

Pending debate,

The President announced that the morning hour had expired, and called up for consideration the unfinished business of the Senate of yesterday; and

The Senate resumed the consideration of the joint resolution (S. 16) proposing amendments to the Constitution of the United States; and,

On the question, Will the Senate concur in the amendment made to the joint resolution in Committee of the Whole?

After debate,

On motion by Mr. Saulsbury to amend the amendment made in Committee of the Whole, by striking out the words "Article xiii, section 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. Section 2. Congress shall have power to enforce this article by appropriate legislation;" and inserting, in lieu thereof, the following:

ARTICLE XIII.

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

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

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

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

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

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

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

SEC. 8. The present right of representation in section two, article one, of this Constitution shall not be altered without the consent of all the States maintaining the right to involuntary service or labor south of latitude 36° 30,' but

art. 1 section 2
U.S. Const.

[APRIL 8, 1864.]

nothing in this Constitution or its amendments shall be construed to deprive any State south of the right of said latitude 36° 30' of abolishing involuntary servitude at its will.

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

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

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

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

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

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

Sec. 15. All acts of any inhabitant of the United States tending to incite persons held to service or labor to insurrection or acts of domestic violence, or to abscond, are hereby prohibited and declared to be a penal offence, and all the courts of the United States shall be open to suppress and punish such offences at the suit of any citizen of the United States or the suit of any State.

Sec. 16. All conspiracies in any State to interfere with lawful rights in any other State or against the United States shall be suppressed; and no State or the people thereof shall withdraw from this Union without the consent of three-fourths of all the States, expressed by an amendment proposed and ratified in the manner provided in article five of the Constitution. Jan 1863

Sec. 17. Whenever any State wherein involuntary servitude is recognized or allowed shall propose to abolish such servitude, and shall apply for pecuniary assistance therein, the Congress may in its discretion grant such relief, not exceeding one hundred dollars, for each person liberated; but Congress shall not propose such abolishment or relief to any State.

Congress may assist free persons of African descent to emigrate and civilize Africa.

Sec. 18. Duties on imports may be imposed for revenue, but shall not be excessive or prohibitory in amount.

Sec. 19. When all of the several States shall have abolished slavery, then and thereafter slavery or involuntary servitude, except as a punishment for crime, shall never be established or tolerated in any of the States or Territories of the United States, and they shall be forever free.

Sec. 20. The provisions of this article relating to involuntary labor or servitude shall not be altered without the consent of all the States maintaining such servitude:

It was determined in the negative.

On the question to concur in the amendment made in Committee of the Whole,

It was determined in the affirmative.

No further amendment being made to the joint resolution,

Ordered, That it be engrossed and read a third time.

The said resolution was read the third time.

On the question, Shall the joint resolution pass?

It was determined in the affirmative, { Yeas..... 38
Nays..... 6

On motion by Mr. Powell,

The yeas and nays being desired by one fifth of the senators present,

Those who voted in the affirmative are,

Messrs. Anthony, Brown, Chandler, Clark, Collamer, Conness, Cowan, Dixon, Doolittle, Fessenden, Foot, Foster, Grimes, Hale, Harding, Harlan, Harris, Henderson, Howard, Howe, Johnson, Lane of Indiana, Lane of Kansas, Morgan, Morrill, Nesmith, Pomeroy, Ramsey, Sherman, Sprague, Sumner, Ten Eyck, Trumbull, Van Winkle, Wade, Wilkinson, Willey, Wilson.

Those who voted in the negative are,

Messrs. Davis, Hendricks, McDougall, Powell, Riddle, Saulsbury.

So it was *Resolved*, (two-thirds of the senators present concurring,) That the joint resolution pass.

On motion, the title was amended to read: A joint resolution submitting to the legislatures of the several States a proposition to amend the Constitution of the United States.

Ordered, That the Secretary request the concurrence of the House of Representatives therein.

Mr. Doolittle presented a memorial of the legislature of Wisconsin, praying the passage of an act for the issue of patents to lands purchased of the Stockbridge Indians, in conformity with an act approved March 3, 1843, and recommending the sale of all unsold lands of the Stockbridge reservations, and that the price be fixed at one dollar and twenty-five cents per acre; which was referred to the Committee on Indian Affairs.

On motion by Mr. Morrill,

Ordered, That the Committee on Claims be discharged from the further consideration of the memorial of certain contractors for, and builders of, side-wheel gunboats, known as "double-enders," for an additional allowance on their contracts, and that it be referred to the Committee on Naval Affairs.

