
IN THE HOUSE OF REPRESENTATIVES

JANUARY 28, 1861.

Read a first and second time, referred to the select committee of five, and ordered to be printed.

Mr. JOHN COCHRAN, by unanimous consent, introduced the following bill :

A BILL

To provide for taking the sense of the people of the several States on certain proposed amendments to the Constitution of the United States.

Whereas the Union is in imminent danger of final dissolution, the consequence of a protracted strife and agitation about the institution of African slavery ; and whereas it is believed that legislative remedies are insufficient to meet and remove the cause of this impending disaster ; and as amendments to the Constitution can only be submitted by a vote of two-thirds of both houses of Congress, and owing to the unhappy divisions existing in those houses at present it is not believed that the assent of two-thirds of the members of either can be had to such amendments to the Constitution as would reconcile the differences between the north and the south ; and whereas it is a cardinal principle of our representative system that the representative shall obey the will of the people, it is deemed proper and necessary to ask the opinion and judgment of the people of the several States on proposed amendments to the Constitution, with the view to their submission by a vote of

two-thirds of each branch of Congress for the ratification of the States, as provided in the Constitution, thereby restoring our distracted country to its accustomed peace and prosperity : Therefore—

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the citizens of the several States qualified to vote for
4 members of Congress are hereby requested to hold an election
5 on Tuesday, the twelfth day of February next, for the purpose
6 of deciding for or against the annexed proposed amendments
7 to the Constitution of the United States.

1 SEC. 2. *And be it further enacted,* That those who are
2 for the proposed amendments to the Constitution shall vote a
3 ballot bearing the words "for the amendments," and those
4 opposed to the amendments shall vote a ballot bearing the
5 words "against the amendments."

1 SEC. 3. *And be it further enacted,* Said election shall
2 be held at the same places, in the same manner, and under the
3 same laws as the last election for President and Vice-President
4 of the United States, and be conducted by the same judges,
5 inspectors, and other officers.

1 SEC. 4. *And be it further enacted,* The return judges of
2 the several election districts for each county shall meet at
3 the county seat on the Thursday following the day of the
4 said election, and count up the returns for said county, set-
5 ting forth the whole number of votes cast for the amend-

6 ments, and the whole number of votes against the amend-
7 ments; one copy of which shall be forwarded by mail to the
8 Secretary of the Senate of the United States, and another to
9 the Governor of the State, and that sent to the governor shall
10 contain a statement of the actual and necessary expenses of
11 holding said election.

1 **SEC. 5. *And be it further enacted,*** That the compensa-
2 tion of the officers holding said election, and the other ex-
3 penses thereof, shall be the same as the compensation and ex-
4 penses of holding the last election for President and Vice-Presi-
5 dent of the United States, and shall be paid out of the United
6 States treasury in the manner hereinafter provided.

1 **SEC. 6. *And be it further enacted,*** That the governors
2 of the several States are hereby respectfully requested to cause
3 to be made out, and forwarded to the Secretary of the Interior,
4 a tabular statement of the amount of the expenses of holding
5 said election in their respective States, exhibiting the amount
6 due each county, attested under the seal of the State by the
7 proper officers; and the Secretary of the Interior shall draw drafts
8 on the United States treasury in favor of the governors of
9 the respective States for the amounts due to the several coun-
10 ties, to be paid to the parties in each county entitled to receive
11 the same; and the Secretary of the Treasury is hereby au-
12 thorized and required to pay the amount of said drafts out of
13 any money in the treasury.

1 **SEC. 7. *And be it further enacted,*** That it shall be the
2 duty of the Secretary of the Senate to cause said election re-
3 turns to be opened, counted, and filed as fast as received, and
4 cause tabular statements to be made exhibiting the result in
5 each State, one copy of which shall be delivered to the Presi-
6 dent of the Senate for the use of that body, another to the
7 Speaker of the House of Representatives for the use of that
8 body; and it is hereby made the duty of each and all the
9 clerks now in the employment of the Senate, in addition to
10 their other duties, to assist the Secretary in the performance
11 of the duties hereby imposed upon him.

1 **SEC. 8. *And be it further enacted,*** That the President
2 of the United States is hereby authorized to issue a proclama-
3 tion to the governors, and all others in civil authority, and to
4 the people of the several States, announcing to them the day
5 fixed for said election, presenting its general objects, and re-
6 questing their cordial co-operation in the prompt and faithful
7 execution of the provisions of this act.

