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NEGRO SUFFRAGE.

SPEECH OF SENATOR HESTER CLYMER, OF BERKS COUNTY,

On Landon's resolution approving the action of those Members of Congress from Pennsylvania who voted in favor of the District of Columbia Negro Suffrage Bill, and instructing the Pennsylvania U. S. Senators to support the same in the U. S. Senate.

Mr. CLYMER said: Mr. Speaker: Were I at this hour to consult my own feelings, I should certainly not rise to address the Senate. For several days I have been suffering from a severe indisposition, and I do not know that I will be able to say what I have proposed for myself, with that clearness and that precision which I conceive the great importance of the question demands; and I should gladly remain silent did I not feel that a higher duty than is usually imposed upon a Senator falls to my lot. I feel, sir, that when one is charged to speak by every man who has voted for him and whom he immediately represents, and by thousands of others who have hitherto opposed him, who say, "for the sake of right, for the sake of justice, for our own sake and those who are to come after us, give utterance to our sentiments in the Senate of Pennsylvania"—I say, when called upon by such voices, coming up from every hill and valley of the Commonwealth, I could not refrain from speaking, however imperfectly the duty may be performed.

In addition, sir, I am called upon by past memories in this State, by the past action of the good and great men who laid her foundations upon certain immutable principles, and who guided her destinies since she was a weak and dependent colony.

By all these considerations I feel constrained, at this hour and upon this subject, to say something to this honorable body, and in so doing I shall not diverge from the issue directly made by the resolutions offered by the Senator from Bradford (Mr. Landon.) I will not, unless compelled so to do, travel over the wide field embraced in the remarks of that Senator, and in the discursive effort of the Senator from Indiana (Mr. White.) I intend to confine myself to the question upon which instructions are proposed to be given. And, sir, for myself and the people of this State, I think the Senator from Bradford, that he, first of all, has had the hardihood, the boldness, eye sir, I may call it the daring courage, here and now to distinctly avow, and glory in the avowal, that all the blood and treasure spent, that all the ills untold which have befallen our land, that all the debt, the carnage and misery, the carnage and harvest of death through which we have just passed, was, sir, not to preserve a Constitution and restore a broken Union, but was to keep the party to which the Senator adheres, in power, through the co-operation and by the votes of an inferior and debased race, whom they already proudly call their allies! (Applause.)

Oh, sir, I confess to you it does require nerve and courage to do it. But I thank God the Senator has made the deliberate avowal, right here, where it may be met by the indignant scorn of the people of this State, and that the member of Congress from the Lancaster district, (Mr. Stevens,) has made a similar avowal upon the floor of Congress. He alone of all his party dared make it there. The Republican party of this State may not hereafter deny its position on this question.—It has long denied the issue. Would, sir, that it could have been fairly made years ago. How much of sorrow and of blood it would have spared this land? But, sir, the mask is thrown aside, the hideous purpose is at last disclosed; the hour of trial has come. The people shall sit in judgment; and we be to those who have so long deceived them, thereby drenching the land with blood and mortgaging the present and future generations with endless debt.

Mr. Speaker, the resolutions before the Senate are in these words:

"Whereas, A bill enfranchising the colored citizens of the District of Columbia lately passed the lower house of Congress, receiving the earnest support of our Republican members; therefore, be it

Resolved by the Senate and House, &c., That we approve and commend the action of our members in their support of this measure, and our Senators are requested and hereby instructed to vote for the same.

Resolved, That the Governor be requested to forward to each of our members and Senators in Congress a copy of this preamble and resolution."

THE DOCTRINE OF INSTRUCTIONS—UPON WHAT FOUNDED.

Before discussing the policy of the measure, for which our Representatives in Congress are thanked for having voted, and for which it is proposed to instruct our Senators to vote, I design briefly to discuss the doctrine of instructions.

It is based upon the supposition that those who give the instructions truly and unquestionably represent the majority of the whole people of the State; and that the question upon which instructions are given was a recognized principle in the

general platform of the party having the ascendancy in the State, or a distinct issue made before and approved by the people in some preceding election. I conceive these to be the only grounds on which instructions can have any binding force.

DOES THE SENATE OF PENNSYLVANIA, AS NOW CONSTITUTED, FAIRLY REPRESENT PARTIES IN THIS STATE?