The Vice-President signed the enrolled bills, (S. 79, S. 82, S. 155, S. 163, H. R. C. C. 114, H. R. C. C. 115, H. R. C. C. 116, H. R. 302, and H. R. 373,) last reported to have been examined, and they were delivered to the committee to be presented to the President of the United States.

On motion by Mr. Grimes,

Ordered, That when the Senate adjourn, it be to Monday next; and

On motion by Mr. Lane, of Indiana,
The Senate adjourned.

MONDAY, APRIL 11, 1864.

The Vice-President being absent, the Secretary called the Senate to order and read the following letter:

VICE-PRESIDENT'S CHAMBER,
Washington, April 9, 1864.

Sir: I shall be absent from the city on Monday next. Please communicate information of this fact to the Senate on Monday morning.

Yours, very respectfully,

H. HAMLIN.

Hon. J. W. FORNEY, *Secretary of the Senate.*

Mr. John R. Eden	Mr. Philip Johnson	Mr. Warren P. Noble	Mr. Myer Strouse
Joseph K. Edgerton	William Johnson	John O'Neill	John T. Stuart
Charles A. Eldridge	Martin Kalbfleisch	George H. Pendleton	Lorenzo D. M. Sweat
William E. Finck	Francis Kernan	Nehemiah Perry	Dwight Townsend
John Ganson	Anthony L. Knapp	John V. L. Pruyn	William H. Wadsworth
Henry Grider	John Law	Samuel J. Randall	Elijah Ward
William A. Hall	Alexander Long	James O. Robinson	Obilton A. White
Aaron Harding	Robert Mallory	Lewis W. Ross	Joseph W. White
Henry W. Harrington	William H. Miller	John G. Scott	Charles H. Winfield
Benjamin G. Harris	James R. Morris	William G. Steele	Benjamin Wood
Charles M. Harris	William R. Morrison	John D. Sikes	Fernando Wood
William S. Holman			

Those who voted in the negative are—

Mr. John B. Alley	Mr. Henry C. Deming	Mr. Austin A. King	Mr. Edward H. Rollins
William B. Allison	Nathan F. Dixon	Samuel Knox	James S. Rollins
Oakes Ames	Ignatius Donnelly	DeWitt C. Littlejohn	Robert C. Schenck
Lucien Anderson	John F. Driggs	Benjamin F. Loan	Glenn W. Seofield
Isaac N. Arnold	Ebenezer Dumont	John W. Longyear	Thomas B. Shannon
James M. Ashley	Ephraim R. Eckley	James M. Marvin	Ithamar C. Sloan
Joseph Bailey	Thomas D. Eliot	Archibald McAllister	Green Olaf Smith
Augustus C. Baldwin	John F. Farnsworth	John R. McBride	Nathaniel B. Smithers
John D. Baldwin	Augustus Frank	Joseph W. McClurg	Rufus P. Spalding
Portus Baxter	James A. Garfield	Walter D. McIndoe	John F. Starr
Fernando C. Beaman	Daniel W. Gooch	Samuel F. Miller	Thaddeus Stevens
James G. Blaine	Josiah B. Grinnell	James K. Moorhead	M. Russell Thayer
Jacob B. Blair	John A. Griswold	Justin S. Morrill	Francis Thomas
Henry T. Blow	James T. Hale	Daniel Morris	Henry W. Tracy
George S. Boutwell	Anson Herrick	Amos Myers	Charles Upson
Sempronius H. Boyd	William Higby	Leonard Myers	R. B. Van Valkenburgh
Augustus Brandegee	Samuel Hooper	Jesse O. Norton	Ellihu B. Washburne
John M. Broomall	Giles W. Hotchkiss	Moses F. Odell	William B. Washburn
William G. Brown	Asabel W. Hubbard	Charles O'Neill	Edwin H. Webster
Ambrose W. Clark	John H. Hubbard	Godlove S. Orth	Ezra Wheeler
Freeman Clarke	Calvin T. Hulburd	James W. Patterson	Thomas Williams
Anasa Cobb	Ebon C. Ingersoll	Sidney Perham	A. Carter Wilder
Alexander H. Coffroth	Thomas A. Jenckes	Frederick A. Pike	James F. Wilson
Cornelius Cole	George W. Julian	Theodore M. Pomeroy	William Windom
John A. J. Creswell	John A. Kasson	Hiram Price	Fred'k E. Woodbridge
Henry Winter Davis	William D. Kelley	William H. Randall	Henry G. Worthington
Thomas T. Davis	Francis W. Kellogg	Alexander H. Rice	George H. Yeaman
Henry L. Dawes	Orlando Kellogg	John H. Rice	

Those not voting are—

Mr. James E. English	Mr. Daniel Marcy	Mr. Homer A. Nelson	Mr. John B. Steele
Wells A. Hutchins	James F. McDowell	William Radford	Daniel W. Voorhees
Jesse Lazar	John F. McKinney	Andrew J. Rogers	Kellian V. Whaley
Francis C. Le Blond	George Middleton		

So the House refused to lay the motion to reconsider on the table.

