

AMENDMENT TO THE CONSTITUTION.

[To accompany H. Res. No. 43.]

MARCH 13, 1863.—Ordered to be printed.

Mr. WILLIAM LAWRENCE, from the Committee on the Judiciary, made the following:

REPORT.

The Committee on the Judiciary, to whom was referred "House joint resolution No. 43, proposing an amendment to the Constitution of the United States," report:

That they have had the same under consideration, and that some changes therein are deemed advisable.

The resolution, as introduced, is in these words:

Mr. WILLIAM LAWRENCE, of Ohio, on leave, introduced the following joint resolution:

JOINT RESOLUTION proposing an amendment to the Constitution of the United States.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the legislatures of the several States, which, when ratified by three-fourths of said legislatures, shall be valid, to all intents and purposes, as a part of said Constitution, namely:

ARTICLE —.

SECTION 1. Neither Congress nor any State shall ever authorize, provide for, or make payment to any person or persons on account of the emancipation of any slave or slaves in the United States, or as compensation therefor.

SEC. 2. *And be it further enacted,* That Congress shall have power to enforce this article by appropriate legislation, and the judicial power of the United States shall extend to all cases arising under this article and the laws made in pursuance thereof.

In April, 1862, Congress passed a joint resolution in these words:

JOINT RESOLUTION declaring that the United States ought to co-operate with, affording pecuniary aid to, any State which may adopt the gradual abolishment of slavery.

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States ought to co-operate with any State which may adopt gradual abolishment of slavery, giving to such State pecuniary aid, to be used by such State in its discretion, to compensate for the inconvenience, public and private, produced by such change of system.

Approved April 10, 1862.

In February, 1864, Congress passed an act containing a section as follows:

THIRTY-EIGHTH CONGRESS, SESSION 1, CH. 13, SEC. 24, 1864.

SECTION 24. *And be it further enacted,* That all able-bodied male colored persons between the ages of twenty and forty-five years, resident in the United States, shall be enrolled according to the provisions of this act, and of the act to which this is an amendment, and form part of the national forces; and when a slave of a loyal master shall be drafted and mustered in the service of the United States, his master shall have a certificate thereof, and thereupon

such slave shall be free; and the bounty of one hundred dollars, now payable by law for each drafted man, shall be paid to the person to whom such drafted person was owing service or labor at the time of his muster into the service of the United States. The Secretary of War shall appoint a commissioner in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service, a just compensation, not exceeding three hundred dollars, for each such colored volunteer, payable out of the fund derived from commutations; and every such colored volunteer, on being mustered into the service, shall be free.

Approved February 24, 1864.

WAR DEPARTMENT, *Washington, January 9, 1866.*

SIR: To the resolution of the House of Representatives of the 8th instant, in regard to the appointment of commissioners under the 24th section of the act of February 24, 1864, entitled "An act to amend an act entitled 'An act for enrolling and calling out the national forces, and for other purposes,'" approved March 3, 1863, I have the honor to answer:

1st. That commissioners were appointed in the States of Maryland and Delaware, and that in the other slave States, by the President's direction, no appointments have been made.

2d. That the sums awarded by the commissioners in Maryland and Delaware, and the amounts paid thereon, are set forth in the report of Assistant Adjutant General Foster, hereto annexed. The order of the President suspending further appointments, in the absence of any limitation of time in the act of Congress requiring them to be made, was the reason of the Secretary of War for not appointing commissioners in other slave States. The necessity of providing for the payment of troops, and the pressing exigencies of the war, required all the funds furnished by the treasury to be applied to those purposes, and for that reason payments on awards have been suspended.

The commutation funds referred to in the act of Congress, as reported by the Provost Marshal General, amounted, on the 24th day of February, 1864, to the sum of seven million four hundred and thirty-nine thousand and thirty-five dollars and twenty cents, (\$7,439,035 20.) The amount was subsequently increased by additional payments ten million four hundred and thirty-eight thousand five hundred and twenty-nine dollars and twenty-five cents, (\$10,438,529 25.) Portions thereof were applied to the purposes set forth in the accompanying report of the Provost Marshal General, amounting to the sum of eight million three hundred and sixty-two thousand six hundred and forty-one dollars, (\$8,362,641.) The Provost Marshal General reports on hand, subject to the provisions of said act, the sum of nine million five hundred and fourteen thousand nine hundred and twenty-three dollars and forty-five cents, (\$9,514,923 45,) being now over two millions more than was on hand at the date of the appropriation—February 24, 1864.

At the last session of Congress, on the 25th day of January, 1865, in answer to a resolution of inquiry, a report was made by the Secretary of War upon this subject to the House of Representatives, and also a report to the Senate, on the same day; copies of which reports are hereto attached. The President's direction remains unrevoked, and the necessity for the use of all available funds for the payment of troops and supplies still continues.