In order to ascertain whether, if these instructions are passed by the General Assembly, they will truly represent the opinions of a majority of the whole people of Pennsylvania, or whether they will merely be an expression of the opinions of certain Senators and members who hold their seats in these halls by means of gerrymandered districts, or upon issues other than the one now presented, I shall have to refer to some facts and figures.

At the Presidential election in 1864, a larger vote was polled than ever before in this State, amounting in the aggregate to 562,707. Of these Mr. Lincoln received 296,391, and General McClellan 276,075; Mr. Lincoln's majority being 20,075. If you will divide the whole by the number composing this body, (thirty-three,) it will appear that the average number of voters to each Senator is 17,051. It follows, then, if the people of this State were fairly and honestly represented on this floor, and that if the State had not been wilfully and unconstitutionally by party drill and under the party lash gerrymandered, there should and would be sixteen Democratic Senators holding seats here instead of twelve, and but seventeen Republicans instead of twenty-one!

It were a useless waste of time to point out the means by which this nefarious scheme was accomplished, but I may not refrain from citing one specimen of the honesty and fairness of the Republican majority which fastened this injustice and outrage upon the people of this State.

At the Presidential election, the county of Lancaster polled 23,917 votes. At the same election, Berks county polled 19,976 votes. Lancaster polling but 2,941 votes more than Berks, and yet Lancaster has two Senators in this body and Berks but one; and in the House Lancaster has four members and Berks only three!—thereby giving the 2,941 votes which Lancaster has in excess of Berks one Senator and a member!!! I might cite other cases of like injustice and fraud, but I will not detain the Senate by referring to a subject for which there is no present remedy.

But, sir, assuming that there should be sixteen Senators on this floor representing the Democratic vote of the State, and that at least three if not a greater number of Republican Senators will decline to vote, or if voting, will do so against the resolutions, I ask, sir, whether even if you pass them, will they be the voice of a majority of the whole people of the State? There is, sir, but one answer to the question. They will be the instructions of a majority of the General Assembly, but clearly not of the whole people, and therefore of no binding force upon our Senators. I trust I have made this point clear and beyond cavil.

HAS THE QUESTION OF NEGRO SUFFRAGE BEEN FAIRLY IN ISSUE BEFORE THE PEOPLE OF THIS STATE?

My second proposition is that you cannot instruct upon a question which was not a recognized principle in the general platform of the party in the ascendancy in the State, or which was made a distinct issue and approved of by the people at some preceding election.

Will any Senator, Republican or Democrat, assert that the question of negro suffrage in the District of Columbia, in the Southern States, or in any State of the Union ever entered into the platform of the Republican party, framed at Baltimore in 1864, or into the one made in this State last August, under the guidance and direction of Mr. Cessna, the chairman of the State committee of that party?

On the contrary, sir, when the charge was made that a forced construction of that kind might attach to the Cessna platform of 1865, it was indignantly and officially denied by that gentleman. It was asserted vehemently, and with emphasis, by every Republican speaker every where in the State, so far as it came to my knowledge, that the Republicans as a party were opposed to the doctrine, and that they never would and never could be committed to any such policy. I will not speak for the Senator from Bradford (Mr. Landon,) nor the Senator from Erie (Mr. Lowry.) I know how far they are in advance of those who usually act with them, and how likely they are to tell the truth when others dissemble. I will not aver what they might have said, but I assert that elsewhere—everywhere in this broad State—it was denied to be an issue; and I challenge you now, my Republican friends, to say, if you had dared to make that issue, where you would have been? (Applause.) You would have been where the people of this State will consign you, after you have voted for these resolutions.

THE DISTRICT OF COLUMBIA AND THE DUTY OF CONGRESS TO LEGISLATE IN ACCORDANCE WITH THE VIEWS, WISHES AND INTERESTS OF THE PEOPLE OF THAT DISTRICT.

I have thus demonstrated that the res-

olutions, if passed, will not represent the will of a majority of the whole people of the State; that they are not upon a question embraced in the general platform of the dominant party, or arising from an issue involved in the late election in this State. I shall now proceed to discuss the subject matter of the resolution which is to instruct our Senators to vote for the bill before Congress, enfranchising the negro in the District of Columbia, and thanking and commending the Republican members of Congress from Pennsylvania for having advocated and voted for the bill when before that body.

