

FOURTEENTH CONSTITUTIONAL AMENDMENT.

RESOLUTIONS
OF THE
LEGISLATURE OF OREGON

WITHDRAWING

Assent to the proposed fourteenth constitutional amendment.

DECEMBER 14, 1868.—Referred to the Committee on the Judiciary and ordered to be printed.

STATE OF OREGON, *Department of State:*

To all to whom these presents shall come, greeting:

I certify that annexed is a true copy of senate joint resolution No. 4, "rescinding resolution passed September 19, 1866, relative to amending the Constitution of the United States, and withdrawing the consent of the State of Oregon to the proposed 14th constitutional amendment," as taken from the original rolls on file in this office.

In testimony whereof, I, Samuel E. May, secretary of state of the State of Oregon, have hereunto subscribed my name and affixed the seal of the State. Done at Salem, this 20th day of November, A. D. 1868.

SAMUEL E. MAY,
Secretary of State.

JOINT RESOLUTIONS rescinding resolution passed September 19, 1866, relative to amending the Constitution of the United States, and withdrawing the assent of the State of Oregon to the proposed 14th constitutional amendment.

Whereas on the 19th day of September, 1866, the following preamble and joint resolution was [were] adopted by the legislative assembly of the State of Oregon, to wit:

Whereas the Congress of the United States did, by concurrent resolution adopted at the first session of the thirty-ninth Congress, propose to the legislatures of the several States the following amendment to the Constitution of the United States, namely:

"ART. 14. SEC. 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

"SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed; but when the right to vote at any election for the choice of electors for President and Vice-President of the United States, representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged except for participation in rebellion or other crime, the basis

of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

"SEC. 3. No person shall be a senator or representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

"SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

"SEC. 5. The Congress shall have power to enforce by appropriate legislation the provisions of this article:"

Therefore,

Be it resolved by the legislative assembly of the State of Oregon, That the said amendment to the Constitution of the United States be and the same is hereby ratified.

And whereas no amendment to the Constitution of the United States is valid until duly ratified by three-fourths of all the States comprising the United States; and until such ratification is completed any State has a right to withdraw its assent to any proposed amendment;

And whereas Hon. William H. Seward, Secretary of State of the United States, on the 28th day of July, 1868, issued a proclamation, reciting, among other things, that the said proposed amendment was ratified by the legislatures of Arkansas, Florida, Louisiana, Alabama, South Carolina, and Georgia, and that the same was adopted by more than three-fourths of the States of the United States;

And whereas the newly constituted and newly established bodies, avowing themselves to be, and acting as the legislatures respectively of the States of Arkansas, Florida, North Carolina, Louisiana, South Carolina, Alabama, and Georgia, were created by a military despotism against the will of the legal voters of the said States, under the reconstruction acts (so called) of Congress, which are usurpations, unconstitutional, revolutionary, and void; and consequently the acts of such bodies cannot legally ratify the said proposed constitutional amendment for the States which they pretend to represent, nor affect the rights of the other States of the Union;

And whereas also the said resolution, ratifying the said proposed amendment to the Constitution of the United States, was adopted by the house of representatives of the State of Oregon on the 19th day of September, 1866, by a vote of 25 yeas to 22 nays, and passed by the means of Thomas H. Brentz and M. M. McKean, who were illegally and fraudulently returned as members of the said house of representatives from the county of Grant, by the said Brentz, then acting as county clerk and canvasser of election returns for said county;

And whereas on the 22d day of September, 1866, the said Thomas H. Brentz and M. M. McKean were declared not entitled to the seats which they had usurped, and on the same day J. M. McCoy and G. W. Knisley were declared to be the duly elected members from the county of Grant, and who, on the 29th day of September, 1866, entered their protest on the journals of the house of representatives, and declared therein that if they had not been excluded from the seats to which they were entitled, they would have voted against the resolution ratifying the said proposed constitutional amendment, and thereby defeated the adoption of the same.

And whereas on the 6th day of October, 1866, the house of representatives of this State adopted a resolution declaring that the action of that

body in ratifying the said proposed constitutional amendment did not express the will of the said house as it then stood, after being purged of its illegal members: Therefore,

Be it resolved by the legislative assembly of the State of Oregon, That the above recited resolution adopted by the legislative assembly on the 19th day of September, 1866, by fraud, be, and the same is hereby rescinded, and the ratification on behalf of the State of Oregon of the above-recited proposed amendment to the Constitution of the United States is hereby withdrawn and refused.

Resolved, That any amendment to the Constitution of the United States on the subject of representation should be proposed by a Congress in which all the States are represented, or by a convention of all the States, where each could be heard in the proposing, as well as in the subsequent ratification of such amendment.

Resolved, That the secretary of state be directed to forward certified copies of the foregoing preamble and resolutions, without delay, to the President of the United States, to the Secretary of State of the United States, to the President of the Senate, and to the Speaker of the House of Representatives of the United States.

Adopted by the house October 15, [1868.]

JOHN WHITEAKER, *Speaker.*

Adopted by the senate October 6, [1868.]

B. F. BURCH, *President.*