

IN THE SENATE OF THE UNITED STATES.

DECEMBER 4, 1865.—Ordered to be printed.

Mr. SUMNER submitted the following

RESOLUTIONS:

CONCURRENT RESOLUTIONS declaratory of the adoption of the constitutional amendment abolishing slavery.

Whereas the Congress, by a vote of two-thirds of both houses, did heretofore propose to the legislatures of the several States for ratification an amendment to the Constitution in the following words, to wit:

“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 whereas, at the time when such amendment was submitted, as well as since, there were sundry States which, by reason of rebellion, were without legislatures, so that while the submission was made in due constitutional form, it was not, as it could not be, made to all the States, but to “the legislatures of the several States,” in obedience both to the letter and spirit of the provision of the Constitution authorizing amendments, there being a less number of legislatures of States than there were States; and whereas since the Constitution expressly authorizes amendments to be made, any construction thereof which would render the making of amendments at times impossible must violate both its letter and its spirit; and whereas to require the ratification to be by States without legislatures as well as by “the legislatures of the States,” in order to be pronounced valid would put it in the power of a long-continued rebellion to suspend not only the peace of the nation, but its Constitution also; and whereas, from the terms of the Constitution and the nature of the case, it belongs to the two houses of Congress to determine when such ratification is complete; and whereas more than three-fourths of the legislatures to which the proposition was made have ratified such amendment: Now, therefore,

Be it resolved by the Senate, (the House of Representatives concurring,) That the amendment abolishing slavery has become and is a part of the Constitution of the United States.

Resolved, That notwithstanding the foregoing resolution, and considering the great public interest which attaches to this question, the legislatures which have not ratified the amendment be permitted to express their concurrence therein by the usual form of ratification, to be returned in the usual manner

Resolved, That no one of the States, to the legislatures of which such amendment could not be submitted, by reason of its being in rebellion against the United States and having no legislature, be permitted to resume its relations, and have its legislature acknowledged, and its senators and representatives admitted, until its legislature shall have first ratified such amendment in recognition of the accomplished fact.

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