The question then recurring on the demand for the previous question, it was seconded and the main question ordered and put, viz: Shall the vote by which the said joint resolution was rejected be reconsidered?

And it was decided in the affirmative,	Yeas.....	112
	Nays.....	57
	Not voting.....	13

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. John B. Alley	Mr. Alexander H. Coffroth	Mr. Anson Herrick	Mr. John R. McBride
William B. Allison	Cornelius Cole	William Higby	Joseph W. McClurg
Oakes Ames	John A. J. Creswell	Samuel Hooper	Walter D. McIndoe
Lucien Anderson	Henry Winter Davis	Giles W. Hotchkiss	Samuel F. Miller
Isaac N. Arnold	Thomas T. Davis	Asabel W. Hubbard	James K. Moorhead
James M. Ashley	Henry L. Dawes	John H. Hubbard	Justin S. Morrill
Joseph Bailey	Henry C. Deming	Calvin T. Hulburd	Daniel Morris
John D. Baldwin	Nathan F. Dixon	Ebon C. Ingersoll	Amos Myers
Portus Baxter	Ignatius Donnelly	Thomas A. Jenckes	Leonard Myers
Fernando C. Beaman	John F. Driggs	George W. Julian	Jesse O. Norton
James G. Blaine	Ebenezer Dumont	John A. Kasson	Moses F. Odell
Jacob B. Blair	Ephraim R. Eckley	William D. Kelley	Charles O'Neill
Henry T. Blow	Thomas D. Eliot	Francis W. Kellogg	Godlove S. Orth
George S. Boutwell	James E. English	Orlando Kellogg	James W. Patterson
Sempronius H. Boyd	John F. Farnsworth	Austin A. King	Sidney Perham
Augustus Brandegee	Augustus Frank	Samuel Knox	Frederick A. Pike
John M. Broomall	James A. Garfield	DeWitt C. Littlejohn	Theodore M. Pomeroy
William G. Brown	Daniel W. Gooch	Benjamin F. Loan	Hiram Price
Ambrose W. Clark	Josiah B. Grinnell	John W. Longyear	William H. Randall
Freeman Clarke	John A. Griswold	James M. Marvin	Alexander H. Rice
Anasa Cobb	James T. Hale	Archibald McAllister	John H. Rice

Mr. Edward H. Rollins
James S. Rollins
Robert C. Schenck
Glenn W. Scofield
Thomas B. Shannon
Ithamar C. Sloan
Green Clay Smith

Mr. Nathaniel B. Smithers
Rufus P. Spalding
John F. Starr
Thaddeus Stevens
M. Russell Thayer
Francis Thomas
Henry W. Tracy

Mr. Charles Upson
R. B. Van Valkenburgh
Ellihu B. Washburne
William B. Washburn
Edwin H. Webster
Kellian V. Whaley
Ezra Wheeler

Mr. Thomas Williams
A. Carter Wilder
James F. Wilson
William Windom
Fred'ck B. Woodbridge
Henry G. Worthington
George H. Yeaman.

Those who voted in the negative are—

Mr. James O. Allen
William J. Allen
Sydenham E. Ancona
George Bliss
James Brooks
James S. Brown
John W. Chandler
Brutus J. Clay
Samuel S. Cox
James A. Cravens
John L. Dawson
Charles Denison
John R. Eden
Joseph K. Edgerton
Charles A. Eldridge

Mr. William E. Finck
John Ganson
Henry Grider
William A. Hall
Aaron Harding
Henry W. Harrington
Benjamin G. Harris
Charles M. Harris
William S. Holman
Philip Johnson
William Johnson
Martin Kabisch
Francis Kernan
Anthony L. Knapp

Mr. John Law
Alexander Long
Robert Maltory
William H. Miller
James R. Morris
William B. Morrison
Warren P. Noble
John O'Neill
George H. Pendleton
Nehemiah Perry
John V. L. Pruyn
Samuel J. Randall
James C. Robinson
Lewis W. Ross

Mr. John G. Scott
William G. Steele
John D. Stiles
Myer Strouse
John T. Stuart
Lorenzo D. M. Sweat
Dwight Townsend
William H. Wadsworth
Elijah Ward
Oulton A. White
Joseph W. White
Charles H. Winfield
Benjamin Wood
Fernando Wood.