In 1788-89 the States of Maryland and Virginia ceded certain portions of their territory for the purposes of a seat of government for the United States, and by the 8th article, sec. 1 of the Constitution of the United States, absolute authority over that district was conferred upon the Congress of the United States. It is not intended to dispute this fact, on the contrary, I admit it in its fullest, broadest, and most unequivocal signification. Congress was given absolute, unqualified, and (if I may use the expression) eternal control of that district. But, sir, will the Senator from Bradford, will any Senator who intends voting for these resolutions, pretend to say when that clause was put into the Constitution of the United States it was ever supposed by those who framed it, that the day would come when Congress would dare to legislate on any subject, against the views, and wishes, and interests of the people of that district?

Was it not, on the contrary, the only recognized doctrine, that the representatives of the people were ever to respect and obey their views, wishes and interests? Did not that principle enter—lay at the very foundations of our Government? Was it not implanted so deep down in the hearts of those who made the Constitution, that it could never have been supposed by them that evil hours like the present might come upon our country? No, sir; they were too jealous of the rights of men, ever to have conferred a power thus unlimited and illimitable, over their brethren and posterity, who were to inhabit that district, had they supposed that it would ever be exercised against their views, their wishes and their interests. Let who will attempt to deny this proposition; let who may decide it. I tell him that our past history will prove it; every principle that entered into the formation of our Government will establish it. Those who framed the Constitution, had waged a seven years war, to enable them and their posterity to maintain this doctrine, and enforce it, and they would have been the last men on earth to have committed any portion of their fellow-citizens to the tender mercies of a law-making power, in which their views, wishes and interests were not to be respected and obeyed. And, sir, that body to which this supreme jurisdiction was given, was ever in contemplation of those who conferred it, to legislate in accordance with the demands and wishes of the people of the district. They allowed that people no representative; they deprived them of a vote upon national affairs; a territory anomalous in condition was created, without representation, yet subject to taxation. But, sir, the States of Virginia and Maryland, which ceded the territory, and those who made the supreme law, which gave Congress the exclusive and absolute control over it, did so because they conceived that they were confiding that power to a body which, at no time, and under no circumstances would violate those fundamental principles, which, so long as one Government was administered with justice, were to govern the action of every legislative body in the land.

THE HISTORY OF PENNSYLVANIA ON THE SUBJECT OF NEGRO SUFFRAGE.

I have said, Mr. Speaker, that no government, in any age, or at any time, has granted this conventional or political right to all men of all ages, regardless of sex and color. The history of our own State is illustrative of the position I assume. It is written in her Constitution that "in elections by the citizens, every white freeman of the age of twenty-one years, having resided in this State one year, and in the election district where he offers to vote ten days immediately preceding such election, and within two years paid a State or county tax, which shall have been assessed at least ten days before the election, shall enjoy the rights of an elector."

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And further to illustrate my argument, and for the information of those who have failed to understand the reasons which lead to the adoption of the clause of our Constitution which I have just read, I propose, at this time, to cite the opinions of one of the ablest of our lawyers and statesmen, whose virtues, learning and eloquence will obtain for him the admiration of after times, in reference to the policy and necessity of inserting the word "white" in the first section of the third article. I refer to the Attorney General Mr. Meredith. He was a member of the convention which framed the existing Constitution of the Commonwealth.

EXTRACTS FROM THE SPEECH OF HON. W. M. MEREDITH, DELIVERED IN THE RE- FORM CONVENTION OF 1838 ON THE SUB- JECT.

On the 17th of January, 1838, the convention resumed the consideration of the report of the committee to whom was referred the third article of the Constitution. Mr. Martin, of Philadelphia, moved to further amend the first section of the article by inserting the word "white" before the word "freeman." The motion led to a prolonged and able debate; in which Mr. Meredith said:

"The right of suffrage ought to be the privilege of white citizens alone. And where is the injustice? The blacks came here fugitives from slavery, seeking from the chains of personal bondage. Is it not enough that they are protected by our laws? Are we bound to do more for them than for the English and German

emigrants who come into our State and from whom we ourselves have descended remotely and proximately? How is it with these emigrants? Is the right of suffrage bestowed upon them without a servitude of seven years, and the process of naturalization after oaths have been filed? Viewing the question as a statesman and not as connected with any theme of the equality of the human race—what have we to require of slaves who come here as fugitives from bondage? Nothing. Every citizen of the State of one year's residence, who has paid his tax, is entitled to vote. While the Englishman, the German and the Frenchman, who come into the State, must serve seven years before they can be permitted to vote.

