on this question, and came into the House intending to close the debate, as under the rules I had a right to do. The time, the subject, and the occasion, all united to make it desirable; but I yielded the time to gentlemen on the other side, until it is now nearly four o'clock, and members on all sides of the House demand a vote. I therefore decline to take up the time of the House, and demand that the main question shall now be put.

**Mr. BROWN,** of Wisconsin. I ask the gentleman from Ohio to yield to me to offer a substitute for the joint resolution.

**Mr. ASHLEY.** I cannot yield for that purpose. I have a substitute myself, which I should much prefer to the original joint resolution, but I do not offer it.

The SPEAKER. No motion to amend would be in order at this stage. The joint resolution has passed its third reading, and is now on its passage.

**Mr. ELDRIDGE.** Mr. Speaker, the gentleman from Ohio says that he has a substitute which he himself prefers to this joint resolution. If so, why does he not offer it to the House? There certainly will be no objection on this side.

**Mr. ASHLEY.** I do not offer it, because I would not procrastinate this discussion or hazard the passage of the measure.

**Mr. ELDRIDGE.** It seems to me that if the gentleman has a better substitute, he should propose it. [Calls to order.]

The previous question was seconded, and the main question ordered; which was on the passage of the joint resolution.

**Mr. DAWSON** called for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and it was decided in the affirmative—yeas 119, nays 56, not voting 8; as follows:

**YEAS**—Messrs. Alley, Allison, Ames, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Ambrose W. Clark, Freeman Clarke, Cobb, Coffroth, Cole, Colfax, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Deming, Dixon, Donnelly, Driggs, Dumont, Eckley, Eliot, English, Farnsworth, Frank, Ganson, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Higby, Hooper, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, King, Knox, Littlejohn, Loan, Longyear, Marvin, McAllister, McBride, McClurg, McDowd, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Patterson, Pendleton, Periam, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Scott, Shannon, Sloan, Smithers, Spalding, Starr, Stevens, Strouse, Stuart, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Wadsworth, Ward, Elihu B. Washburne, William E. Washburn, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, and Woodbridge—121.

**NAYS**—Messrs. James C. Allen, William J. Allen, Coffroth, Denison, Eden, Edgerton, Eldridge, Grider, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Philip Johnson, William Johnson, Kalbfleisch, Kernan, Knapp, Law, Long, Mallery, William H. Miller, James R. Morris, Morrison, Noble, John O'Neill, Pendleton, Perry, Pruyn, Samuel J. Randall, Robinson, Ross, Scott, William G. Steele, Stiles, Strouse, Stuart, Sweet, Townsend, Wadsworth, Ward, Chilton A. White, Joseph W. White, Winfield, Benjamin Wood, and Fernando Wood—56.

**NOT VOTING**—Messrs. Lazard, Le Blond, Marcy, McDowell, McKinney, Middleton, Rogers, and Voorhees—8.

So, the two thirds required by the Constitution of the United States having voted in favor thereof, the joint resolution was passed.

During the roll-call,

On **Mr. ENGLISH** and **Mr. GANSON** voting "ay," there was considerable applause by members on the Republican side of the House.

The SPEAKER called repeatedly to order, and asked that members should set a better example to spectators in the gallery.

**Mr. KALBFLEISCH** and other Democratic members remarked that the applause came, not from the spectators in the gallery, but from members on the floor.

The SPEAKER. Members will take their seats and observe order.

The SPEAKER directed the Clerk to call his name as a member of the House.

The Clerk called the name of **SCHUYLER COLFAX**, of Indiana, and **Mr. COLFAX** voted "ay." [This incident was greeted with renewed applause.]

The SPEAKER. The constitutional majority of two thirds having voted in the affirmative, the joint resolution is passed.

[The announcement was received by the House and by the spectators with an outburst of enthusiasm. The members on the Republican side of the House instantly sprung to their feet, and, regardless of parliamentary rules, applauded with cheers and clapping of hands. The example was followed by the male spectators in the galleries, which were crowded to excess, who waved their hats and cheered loud and long, while the ladies,

hundreds of whom were present, rose in their seats and waved their handkerchiefs, participating in and adding to the general excitement and intense interest of the scene. This lasted for several minutes.]

**Mr. INGERSOLL.** Mr. Speaker, in honor of this immortal and sublime event I move that the House do now adjourn.

The SPEAKER declared the motion carried, and again the cheering and demonstrations of applause were renewed.

