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WASHINGTON.

HOUSE OF REPRESENTATIVES, January 14, 1811.

MR. QUINCY'S SPEECH,

(CONCLUDED FROM OUR LAST.)

I think, MR. SPEAKER, it may be made satisfactorily to appear, that the terms "New States" in the third section of the fourth article of the Constitution, which has been cited, did mean political sovereignties to be formed within the original limits of the United States as has just been shewn, but, also, negatively, that it did not intend new political sovereignties, with territorial annexations, to be created without those original limits. This appears first from the very tenor of the article. All its limitations have respect to the creation of States, within the original limits. Two States shall not be joined; no new State shall be erected, within the jurisdiction of any other State, without the consent of the legislatures of the States concerned as well as of Congress. Now had foreign territories been contemplated, had the new habits, customs, manner and language of other nations been in the idea of the framers of this Constitution, would not some limitation have been devised, to guard against the abuse of a power, in its nature so enormous, and so obviously, when it occurred, calculated to excite just jealousy among the States, whose relative weight would be so essentially affected by such an infusion at once of a mass of foreigners into their councils, and into all the rights of the country? The want of all limitation of such power would be a strong evidence, were others wanting, that the powers, now about to be exercised, never entered into the imagination of those thoughtful and prescient men, who constructed the fabric. But there is another most powerful argument against the extension of the terms of this article to embrace the right to create States without the original limits of the United States, deducible from the utter silence of all debates at the period of the adoption of the Federal Constitution, touching the power here proposed to be usurped. If ever there was a time, in which the ingenuity of the greatest men of an age was taxed to find arguments in favor of and against any political measures, it was at the time of the adoption of this Constitution. All the faculties of the human mind were, on the one side and on the other, put upon their utmost stretch, to find the real and imaginary blessings or evils, likely to result from the proposed measure. Now I call upon the advocates of this bill to point out, in all the debates of that period, in any one publication, in any one pamphlet, in any one newspaper of those times, a single intimation, by friend or foe to the Constitution, approving or censuring it for containing the power, here proposed to be usurped, or a single suggestion that it might be extended to such an object, as is now proposed. I do not say that such suggestion was ever made. But this I will say, that I do not believe there is such an one any where to be found. Certain I am, I have never been able to meet the shadow of such a suggestion, and I have made no inconsiderable research upon the point. Such may exist—but until it be produced, we have a right to reason as though it had no existence. No, Sir—The people of this country at that day had no idea of the territorial avidity of their successors. It was, on the contrary, an argument, urged against the success of the project, that the territory was too extensive for a republican form of government. But now a days there is no limits to our ambitious hopes. We are about to cross the Mississippi. The Missouri and Red River are but roads, on which our imagination travels to new lands and new States to be raised and admitted, (under the power, now first usurped) into this Union, among undiscovered lands, in the west. But it has been suggested that the convention had Canada in view, in this article, had the gentleman from North Carolina told this House, that a member of the convention, as I understood him, either now or lately a member of the Senate, informed him that the article had that reference. Sir, I have no doubt, the gentleman from North Carolina has had a communication such as he intimates. But, for myself, I have no sort of faith in these convenient recollections, suited to serve a turn, to furnish an apology for a party, or give colour to a project. I do not deny, on the contrary I believe it very probable, that among the courtings of some discursive and craving fancy, such thoughts might be started; but that is not the question. Was this an avowed object in the convention when it formed this article? Did it enter into the conception of the people when its principles were discussed? Sir, it did not, it could not. The very intention would have been a disgrace both to this people and the convention. What, Sir? Shall it be intimated: shall it for a moment be admitted, that the noblest and purest band of patriots this, or any other country, ever could boast, were engaged in machinating means for the dismemberment of the territories of a power to which they had pledged friendship, and the observance of all

the obligations which grow out of a strict and perfect amity? The honor of our country forbids and disdains such a suggestion.

But there is an argument stronger, even than all those which have been produced, to be drawn from the nature of the power here proposed to be exercised. Is it possible, that such power, if it had been intended to be given, by the people, should be left dependent upon the effect of general expressions; and such too, as were obviously applicable to another subject; to a particular exigency contemplated at the time? Sir, what is this power, we propose now to usurp? Nothing less than a power, changing all the proportions of the weight and influence, possessed by the potent sovereignties composing this Union. A stranger is to be introduced to an equal share, without their consent. Upon a principle, pretended to be deduced from the Constitution, this government, after this bill passes, may and will multiply foreign partners in power, at its own mere motion; at its irresponsible pleasure; in other words, as local interests, party passions, or ambitious views may suggest. It is a power, that, from its nature, never could be delegated; never was delegated; and as it breaks down all the proportions of power, guaranteed by the Constitution, to the States, upon which their essential security depends, utterly annihilates the moral force of this political contract. Would this people, so wisely vigilant concerning their rights, have transferred to Congress a power to balance at its will, the political weight of any one State, much more of all the States, by authorising it to create new States at its pleasure, in foreign countries, not pretended to be within the scope of the Constitution, or the conception of the people, at the time of passing it? This is not so much a question concerning the exercises of sovereignty, as it is who shall be sovereign. Whether the proprietors of the good old United States shall manage their own affairs in their own way; or whether they, and their Constitution, and their political rights, shall be trampled under foot by foreigners introduced through a breach of the Constitution. The proportion of the political weight of each sovereign State, constituting this Union, depends upon the number of the States, which have a voice under the compact. This number the Constitution permits us to multiply at pleasure, within the limits of the original United States; observing only the expressed limitations in the Constitution. But when in order to increase your power of augmenting this number you pass the old limits, you are guilty of a violation of the Constitution, in a fundamental point; and in one also, which is totally inconsistent with the intent of the contract, and the safety of the States, which established the association. What is the practical difference to the old partners, whether they hold their liberties at the will of a master, or whether, by admitting exterior States on an equal footing with the original States, arbiters are constituted, who, by availing themselves of the contrariety of interests and views, which in such a confederacy necessarily will arise, hold the balance among the parties, which exist and govern us, by throwing themselves into the scale most conformable to their purposes. If both cases there is an effective despotism. But the last is the more galling as we carry the chain in the name and gait of freemen.