"He did not think the argument sound which required us then to open the polls to all these blacks. He shuddered at the consequence of throwing open our polls to all who might come here to exercise the right of suffrage. He thought it wiser not to incur the risk of having our institutions controlled by a race to which we do not belong. No one denies the possession of intellect and virtue to the blacks; but I require more than this—while we resist all association with them in private life, and repel the idea of intermarriage with the race and amalgamation with them—to induce me to give them the right of suffrage and to run the risk, however remote it may be, of having the government of this State in the hands of the African race—that they should exercise control over its administration.

IS THE ELECTIVE FRANCHISE ONE OF THE NATURAL RIGHTS OF MANKIND?

In order to reach the general principle, I proposed briefly to examine this doctrine enunciated by the Senator from Bradford, (Mr. Landon,) that elective franchise is one of the natural rights of mankind. It is true the Senator did not enunciate it in specific terms. His argument was general in its character, but I drew the conclusion that he claimed it to be a natural right. If I am wrong I beg to be corrected here, and now.

Mr. Speaker, I have always considered, and, I believe, every writer on the subject, has hitherto adjudged that the natural rights of men are protection to life, to liberty, to reputation, to property. If the right to vote is one of the natural rights, it should be exercised by all mankind, without limitation as to age or sex, race or color, at all times, everywhere and under all circumstances; because all governments profess, at least, to furnish protection to life, liberty, reputation and property. But, sir, has any Government any where, at any time, granted unlimited, unconditional suffrage? To state the proposition is to show its absurdity, because if it be a natural right it should be exercised by all men, of every age, by both sexes, and at all times. Has this ever been done? I ask the Senator if it has ever been permitted any where? Is it not, on the contrary, a right which belongs to and is vested in the whole body politic, whose exclusive right it is to determine when, where and by whom it shall be exercised, and under what restrictions? It is, therefore, not a natural right, but purely a conventional or political right, to be exercised by those only who are adjudged worthy of it by the whole body of the people.

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"He was entirely at a loss to perceive how they could reconcile the idea of the two parties going to the polls together for the purpose of depositing their votes in the same ballot boxes. He knew certain parts of Pennsylvania, in which such an attempt could not possibly be made without bloodshed.

"He knew of no principles of religion; he knew of no principles of humanity; he knew of no principles of civil freedom which made it imperative upon this body to adopt such a course, which must eventually lead to such results, as he had described.

"If we viewed this as a political question, and as a political right, he thought that it would be apparent that it became our duty to give the elective franchise to those only who could enjoy it, and thro' the medium of whom the peace and prosperity of society would be promoted.

"It is enough surely that when these races are brought to the shores of the United States and placed in bondage, that we restore them to the condition of men and confer on them the blessings of liberty. We are not bound to give him political rights, which may enable them at some future day to wrest the government from the hands of the descendants of those who founded it. His course, therefore, was influenced by consideration connected with the safety and prosperity of the Commonwealth. The question ought to be considered under such views and not in reference to any wild notions of humanity. What would be the consequences of all these slaves being permitted to run here and vote? What would be the state of feeling which it would be calculated to give rise to between them and the white citizens, whose privileges would thus be trampled on? The inevitable result would be that the blacks must go the wall, as the weaker party; and this would bring about a condition of things fruitful of evil, similar to that which exists in the Southern States, where parties would be divided, not according to political views, or any of the great principles of government; but solely and exclusively with reference to color."

Mr. Meredith pursued the same line of argument and of thought through the prolonged and able debate. He made the closing argument in favor of the amendment proposed by Mr. Martin to insert the word "white," and upon the test vote his name will be found among the "ayes"—there being 77 in its favor to 45 against it, as will appear by reference to the debates of the Convention, vol. x, p. 106.

I do not know, sir, that Mr. Meredith has changed in opinion on this question from that day to this. I can only say that no man can add strength to the argument he then made. I commend it to the dispassionate judgment of those Senators who have always professed to entertain great confidence in his opinions, legal, political and moral. I trust it will enable them to understand the reasons which actuated him as a Pennsylvanian and a patriot in the Convention in 1838, and if they agree with him that it would be prejudicial to our highest interests to permit the sparse negro population of this Commonwealth to enjoy the elective franchise, they will not instruct our Senators to force it upon a people where the blacks will surely control the elections. Let them observe the golden rule—"Do unto others as you would have them do unto you."

