





S P E E C H

OF

HON. JNO. A. BINGHAM, OF OHIO,

IN REPLY TO

HON. JOHN J. CRITTENDEN, OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

APRIL 11, 1862,

ON THE BILL TO EMANCIPATE SLAVES, AND TO PROHIBIT SLAVERY AND PERPETUATE LIBERTY FOREVER IN THE NATIONAL CAPITAL.

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The House being in Committee of the Whole on the state of the Union—

Mr. BINGHAM said: Mr. Chairman, I had hoped, in the view of the many days which have elapsed since this bill was first presented in the other branch of the national Legislature, in view of its full discussion in the Senate, and in view of the opportunities which have been given to gentlemen here and to the country at large to consider the propriety of its provisions, that this House would have gone direct to the question whether the bill should pass, without further debate.

I have been disappointed in these expectations. I say this without any disrespect to the venerable gentleman from Kentucky, and my remark does not arise so much from the fact that he has felt it his duty to address the committee at great length on the merits of the bill as from the other consideration, that it was the pleasure of the House not to close debate upon it.

This bill, Mr. Chairman, is very simple. Its first section contains all that is important in it, or that requires a moment's consideration. It is:

"That all persons held to service or labor within the District of Columbia, by reason of African descent, are hereby discharged and freed of and from all claim to such service or labor; and from and after the passage of this act neither slavery nor involuntary servitude, except for crime, whereof the party shall be duly convicted, shall hereafter exist in said District."

Another provision of the bill is for compensation, to be assessed by a commission, to be

paid as ransom for these bondmen. Another section makes an appropriation of \$1,000,000 for ransom money, and another an appropriation of \$100,000 to aid the voluntary colonization of such of the "freed men" as may desire to emigrate from this country to some other. These are the provisions of the bill.

Mr. Chairman, I had supposed that a bill so plain in its provisions did not require much time for consideration, especially in view of the fact that the power to legislate as proposed is conceded by the venerable gentleman from Kentucky, and will not, I presume, be questioned by any gentleman on this floor. The grant in the Constitution is as comprehensive as words could make it:

"Congress shall have power" \* \* \* \* "to exercise exclusive legislation in all cases whatsoever over such district" \* \* \* \* "as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States."

Subject to this condition, this District became the seat of the national Government. The gentleman from Kentucky [Mr. CRITTENDEN] had the candor and the good sense to acknowledge that the exclusive power to legislate, as proposed by this bill, over this District, was in the Congress of the United States. All, then, that remains for the consideration of the House is, "is it policy, is it wisdom, is it just, under the circumstances, to exercise the power?" That was the point made by the gentleman from Kentucky in his argument. He said that this was an inauspicious time to exercise this admitted power. He deemed it an inauspi-

cious time for the Government to exercise this unquestioned power to legislate for the liberation of all slaves wrongfully deprived of their liberty in the national capital. And yet, sir, the gentleman fitly and truthfully said of this free Government of ours that it is "the greatest provision for the rights of mankind and for the amelioration of their condition." These last were words worthy of the gentleman from Kentucky, and fit to be uttered by him at the close of his illustrious, well-spent, and beautiful life. They are words eminently descriptive of the true purpose and spirit of our own American Constitution. The Magna Charta of England, which the gentleman cited in support of his argument against the justice of this bill, the gentleman will pardon me for reminding him, differs widely in the provision to which he referred from the broader and wiser provision of our own American Magna Charta. That great charter which the barons wrung from the trembling, unwilling hands of their king, six centuries ago, and which the historian of the English constitution declares to be "the keystone of English liberty," only provided in the section which the gentleman cited that—

"No FREEMAN shall be taken, or imprisoned, or disseized, or outlawed, or banished, or any ways injured; nor will we pass upon him, nor send him, unless by legal judgment of his peers or by the law of the land."—*Magna Charta*, Sec. 45.

