

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."

This, and all other provisions of the amendment, must be read in the light of the 5th section, and of the interpretation already given by Congress to the same language in the 13th Amendment already adopted, namely, section 5: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The clause under consideration, for the protection of life, liberty and property, will be found in the declaration of rights of every State, as a fundamental principle of free government. It is a subject of "internal government," to regulate which is the sole and exclusive right of every State. The proposition to vest in Congress the power of supervision, interference and control over State legislation affecting the lives, liberty and property of its citizens and persons subject to its jurisdiction, is virtually to enable Congress to abolish the State governments.

The second section relates to the apportionment of representatives among the several States. This, too, proposes to abridge the heretofore unquestioned rights of the several States, and to upheave the foundations so securely laid by our fathers. The basis of representation fixed by the Constitution is "numbers." "This scheme," says Story, "seems to have obtained more general favor than any other in the Convention, because it had a natural, universal connection with the rights and liberties of the whole people."

1 Story, 403: "Every Constitution of government in these United States has assumed, as a fundamental principle, the right of the people of the State to alter, abolish or modify the form of its own government, according to the sovereign pleasure of the people. In fact, the people of each state have gone much further, and settled a far more critical question by deciding who shall be voters, entitled to approve and reject the Constitution framed by a delegated body under their direction. In the adoption of no State Constitution has the assent been asked of any but the qualified voters; and women and minors, and other persons not recognized as voters by existing laws, have been studiously excluded. And yet the Constitution has been deemed entirely obligatory upon them, as well as upon the minority who voted against it. From this it will be seen how little even in the most free of republican governments, any abstract right of suffrage, or any original or indefeasible privilege has been recognized in practice. What may best promote the public weal, and secure the public liberty and advance the public prosperity in one age or nation, may totally fail of similar results under local, physical or moral predicaments essentially different."

"In no two of the State Constitutions will it be found that