Those not voting are—

Mr. Augustus C. Baldwin
Wells A. Hutchins
Jesse Lazear
Francis G. Le Blond

Mr. Daniel Marcy
James F. McDowell
John F. McKinney

Mr. George Middleton
Homer A. Nelson
William Radford

Mr. Andrew J. Rogers
John B. Steele
Daniel W. Voorhees.

So the motion to reconsider was agreed to.

The question again recurring on the passage of the said joint resolution,
Mr. Ashley moved the previous question; which was seconded and the
main question ordered and put, viz: Shall the joint resolution pass?

And it was decided in the affirmative, { Yeas 119
Nays 56
Not voting 8

Two-thirds voting in favor thereof.

The yeas and nays being desired by one-fifth of the members present,

Those who voted in the affirmative are—

Mr. John B. Alley
William B. Allison
Oakes Ames
Lucien Anderson
Isaac N. Arnold
James M. Ashley
Joseph Baily
Augustus C. Baldwin
John D. Baldwin
Forus Baxter
Fernando C. Beaman
James G. Blaine
Jacob B. Blair
Henry T. Blow
George S. Boutwell
Sempronius H. Boyd
Augustus Brandegee
John M. Broomall
William C. Brown
Ambrose W. Clark
Freeman Clarke
Amasa Cobb
Alexander H. Coffroth
Cornelius Cole
John A. J. Craswell
Henry Winter Davis
Thomas T. Davis
Henry L. Davies
Henry C. Deming
Nathan F. Dixon

Mr. Ignatius Donnelly
John F. Driggs
Ebenezer Dumont
Ephraim R. Eckley
Thomas D. Eliot
James E. English
John F. Farnsworth
Augustus Frank
John Ganson
James A. Garfield
Daniel W. Gooch
Josiah B. Grinnell
John A. Grisvold
James T. Hale
Anson Herrick
William Higby
Samuel Hooper
Giles W. Hotchkiss
Asahel W. Hubbard
John H. Hubbard
Calvin T. Hulburd
Wells A. Hutchins
Ebon C. Ingersoll
Thomas A. Jenckes
George W. Julian
John A. Kasson
William D. Kelley
Francis W. Kellogg
Orlando Kellogg
Austin A. King

Mr. Samuel Knox
DeWitt C. Littlejohn
Benjamin F. Loan
John W. Longyear
James M. Marvin
Archibald McAllister
John R. McBride
Joseph W. McClurg
Walker D. McIndoe
Samuel F. Miller
James K. Moorhead
Justin S. Morrill
Daniel Morris
Amos Myers
Leonard Myers
Homer A. Nelson
Jesse O. Norton
Moses F. Odell
Charles O'Neill
Godlove S. Orth
James W. Patterson
Sidney Perham
Frederick A. Pike
Theodore M. Pomeroy
Hiram Price
William Radford
William H. Randall
Alexander H. Rice
John H. Rice
Edward H. Rollins

Mr. James S. Rollins
Robert C. Schenck
Glenn W. Scofield
Thomas B. Shannon
Ithamar C. Sloan
Green Clay Smith
Nathaniel B. Smithers
Rufus P. Spalding
John F. Starr
John B. Steele
Thaddeus Stevens
M. Russell Thayer
Francis Thomas
Henry W. Tracy
Charles Upson
R. B. Van Valkenburgh
Ellihu B. Washburne
William B. Washburn
Edwin H. Webster
Kellian V. Whaley
Ezra Wheeler
Thomas Williams
A. Carter Wilder
James F. Wilson
William Windom
Fred'ck B. Woodbridge
Henry G. Worthington
George H. Yeaman,
and Schuyler Colfax,
Speaker.

Those who voted in the negative are—

Mr. James O. Allen
William J. Allen
Sydenham E. Ancona
George Bliss

Mr. James Brooks
James S. Brown
John W. Chandler
Brutus J. Clay

Mr. Samuel S. Cox
James A. Cravens
John L. Dawson
Charles Denison

Mr. John R. Eden
Joseph K. Edgerton
Charles A. Eldridge
William E. Finck