That provision, sir, only protected from unjust seizure, imprisonment, disseizin, outlawry, and banishment those fortunate enough to be known as FREEMEN; it secured no privileges to vassals or slaves. Sir, our Constitution, the new Magna Charta, which the gentleman aptly says is the greatest provision for the rights of mankind and for the amelioration of their condition, rejects in its bill of rights the restrictive word "freeman," and adopts in its stead the more comprehensive words "no person;" thus giving its protection to all, whether born free or bond. The provision of our Constitution is, "no person shall be deprived of life, or liberty, or property without due process of law." This clear recognition of the rights of all was a new gospel to mankind, something unknown to the men of the thirteenth century, who then demanded and received for themselves the acknowledgment of their rights as *freemen*. The barons of England demanded the security of law for themselves; the patriots of America proclaimed the security and protection of law for *all*. The later and nobler revelation to our fathers was that all men are equal before the law. No matter upon what spot of the earth's surface they were born; no matter whether an Asiatic or African, a European or an American and first burned upon them; no matter whether citizens or strangers; no matter whether rich or poor; no matter whether wise or simple; no matter whether strong, or weak; this new Magna Charta to mankind declares that the rights of all to life and liberty and property are equal before the law; that no person, by virtue of

the American Constitution, by the majesty of American law, shall be deprived of life or liberty or property without due process of law. Unhappily, for about sixty years this provision of the Constitution, here upon the hearthstone of the Republic, where the jurisdiction of the Government of the United States is exclusive, without State limitations and subject to no restraint other than that imposed by the letter and spirit of the Constitution, this sacred guarantee of life and liberty and property to all has been wantonly ignored and disregarded as to a large class of our natural-born citizens.

Mr. CRITTENDEN. If the gentleman will allow me, I will ask him if he does not know—of course he does know—that at the date of Magna Charta, England was full of a class of people who were, in some degree bondmen, known as villains?

Mr. BINGHAM. That I understand to be the fact.

Mr. CRITTENDEN. Does the gentleman suppose that Magna Charta was intended to embrace the liberation of those villains; and did they not continue afterwards exactly where they were before?

Mr. BINGHAM. Certainly, their vassalage or villainage did continue, as Magna Charta secured the rights only of *freemen* before the law, not of villains, as they called their servants. If I heard the gentleman distinctly, he quoted the words correctly from Magna Charta:

"No freeman shall be taken or imprisoned," &c., \*  
\* unless by legal judgment of his peers, or by the law of the land."

The employment of the term "freeman," as descriptive of the persons entitled to the guarantees of Magna Charta, necessarily implied that there were at the time persons in the realm who were not freemen, nor entitled to the protection secured to freemen and to freemen only. That, sir, was precisely the scope of my remarks when I undertook to direct the attention of the House to the wondrous difference between the English Magna Charta, signed by the trembling hand of an unwilling king in the thirteenth century, and that other greater and better Magna Charta of the eighteenth century—the American Constitution—signed by the hand of that peerless man, our Washington, of his own free will, and as the chosen representative of the people, who hailed him Father of his Country. That Constitution, I said before, and in answer to the gentleman's suggestion, I beg leave to repeat it, proclaimed that all men in respect of the rights of life and liberty and property were equal before the law; and that no person, no human being, no member of the family of man shall, by virtue of Federal law or under the sanction of the Federal authority wherever the Federal Government has exclusive and supreme authority, be deprived of his life, or his liberty, or his property, but



by the law of the land—not by the law of Maryland or of Virginia, but by the law of the land, the law of the Republic, the law of the whole people of the United States. If the people of America had not thus declared for the rights of all, they never would have imperilled life and fortune and earthly honor for the rights of any.

Mr. Chairman, I was saying when the honorable gentleman from Kentucky interrupted me, that for some sixty years this provision for the protection of the rights of mankind, under the law and by the law, here, upon the very hearthstone of the Republic, has been disregarded, and not only disregarded, but violated by the Federal Government, and by the assent of the Representatives of the American people.