1 **SEC. 9. *And be it further enacted,*** That it shall be the
2 duty of the Secretary of the Interior, immediately after the
3 passage of this act, to cause accurate copies of the same to
4 be printed and forwarded by mail to the sheriff of the sev-
5 eral counties of each State, and the said sheriffs are hereby
6 requested to make proclamation, in not more than two news-
7 papers in each county, of the day of said election, and setting

8 forth the proposed amendments to be voted on, and the ex-
9 penses incurred under the provisions of this section shall be
10 paid as hereinafter provided for other expenses of said election.

11 That the following articles be, and they are hereby, pro-
12 posed and submitted as amendments to the Constitution of the
13 United States, which shall be valid, to all intents and purposes,
14 as part of said Constitution, when ratified by the conventions
15 of three-fourths of the States held for that purpose :

16 ARTICLE 1. That the territory now held, or that may
17 hereafter be acquired by the United States, shall be divided by
18 a line from east to west on the parallel of thirty-six degrees
19 thirty minutes north latitude: *Provided*, That no territory
20 shall be hereafter acquired, unless by a two-thirds vote of the
21 Senate.

22 ARTICLE 2. That in all the territory north of said line
23 of latitude involuntary servitude, except as a punishment for
24 crime, is prohibited, and in all the territory south of said line
25 involuntary servitude, as it now exists in the States south of
26 Mason and Dixon's line, is hereby recognized, and shall be
27 sustained and protected by all the departments of the territorial
28 governments; and when any Territory north or south of said
29 line, within such boundaries as Congress may prescribe, shall
30 contain the population requisite for a member of Congress,
31 according to the then federal ratio of representation of the
32 people of the United States, it shall then be the duty of Con-

33 gress to admit such Territory into the Union on terms of
34 equality with the original States.

35 **ARTICLE 3.** Congress shall not have power to abolish
36 slavery in the places under its exclusive jurisdiction and situate
37 within the limits of States that permit the holding of slaves,
38 nor shall Congress have the power to abolish slavery in the
39 District of Columbia so long as it exists in the States of Mary-
40 land and Virginia, or either of them, nor without just com-
41 pensation being first made to the owners of such slaves.

42 **ARTICLE 4.** That, in addition to the provisions of the
43 third paragraph of the second section of the fourth article of
44 the Constitution of the United States, Congress shall have
45 power to provide by law, and it shall be its duty so to provide,
46 that the United States shall pay to the owner who shall apply
47 for it the full value of his fugitive slave, in all cases, when
48 the marshal, or other officer, whose duty it was to arrest said
49 fugitive, was prevented from so doing by violence or intimida-
50 tion, or when, after arrest, said fugitive was rescued by force,
51 and the owner thereby prevented and obstructed in the pursuit of
52 his remedy for the recovery of his fugitive slave, under the said
53 clause of the Constitution and the laws made in pursuance
54 thereof; and in all such cases, when the United States shall
55 pay for such fugitive, they shall have the right, in their own
56 name, to sue the county in which said violence, intimidation,
57 or rescue was committed, and to recover from it, with interest

58 and damages, the amount paid by them for said fugitive slave ;
59 and the said county, after it has paid said amount to the United
60 States, may, for its indemnity, sue and recover from the wrong-
61 doers, or rescuers, by whom the owner was prevented from
62 the recovery of his fugitive slave, in like manner as the owner
63 himself might have sued and recovered.

64 **ARTICLE 5.** Congress shall have no power to prohibit or
65 hinder the transportation of slaves from one State to another,
66 or to a Territory in which slaves are by law permitted to be
67 held, whether transportation be by land, navigable rivers, or
68 by sea ; but the African slave trade shall never be revived,
69 except by the unanimous consent of both branches of Congress.

70 **ARTICLE 6.** Hereafter the President of the United States
71 shall hold his office during the term of six years, and shall not
72 be eligible to re-election.

73 **ARTICLE 7.** The Constitution shall not be hereafter
74 amended so as to destroy the effect of the third paragraph
75 of the second section of the first article of the Constitution,
76 nor the third paragraph of the second section of the fourth
77 article of the Constitution, nor so as to authorize Congress
78 to interfere with or destroy any of the domestic institutions
79 of the States, without the consent of all the States.

H. R. 957.

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