

the truth—for the power to alter or amend is a *natural* and unavoidable result of the power to repeal or destroy, unless the tribunal authorised to alter or amend, has such a power by grant. In this case, however, no such restriction exists in reference to the right of the legislature to alter or amend, because the authority to give the freedom, was not a derivative authority, but was properly a creative authority. If the legislature had derived the power to grant freedom from another tribunal and not from the people, the case would be altered; for in the case of the exercise of a derivative authority the Legislature would have acted as the agent of another and been restricted in its authority, and could not have gone beyond the terms of the grant. But in this case the people have given this freedom by *law*, because the Legislature which passed the *law* acted as the agent of the people, and the acts of the agent and the principal are the same. Here then exists the power not only to alter or amend but to repeal or destroy on the rule that must by every one be conceded that “the power which creates must ever uncreate.” We constantly restrain them in the exercise of their original rights given by law. Limitations are imposed upon their egress from and regress to the State—restrictions are affixed to their right of holding and using fire-arms, and there never has been an attempt made, nor could there be, to set a limit to the power of imposing restrictions upon them—and this is an authority which never has and cannot be exercised towards a citizen under the constitution, which gives equal rights to all and exclusive advantages to none. They are then clearly legal and not constitutional citizens and are rightly and only constitutional “inhabitants” of the State to the extent alone they were so before they were manumitted.

It is manifest from the nature of our government that they can not claim their free rights by virtue of the constitution. If they could do so they could only derive such rights from compact, for our bill of rights declare that our government is founded in compact. To have derived their freedom then from the constitution, they must have been free at the time our constitution was adopted, must have been on equal terms with the whites, been represented in the Convention and united in the compact which produced our constitution. That they were in such a situation, no man who has any regard to his reputation will assert.

But this committee assume with full confidence that the act giving them their freedom is clearly unconstitutional. Our government is founded in equality for by an express clause of our bill of rights no “monopolies” shall be granted because contrary to the spirit of free government. Indeed it is and must be conceded by all that the genius of our institution of government, is perfect equality and exclusive advantages or privileges to none. The institution of slavery grows out of the constitution and the social organization of our society, is derived from the same source. How then can you grant to one slave exclusive advantages while others are retained in bondage. You carve out of the social compact of