Gentlemen are aware of that fact, and the question to-day before this House is, whether the Representatives of the people, under their oaths and in compliance with the clear requirement of the Federal Constitution, here within the limits of the District of Columbia, will faithfully execute their great trust, and declare by law, that hereafter, in all the coming future, no American citizen nor human being shall, within the limits of this District, "be deprived of life or liberty or property without due process of law." That, sir, is the question, the great question of this day and hour.

I have said that these persons who are the subject-matter of this legislation were natural-born citizens of the Republic. Shall we hesitate, can we hesitate, within the admitted limits of our power, to do justice to our own citizens by the enactment of this law? I regret, although I do not propose to make any change in the text of the bill, that it was so carefully worded as to say that, "all persons held to service or labor within the District of Columbia by reason of African descent." I would have preferred if the bill had declared that "all American citizens held to service or labor within the District of Columbia by reason of African descent are hereby discharged and freed forever from such servitude."

We are not to be cheated by the tests of citizenship that are sometimes set up touching the elective franchise and eligibility to office. It is too late in the day for any American statesman to undertake to demonstrate that none are citizens of the United States save those entitled to the elective franchise or to the exercise of the functions of office. I stand here to assert the proposition that, by the decision of every State and Federal court in the country, more than one half the white population of the United States who are excluded from the exercise of the elective franchise, and from all civil offices, are citizens of the United States. I undertake to say, by the decision of your Federal tribunals, that women—that all the women of this Republic born upon the soil—are citizens of the United States, though neither entitled to vote nor to hold civil office. All the native-born women and children of the land, though not

entitled to vote nor eligible to civil office, are citizens of the United States within the judiciary act of 1789, and within the Constitution of the United States, and, as such, entitled to sue and be sued in your Federal courts, and to plead and be impleaded therein.

The Constitution leaves no room for doubt upon this subject. The words "natural-born citizen of the United States" occur in it, and the other provision also occurs in it that "Congress shall have power to pass a uniform system of naturalization." To naturalize a person is to admit him to citizenship. Who are *natural-born citizens* but those born within the Republic? Those born within the Republic, whether black or white, are citizens by birth—natural-born citizens. There is no such word as *white* in your Constitution. Citizenship, therefore, does not depend upon complexion any more than it depends upon the rights of election or of office. All from other lands, who, by the terms of your laws and a compliance with their provisions, become naturalized, are adopted citizens of the United States; all other persons born within the Republic, of parents owing allegiance to no other sovereignty, are natural-born citizens. Gentlemen can find no exception to this statement touching natural-born citizens, except what is said in the Constitution in relation to Indians. The reason why that exception was made in the Constitution is apparent to everybody. The several Indian tribes were recognised at the organization of this Government as independent sovereignties. They were treated with as such; and they have been dealt with by the Government ever since as separate sovereignties. Therefore, they were excluded from the general rule.

I adopt the words of that man whose clear intellect, through a long and laborious life, contributed much that will endure to the jurisprudence of his country—the lamented Chancellor Kent, of New York—who declared that every person of African descent, born in this land, is a citizen of the United States, and although born in a condition of slavery under the laws of any State in which he might be held to service or labor, still he was a citizen of the United States under disabilities.

The Federal Government neither regulates nor confers under any circumstances the enjoyment of the elective franchise among the States, and therefore the question so flippantly asked, when we propose the liberation of slaves, are you going to give them the right to vote, may as well be omitted here. We have just nothing to do in our legislation with that question; we have no power whatever over it. The right to vote does not involve the right to citizenship. Neither are the rights of men or citizens to protection under the law dependent upon the right of suffrage in them. Are not children natural-born citizens of the United States? Are not they entitled to protection as citizens every where in all the States of the Union? Does