**Mr. HARRIS,** of Maryland. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 121, nays 24, not voting 37; as follows:

**YEAS**—Messrs. Alley, Allison, Ames, Ancona, Anderson, Arnold, Ashley, Baily, Augustus C. Baldwin, John D. Baldwin, Baxter, Beaman, Blaine, Blair, Blow, Boutwell, Boyd, Brandegee, Broomall, William G. Brown, Chanler, Ambrose W. Clark, Freeman Clarke, Cobb, Cole, Cox, Creswell, Henry Winter Davis, Thomas T. Davis, Dawes, Dawson, Deming, Dixon, Donnelly, Driggs, Eckley, Eliot, English, Farnsworth, Frank, Garfield, Gooch, Grinnell, Griswold, Hale, Herrick, Higby, Hotchkiss, Asahel W. Hubbard, John H. Hubbard, Hulburd, Hutchins, Ingersoll, Jenckes, Julian, Kasson, Kelley, Francis W. Kellogg, Orlando Kellogg, Kernan, King, Knox, Littlejohn, Loan, Longyear, Mallery, Marvin, McAllister, McBride, McClurg, McDowd, Samuel F. Miller, Moorhead, Morrill, Daniel Morris, Amos Myers, Leonard Myers, Nelson, Norton, Odell, Charles O'Neill, Patterson, Pendleton, Periam, Pike, Pomeroy, Price, William H. Randall, Alexander H. Rice, John H. Rice, Edward H. Rollins, James S. Rollins, Schenck, Scofield, Scott, Shannon, Sloan, Smithers, Spalding, Starr, Stevens, Strouse, Stuart, Thayer, Thomas, Tracy, Upson, Van Valkenburgh, Wadsworth, Ward, Elihu B. Washburne, William E. Washburn, Whaley, Wheeler, Williams, Wilder, Wilson, Windom, Winfield, Benjamin Wood, and Woodbridge—121.

**NAYS**—Messrs. James C. Allen, William J. Allen, Coffroth, Denison, Eden, Edgerton, Eldridge, Grider, Harrington, Benjamin G. Harris, Charles M. Harris, Holman, Kalbfleisch, Knapp, Law, Long, Morrison, Noble, Radford, Samuel J. Randall, Ross, Sutes, Townsend, and Joseph W. White—24.

**NOT VOTING**—Messrs. Bliss, Brooks, James S. Brown, Clay, Cravens, Dumont, Finck, Ganson, Hall, Harding, Hooper, Philip Johnson, William Johnson, Lazard, Le Blond, Marcy, McDowell, McKinney, Middleton, William H. Miller, James R. Morris, John O'Neill, Orth, Perry, Pruyn, Robinson, Rogers, Smith, John B. Steele, Hutchins, G. Steele, Sweet, Voorhees, Webster, Chilton A. White, Fernando Wood, Worthington, and Yeaman—37.

The House thereupon (at twenty minutes past four o'clock, p. m.) adjourned.

## IN SENATE.

WEDNESDAY, February 1, 1865.

Prayer by Rev. B. H. NADAL, D. D.

On motion of **Mr. WILSON**, and by unanimous consent, the reading of the Journal was dispensed with.

## PETITIONS AND MEMORIALS.

**Mr. RAMSEY** presented a memorial of the Legislature of the State of Minnesota, for an additional grant of lands to aid in the completion of the several lines of railroad and branches in that State mentioned in the act of Congress approved March 3, 1857, and for an extension of the time limited therein for the completion of the railroads; which was referred to the Committee on Public Lands, and ordered to be printed.

**Mr. DIXON** presented the petition of Hillard Gladding, praying for an amendment of the Constitution of the United States forever prohibiting slavery; which was ordered to lie on the table.

**Mr. CHANDLER** presented resolutions of the Legislature of the State of Michigan, in favor of a grant of land in aid of the construction of a harbor at the mouth of Ontonagon river, on the south shore of Lake Superior; which were referred to the Committee on Public Lands, and ordered to be printed.

He also presented resolutions of the Legislature of the State of Michigan, in favor of a grant of land in aid of the construction of a ship-canal from Portage Lake to Lake Superior; which were referred to the Committee on Public Lands, and ordered to be printed.

**Mr. SUMNER** presented the petition of William Crosswell, formerly in the naval service, for a pension; which was referred to the Committee on Pensions.

**Mr. MORGAN** presented a resolution of the Chamber of Commerce of the State of New York, concurring in the resolutions of the Philadelphia Board of Trade, recommending an amendment to the Constitution of the United States imposing