Very respectfully, your obedient servant,

EDWIN M. STANTON, *Secretary of War.*

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

ADJUTANT GENERAL'S OFFICE,
Bureau for Colored Troops, Washington, D. C., January 9, 1866.

SIR: In compliance with your instructions of this date to report as to the States where commissions have been appointed, and what awards have been made and what paid, under section 24 of the act of Congress approved February 24, 1864, I have the honor to report that commissions have been appointed for the States of Maryland and Delaware.

The commission for the State of Maryland was convened October 26, 1863, and dissolved October 18, 1865. There were filed with this commission three thousand eight hundred and sixty-seven claims for compensation under the act of Congress referred to.

Awards were made by the commission upon seven hundred and eighty-six claims, the amount awarded being.....

\$230,750
6,900

Twenty-five of these claims have been paid, amounting in the aggregate to.....

Leaving an unpaid balance of.....

223,850

The commission for the State of Delaware was convened July 21, 1864, and dissolved July 6, 1865. There were filed with this commission one hundred and fourteen claims. Awards were made by the commission upon forty-three claims, amounting to \$11,833. Upon these awards no payments have yet been made.

I have the honor to be, very respectfully, your obedient servant,
C. W. FOSTER, *A. A. Gen'l Vols.*

Hon. EDWIN M. STANTON, *Secretary of War.*

On the 9th of January the Secretary of War made a report to Congress, as follows:

WAR DEPARTMENT, PROVOST MARSHAL GENERAL'S OFFICE,
Washington, D. C., January 10, 1866.

SIR: I have the honor to acknowledge the receipt of a resolution of inquiry by the House of Representatives, of which the following is an extract, to wit: "and that he also inform this House the amount of said commutation fund on the said 24th day of February, 1864, and what disposition, if any, has since been made of said fund in whole or in part, and what amount of said fund now remains on hand and subject to the provisions of the act aforesaid."

The amount of the commutation fund in the treasury of the United States subject to draft on the 24th of February, 1864, was..... \$7,439,035 20
Since the 24th of February, 1864, there has been received...\$10,438,529 25

The expenditures from the commutation fund since February 24, 1864, are as follows:

For procurement of substitutes and recruits,
bounties, and premiums \$6,577,641 00
For enrolment and draft..... 1,785,000 00

(In these amounts is included the sum of \$30,000 turned over to the chief of the Bureau of Colored Troops.)

Total expenditures since February 24, 1864..... 8,362,641 00
Balance available, amount of the commutation fund received since February 24, 1864 2,075,888 25
Amount remaining in treasury of the United States subject to draft January 11, 1866 9,514,923 45

Very respectfully, your obedient servant,

JAMES B. FRY,
Provost Marshal General.

Hon. EDWIN M. STANTON,
Secretary of War.

WAR DEPARTMENT,
Washington City, January 25, 1865.

SIR: In answer to the resolution of the House of Representatives, dated the 17th instant, in relation to the appointment of commissioners in the slave States to award to the owners of slaves, enlisted as volunteers, compensation for their services, I have the honor to say, in reply to the first branch of the inquiry, that commissioners have been appointed in the States of Maryland and Delaware; and that in the other slave States, by the President's direction, no appointments have yet been made.

In answer to the second branch of the resolution, I have the honor to state that the amount of the commutation fund is reported by the Provost Marshal General to be \$12,170,663 45, a portion of which has been assigned for the payment of bounties required in raising new troops. It is believed, however, that there will be sufficient to pay the owners of slaves the sum allowed by the act of Congress.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. SCHUYLER COLFAX,
Speaker of the House of Representatives.

AMENDMENT TO THE CONSTITUTION.

WAR DEPARTMENT,
Washington City, January 25, 1865.

SIR: In reply to the resolution of the Senate of this date, making inquiry respecting the appointment of a "commission in each of the slave States represented in Congress, charged to award to each loyal person to whom a colored volunteer may owe service a just compensation," I have the honor to state that commissioners have been appointed in the States of Maryland and Delaware; and that in the other slave States, by the President's direction, no appointments have been made.

Very respectfully, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. HANNIBAL HAMLIN,
President of the Senate.

It is understood that in Maryland provision has been made by act of the legislature for compensation for slaves enlisted in the national forces.

In view of these provisions, involving the good faith of the nation, but without expressing any opinion as to how far existing laws should be carried out, the committee are clearly of opinion that the joint resolution approved April 10, 1862, does not give any just claim to compensation for slaves, since no State acted on the faith of it.

The committee therefore recommend the following amendments to the House joint resolution No. 43, to wit:

1. Strike out of section 1, line 12, the words "*in the United States.*" They are deemed unnecessary.
2. In section 2 strike out the words "*And be it further enacted, That.*"
3. Add at the end of section 1 the words "except as provided by statute in force prior to the 1st day of January, 1865."

And with these amendments the committee recommend that the joint resolution be passed.