not the Constitution provide that the citizens of each State, being *ipso facto* citizens of the United States, shall be entitled to all privileges and immunities of citizens in the several States? and does not that apply to the minor citizens of the United States as well as to the major citizens of the United States? It is not the privilege to vote that is thus guaranteed to all citizens of the United States. The Constitution does not read, as I have heard it quoted upon this floor, that the citizens of each State should be entitled to the privileges and immunities of citizens of the several States. No, sir, the word used in the Constitution in this clause is not *of*, but *in*, the several States. "All privileges and immunities of citizens of the United States *in* the several States," is what is guaranteed by the Constitution. There is an ellipsis in the Constitution, as gentlemen doubtless know, which must be supplied to express clearly its meaning. The great privilege and immunity of American citizens to be respected every where in this land, and especially in this District, is that they shall not be deprived of life, liberty, or property without due process of law.

Mr. WICKLIFFE. But what civil political right does the State of Ohio give to the black man? Does it allow him to vote? Does it allow him to intermarry with the whites?

Mr. BINGHAM. The gentleman would get a full and satisfactory answer to his question if he would read the statutes of Ohio.

Mr. WICKLIFFE. I have read them.

Mr. BINGHAM. If he has read them, then the gentleman from Kentucky knows that, among other things, the laws of Ohio fully provide for the protection fully of the right of every citizen of the United States, whether black or white, male or female, old or young, man or child—that is, that they shall not be deprived of life, or liberty, or property, without due process of law.

Mr. WICKLIFFE. The question I was inquiring about was not about the protection of life. What political rights do the black men hold in the State of Ohio?

Mr. BINGHAM. The gentleman's inquiry about their right to vote I had anticipated and answered. I suppose the gentleman did not hear it. I say that he would be a very bold man who, at this time, would venture to aver that nobody is a citizen of the United States who has not the right to vote. I say further, that there never has been a time since the existence of this Republic, when a majority of the citizens of the United States had the right to vote. Your wives and daughters are natural-born citizens of the United States. Citizenship is their birth-right. There is, there can be no question about this. I will not repeat my argument. I have thus spoken to answer and dispose of that trifling quibble interposed here eternally against any attempt to do justice between man and man, as if a man's right to live

or breathe the air of heaven depended upon his right to vote.

The question is not whether you will confer the elective franchise, for upon that question you have no power for Federal purposes, either as to black or white citizens, within the several States. The Federal Government has no power to regulate the elective franchise in any State in reference to persons of any complexion. You cannot pass any such law. The elective franchise can only be exercised in any State by virtue of State law and State law alone.

But, sir, if the right to the elective franchise is to be the test of citizenship, I beg gentlemen to remember that when this Constitution was ordained and established under which we legislate, it was ordained and established through the suffrage of persons of African as well as of European descent in the majority of the States of the Republic. They assisted in the election of the very persons through whose agency the Constitution was finally ratified. Look at the records of North Carolina for information on that subject; look into the legislative records of Maryland and Delaware, and look at the records of the New England States, and you will find that persons of African descent did enjoy the elective franchise, and had a voice in the adoption of your Constitution. To this day they hold and enjoy that right in several of the States of the Republic. You cannot, as Federal legislators, prevent the exercise of this right by the colored citizens; you cannot help it. The old Bay State, true to her sacred, her immortal traditions, recollecting that her soil is holy ground, marked with the foot-prints of the apostles and martyrs of civil and religious liberty, has held to her ancient faith that rights, even political rights, are inseparable from manhood and citizenship, and in no wise dependent upon complexion or the accident of birth. I trust in God whatever States may falter, Massachusetts may continue in the ancient ways forevermore. Taxation without representation once stirred the American people like the blast of a trumpet; rather than submit to it they proclaimed resistance unto death. In the purer and better days of the Republic, taxation only with representation was the very sign under which the Jeffersonian Democracy were wont to conquer. Still, I concede that all political rights must be controlled by the majority.