THE OPINIONS OF JUDGE HOPKINS ON THE SUBJECT.

Another distinguished member of that convention, one renowned for his ability as a judge, and one who added all the graces of a high literary culture to his character as a man, was the late Judge

Joseph Hopkinson, of Philadelphia; he who wrote one of our national hymns—"Hail Columbia;" he, too, has left on record the reasons why he voted with Mr. Meredith in favor of inserting the word "white" in our Constitution. If possible he stated his views in stronger and more emphatic utterances than did Mr. Meredith.

By reference to vol. x, pages 94-95 of the convention, it will appear that—"Mr. Hopkinson reminded the convention that his argument had been and now is, that in the actual relations now subsisting between the white and black population of this Commonwealth—which is not likely to be changed, for nobody here, even the most zealous advocates for equality, has proposed or anticipated or desired any such change—it will be unwise, it will be dangerous to us and to them to admit them to political rights on an equality with ourselves; and what is the difficulty? what the objection? It is here—that while you exclude them, as you actually do, and as you mean to continue to do, from any approach to a social equality, you cannot wisely or safely confer upon them political rights. Has any attempt been made to meet this view of the case? to answer this argument? He had heard none."

And I, to day, have heard of none. I have not heard the Senator from Bradford, (Mr. Landon,) certainly I have not heard the Senator from Indiana, (Mr. White,) say that while he would grant them political rights he would raise them to his own social level. They have not been bold and daring enough to do that; they have not dared so grossly to insult an instinct which is felt by every man. But if you do the one, you must do the other as an inevitable consequence. Meredith said so; Hopkinson said so; every man of judgment and of foresight who has argued upon this question, says, that if you grant them the political privilege you must grant them social equality. Because, sir, if you give them the right to vote, you give them the right to be voted for; and if you give them the right to be voted for, you put them in position here, in position there, and in position all over this Commonwealth—in your jury boxes and upon your judicial bench. Are Senators prepared for that? Will they take the consequences of a position of that kind? I refer them for my authority that this must be the consequence, to two gentlemen—one still living, the other dead—as highly honored as any two men whose names have ever graced the annals of Pennsylvania.

Now, that I have not misquoted Judge Hopkinson, I will read further from his remarks:

"Has any gentleman on this floor, the boldest and warmest advocate for negro equality and suffrage, gone so far as to say—to insinuate that he is willing to extend to the blacks his social equality and rights; to receive him in his family or at his table, on the same footing and terms with his white friends and acquaintances; allow them to marry with his children, male and female? Will he allow them to marry his daughter? [Applause.]

The Speaker. There must be better order in the Senate.

Mr. Clymer. "Will he allow them to marry his children, male and female? Not a word of the kind." Yet I tell you Mr. Speaker, that every Senator who votes for this doctrine avows that he is waiting for its practical accomplishment in Southern States and in Northern States and here in this good old home of ours—I say to every such man if you do it you must come to that. Are you ready for it? Now, sir, I am not actuated by any undue prejudices against this race. I do not intend to stand here as their opponent or in the attitude of an oppressor; I will give the negro all the natural rights to which he is entitled; I will protect him in life, liberty, property and reputation; but so help me God! he shall never, by my consent, help me and mine rule this State. And I do not believe the people elsewhere will ever come up to the fanatical idea to which they must come up if they grant him political rights, and that is, that the negro is their social equal. You cannot do that without elevating him to our standard or degrading us to his level. Are you prepared for that? I ask the Senator from Bradford and the Senator from Indiana, I ask Senators here to look in the face the full consequences of their vote to day and to say whether they are prepared for the consequences of any such doctrine as that.

Judge Hopkinson further says:

"How then would his political power be used? Certainly to extend its influence; certainly to avenge the affront which meets him at the front door of every house where he might present himself. If he voted, he will expect and demand to be voted for; he will claim the right, and who can gainsay it, to a competition for every office in the Commonwealth, executive, legislative and judicial; and although their own strength, amounting to twelve or fifteen thousand votes, may not of itself be able to obtain such places for them, yet, in the conflict of parties—so equally balanced as they sometimes are, and the reckless eagerness often displayed for victory, their votes may be more than sufficient to turn the scale, and they may be obtained by compromises and bargains