If there were anything in the argument constantly reiterated here and elsewhere, about human rights being dependent on and confined to those who enjoy political rights, you might as well go back at once to the civil polity and civilization of the pagan world, and assert that none but those who have a voice in the State have a right to be free; that your wives and mothers and daughters, because they have no voice in the legislative councils or in the elections of States, are not to be considered as invested with the rights of citizenship or the sacred rights of human nature. That is not the

lesson learned by those who made and who transmitted to us the Constitution of the United States. They found out and adopted a wiser, juster, and better polity than pagan ever knew. They learned it from the simple but profound teachings of Him who went about doing good; who was no respecter of persons, who, by the sacrifice of himself, made the distant land of his nativity forever sacred to mankind, and whose intense holiness shed majesty over the manger and the straw, and took from the cross its shame and reproach. By His great apostle came to men and nations the new message declaring the true God, to whom the Pagan inscribed UNKNOWN upon his altar; that God who made the world, and giveth to ALL life and breath, and hath made of one blood all nations of men to dwell on all the face of the earth. From this new message to men has sprung the new and better civilization of to-day. What was your declaration at Philadelphia on the 4th of July, 1776? that "ALL MEN are created equal," but a reiteration of the great truth announced by the apostle of the Nazarene. What but this is the sublime principle of your Constitution—the equality of all men before the law? To-day we deliberate whether we shall make good, by legislation, this vital principle of the Constitution, here in the capital of the Republic!

The question, I repeat, is not whether these bondmen, about to be declared freemen, shall vote. That question is not now before us; the question is one of mightier import: "Shall these men be permitted to enjoy life and liberty and property under the sanction and shelter of the law?" Representatives of the people, shall these men, natural-born citizens of the Republic, be by your law made secure in their persons, in their lives, in their liberty, in their property, within this District, or will you reject this wise and beneficent bill, and, like your predecessors in this House, ignore the requirements of the Constitution, and disregard the obligations of your oaths? I may be allowed to say, without intending offence to any, as my own judgment, in no spirit of censure upon any one who conscientiously differs with me in opinion, that the Representative who refuses to provide the necessary means, in accordance with the spirit of the Constitution, for the protection of every person in life, in liberty, in property, wherever our jurisdiction is exclusive, trifles with his oath and breaks it. Such legislation is the first duty of the national Legislature, and its faithful execution the first duty of the national Executive. That is the view which I entertain of this measure and of our duty. I go for this bill because it is constitutional, as the gentleman from Kentucky said in his argument, and because it is just, as well as constitutional.

If it is not just to protect the rights of all under the law, then the provision should not have been put into the Constitution in the first place; if it is not just that every person,

wherever your jurisdiction is exclusive, should be secured and protected by law in the enjoyment of his life, liberty, and property, then I say let us at once blot out that provision of the Constitution and restrict the rights of life and liberty and property under the law only to those who are fortunate enough to have been born "freemen" by existing law, declaring that those who are slaves by inhuman and unjust statutes are not entitled to the protection of our law or of our Government.

Viewing the matter in this light, I cannot see with what propriety the gentleman from Kentucky [Mr. CRITTENDEN] made the remark that this was an unpropitious time to adopt that which has been rejected in all the past. And in order to support that, he remarked that in all the past, now for some sixty years, the institution of slavery has been sanctioned in the capital of the Republic by the laws of the adjoining States.

Why, sir, in all the past history of the human race for sixty centuries the worst and the blackest crimes known among men have been sanctioned, if you mean by "sanction" their repeated commission. Murder is well nigh as old as the race; it is as old at least as the first family of man. I do not think that sort of an argument should keep us from doing justice at once and without delay, by giving the protection of law to all who are to-day wrongfully denied their rights in the capital, and to all who may hereafter reside or be brought here. That is the only question before us now. But gentlemen say the time is unpropitious. Unpropitious to do what? To give a practical illustration of your bill of rights; an unpropitious time, by legislative enactment, to give a significance and efficiency to the provision of the Constitution for the protection of all in their rights; the time unpropitious to illustrate by legislation for the capital that principle of your Constitution which is its chief glory—that all are equal before the law; the time unpropitious to ameliorate the condition of men who, in flagrant violation of your Constitution, are deprived of the right to enjoy the freedom of their own person; who are deprived of the right to enjoy the products of their own toil; who are deprived of the right to enjoy the comforts of their own homes, and to give their protection and care to their own children. The time never was and never can be unpropitious for an honest endeavor to do right.

Sir, I think there is no time unpropitious for an act of simple justice. Gentlemen talk about justice. It is a term used in the Constitution; it is a term well understood among men. It was well defined, I believe, by Justinian, and I have never heard his definition questioned; that was, to give to every man his right. An unpropitious time to do justice; an unpropitious time to say, by law, that involuntary servitude or slavery within this District, where our jurisdiction is acknowledged to be exclusive, is for-



ever prohibited except as punishment for crime, upon due conviction. Happily the language of this bill, forever prohibiting slavery here, is the very language of one of the first enactments of Congress under the Constitution of the United States. The fathers of the Constitution did not say that their first session was an unpropitious time to enact a law providing that slavery should be forever prohibited in all the territory of the United States, stretching from the waters of the Ohio to the base of the Rocky mountains. In the first Congress of the United States, under the Constitution, was re-enacted this precise provision for all the territories of the Union. And yet we are to be told now, with such a brilliant example before us in the legislation of the country, that this is an unpropitious time for doing justice here at the seat of Government, and for removing forever hereafter, by law, from the American people the danger and shame and disgrace of allowing the spirit and letter of their Constitution to be violated, at the very heart of the Republic, under the very eyes of its lawgivers. The Republic cannot much longer submit to this indignity and live.

Why, sir, if this great wrong is to go on, if the Republic is to be disgraced for an indefinite period by this traffic here, under the very shadow of your flag, within the very walls of your Capitol, what man can assure himself that the Republic can stand? I heard a remark made by a gentleman this morning—and I heard it I confess with surprise and pain, for it looked like an apology for or defence of the institution of slavery here—that to say that slavery was incompatible with the permanency of the Republic was to cast a reproach upon the Constitution, and a reproach upon the men who made it. That remark must have been made thoughtlessly and without due consideration, because nothing is clearer, in the constitutional history of this Republic, than the fact that the fathers of the Republic did deem the existence of this institution as incompatible with the safety of the Republic. Let gentlemen who make remarks of that sort remember—and I only turn aside to refer to it now to vindicate the framers of the Constitution—that when the original draft of that great instrument was reported to the convention, the provision which authorized the admission of new States into the Union contained the expressive words that “new States may be admitted into the Union upon the same terms with the original States.”

The original States under the Constitution had the power expressly reserved—not granted by the Constitution—but expressly reserved for carrying on the traffic in foreign slaves for twenty consecutive years. The fathers of the Constitution were determined that no such privilege should be guaranteed or extended to any new States organized under this Constitution and admitted thereafter into the Union; and in order to give effect to that determination they

struck from the text of the Constitution the words, “upon the same terms with the original States.” These words were struck out purposely, that the new States organized thereafter should not come into the Union possessed of the power of increasing this terrible and destructive element in our social system. The fathers of the Republic knew well that slavery must be restricted and finally abolished, or the Republic would perish.

My friend and colleague near me knows very well the conditions upon which our own State—of which we are both proud—came into the Union before the expiration of the time reserved by the original States for carrying on the foreign slave traffic, with a perpetual fetter upon her that she should not exercise that power so reserved by the original States. Ohio was organized as a State, and admitted into the Union six years before the expiration of the time reserved by the original States for carrying on this traffic; but was all that time and forever after, by the law of her admission, forbidden to engage in either the domestic or foreign slave trade. This restriction was imposed in accordance with the very purpose of the framers of the Constitution, as already shown by the record of their proceedings in convention. I say this not only to vindicate the framers of the Constitution from the reproach seemingly cast upon them, but to give weight to whatever I have said in advocacy of this bill. In enacting this law, we do but walk in the footsteps of those illustrious men who gave us the Constitution.

This change in the original draft of your Constitution; the legislation of the first Congress re-enacting the law of liberty for all the Territories; the act for the admission of Ohio on the condition of perpetual freedom to all law-abiding men within her limits, were but so many acknowledgments of the great truth that “all men are created equal,” not in stature, not in intellectual power, not in wealth, not in social position, not in political privileges, but equal in respect of those rights which are as universal as the material structure of man, as imperishable as his immortal nature, and to protect, not to confer which, all good governments are instituted among men. Pass this bill in recognition of that great truth, in obedience to the requirements of your Constitution to protect the rights of all under the law, and give witness, by the significance of the act, that the world moves, and that those who are in unjust bonds are not forgotten.

We are deliberating here to-day upon a bill which illustrates the great principle that this day shakes the throne of every despot upon the globe; and that is, whether man was made for government, or government made for man. Those who oppose this bill, whether they intend it or not, by recording their votes against this enactment, reiterate the old dogma of tyrants, that the people are made to be governed and not to govern. I deny that proposition. I deny it be



cause all my convictions are opposed to it. I deny it because I am sure that the Constitution of my country is against it. I cannot forget, if I would, the grand utterance of one of the illustrious men of modern times—of whom Guizot very fitly said that his thoughts impress themselves indelibly wherever they fall—standing amid the despotisms of Europe, conscious of the great truth that all men are of right equal before the law, that thrones may perish, that crowns may turn to dust, that sceptres may be broken, and empires overthrown, but that the rights of men are perpetual; he proclaimed to listening France the strong, true words, “States are born, live, and die, upon the earth; here they fulfil their destiny; but after the citizen has discharged every duty that he owes to the State, there abides with him the nobler part of his being, his immortal faculties, by which he ascends to God and the unknown realities of another life.” I would illustrate that utterance of the French thinker by incorporating in our legislation this day a provision that every human being, no matter what his complexion, here within the limits of the capital of the Republic, shall be secure in the enjoyment of his inherent rights; that the citizen is more than the State; that the protection of his rights is of more concern than any or all mere State policies. I would pass this bill, not only for the sake of giving present relief to the unfortunate human beings for whose special relief it is designed, and who, if I am rightly informed, are being carried hourly away from your capital in order to perpetuate their too long endured captivity, not only to burst their fetters, not only to kindle a new joy in their humble homes by inspiring in them a sense of personal security and safety, but I would pass this bill for the purpose as well of giving a new assurance that the Republic still lives, and gives promise not to disappoint the hopes of the struggling nations of the earth.

I would have the declaration made here now, beneath the dome of the Capitol, careless of all consequences upon the future conduct of traitors in arms against us, that no man shall ever, in the coming future, as long as the Republic stands, here, at least, where our power of legislation is supreme, be deprived of his life, of his liberty, or of his property without due process of law; and that slavery or involuntary servitude shall never be tolerated here in all the hereafter, except as punishment for crime upon due conviction. That is simple justice; nothing more, nothing less; and it does seem to me that further argument in favor of a proposition resting upon the broadest, clearest principles of simple, even-handed justice is unnecessary. One year ago this day, slavery opened its batteries of treason upon your garrison in Fort Sumter at Charleston; let the anniversary of that crime be signalized by the banishment of slavery forever from the national capital.

Mr. WRIGHT, of Pennsylvania, offered the following amendment:

*Provided*, That this act shall not go into operation unless the qualified citizens of the District of Columbia shall, by a majority of votes polled, approve and ratify the same; and to determine this, the President of the United States shall forthwith issue his proclamation ordering an election to be held, on twenty days' notice, by the qualified voters of the District, to determine whether the provisions of the act shall or shall not go into operation. The time, places, mode, and manner of conducting the said election, and the mode of the returns, shall be prescribed in the said proclamation. Should a majority of the votes cast be in favor of this act, the President shall at once declare the same by public proclamation, and the act shall go into operation. But should a majority be cast against it, he shall declare the same by his proclamation.

Mr. STEVENS, of Pennsylvania, upon said amendment, made the remarks following:

I am opposed to the amendment, and I would recommend to my colleague, with great respect, an amendment in another document. It is somewhere provided that the wicked shall be damned. I would suggest to my colleague that he propose a proviso to that, “providing that they consent thereto.” It would be just as decent an amendment as the one which he has proposed.

Mr. HICKMAN. I desire to oppose the amendment. My objection is, that a man who is disloyal forfeits the protection which he would otherwise be entitled to from the Government; that he cannot claim the protection of the Constitution which he repudiates and attempts to cast off, and it is not for us to confer rights upon him which he distinctly disclaims.

But, in the next place, what I think is a conclusive answer is that the man who has determined to hold slave property in the District of Columbia, over which Congress has exclusive legislative jurisdiction in all cases whatever, holds that property with a distinct reference to that provision of the Constitution. He does it knowing that whenever the Congress of the United States may legislate in such way as to deprive him of that property he must submit. I contend that that provision of the Constitution which gives to us the power of legislation in all cases whatever, and that exclusively, has no limitation whatever in its application to this District, but may deprive a man of his property, even though it be not in negroes.

I maintain that the fifth amendment to the Constitution has a very different application from what the gentleman supposes. It is a restriction upon the general legislation of Congress, whereas Congress has exclusive legislation in all cases whatsoever, so far as the District is concerned. It is made absolute over the seat of Government. But even if it were a case of doubt, I should prefer to err on the safe side, and cast my vote in favor of the bill, or upon the side of humanity, rather than upon the side of inhumanity, injustice, and what I regard as indefensible in good morals.

The amendment of Mr. WRIGHT was rejected.

The bill was finally passed, and on its passage the yeas and nays were as follows :

YEAS—Messrs. Aldrich, Alley, Arnold, Ashley, Babbitt, Baker, Baxter, Beaman, Bingham, Francis P. Blair, Samuel S. Blair, Blake, George H. Browne, Bollinton, Campbell, Chamberlin, Clark, Colfax, Frederick A. Conkling, Roseco Conkling, Covode, Davis, Dawes, De mo, Diven, Dell, Dunn, Edgerton, Edwards, Eliot, English, Fenton, Fessenden, Fisher, Franchot, Frank, Gooch, Goodwin, Grainger, Haight, Hale, Hancock, Harrison, Hickman, Hooper, Hutchins, Julian, Kelley, Francis W. Kollogg, Killinger, Lansing, Loomis, Lovejoy, McKnight, McPherson, Mitchell, Moorhead, Anson P. Morrill, Justin S. Morrill, Nixon, O'Fallon, Olin, Patton, Pike, Potter, Potter, Alexander F. Rice, John H. Rice, Biddle, Edward H. Rollins, Sargent, Sedgwick, Shanks, Sheffield, Shelbarger, Sloan, Spaulding, Stevens, Stratton, Benjamin F. Thomas, Train, Trowbridge, Van Horn, Van Valkenburgh,

Verree, Wallace, E. P. Walton, Washburne, Wheeler, Albert S. White, Wilson, and Windom—92.

NAYS—Messrs. Allen, Joseph Baily, Biddle, Jacob B. Blair, William G. Brown, Casey, Crittenden, Delaplaine, Dunlap, Grider, Hill, Harding, Holman, Johnson, Knapp, Law, Lazear, Malory, Menzies, Morris, Noble, Norton, Nugen, Pendleton, Perry, Price, James S. Rollins, Shiel, John B. Steele, William G. Steele, Francis Thomas, Vallandigham, Voorhees, Wadsworth, Ward, Chilton A. White, Wickliffe, and Wright—38.

During the call Mr. COX of Ohio said that he would have voted against the bill in all its stages, but that he was paired with Mr. POMEROY.

Mr. WHALEY stated that he was paired with Mr. CUTLER of Ohio.

WASHINGTON, D. C.

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