I have thus shewn, and whether fairly, I am willing to be judged by the sound discretion of the American people, that the power, proposed to be usurped, in this bill, results neither from the general nature, nor the particular provisions, of the Federal Constitution; and that it is a palpable violation of it in a fundamental point; whence flow all the consequences I have intimated.

But, says the gentleman from Tennessee (MR. RHEA) "these people have been seven years citizens of the U. States." I deny it, Sir—As citizens of New-Orleans, or Louisiana, they never have been, and by the mode proposed, they never will be citizens of the United States. They may be girt upon us for a moment, but no real cement can grow from such an association. What the real situation of the inhabitants of those foreign countries is, I shall have occasion to show presently. But, says the same gentleman, "If I have a farm here not I a right to purchase another farm in my neighborhood, and settle my sons upon it, and in time admit them to a share in the management of my household?" Doubtless Sir. But are these cases parallel? Are the three branches of this government owners of this farm, called the United States? I desire to thank Heaven they are not. I hold my life, liberty and property, and the people of the State, from which I have the honor to be a representative, hold theirs, by a better tenure than any this national government can give. Sir, I know your virtue. And I thank the Great Giver of every good gift, that neither the gentleman from Tennessee, nor his comrades, nor any, nor all the members of this House, nor of the other branch of the Legislature, nor the good gentleman who lives in the pa-

lace yonder, nor all combined can touch these my essential rights and those of my friends and constituents, except in a limited and prescribed form. No, Sir. We hold these by the laws, customs, and principles of the Commonwealth of Massachusetts. Behind her ample shield, we find refuge, and feel safety. I beg gentlemen not to act upon the principle, that the Commonwealth of Massachusetts is their farm.

But, the gentleman adds, "what shall we do, if we do not admit the people of Louisiana into our nation; our children are settling that country." Sir, it is no concern of mine what he does. Because his children have run wild and uncovered into the woods, is that a reason for him to break into my house, or the houses of my friends, to filch our children's clothes; in order to cover his children's nakedness? This constitution never was, and never can be stained to lap over all the wilderness of the west, without essentially affecting both the rights and convenience of its real proprietors. It was never constructed to form a covering for the inhabitants of the Missouri and the Red River country. And whenever it is attempted to be stretched over them, it will rend asunder. I have done with this part of my argument. It rests upon this fundamental principle, that the proportion of political power, subject only to the internal modifications permitted by the constitution, is an unalienable, essential, intangible right. When it is touched, the fabric is annihilated. For on the preservation of these proportions depend our rights and liberties.

If we recur to the known relations existing among the States, at the time of the adoption of this constitution, the same conclusion will result. The various interests, habits, manners, prejudices, education, situation and views which excited jealousies and anxieties in the breasts of some of our most distinguished citizens, touching the result of the proposed constitution, were potent obstacles to its adoption. The immortal leader of our revolution in his letter to the President of the old Congress, written as President of the Convention which formed this compact, thus speaks on this subject: "It is at all times difficult to draw with precision, the line between those rights, which must be surrendered and those which may be reserved; and on the present occasion, this difficulty was increased by a difference among the several States as to their situation, extent, habits, and particular interests." The debates of that period will show that the effect of the slave votes, upon the political influence of this part of the country, and the anticipated variation of the weight of power to the west, were subjects of great and just jealousy to some of the best patriots, in the northern and eastern States. Suppose then that it had been distinctly foreseen, that in addition to the effect of this weight, the whole population of a world beyond the Mississippi was to be brought into this and the other branch of the Legislature, to form our laws, control our rights and decide our destiny. Sir, can it be pretended that the patriots of that day would for one moment have listened to it? They were not madmen. They had not taken degrees at the hospital of idiocy. They knew the nature of man and the effect of his combinations in political societies.—They knew that when the weight of particular sections of a confederacy was greatly unequal, the resulting power would be abused; that it was not in the nature of man to exercise it with moderation. The very extravagance of the intended use is a conclusive evidence against the possibility of the grant of such a power, as is here proposed. Why, Sir, I have already heard of six States, and some say there will be at no great distance of time, more. I have also heard that the mouth of the Ohio, will be far to the east of the centre of the contemplated empire. If the bill is passed, the principle is recognized. All the rest are mere questions of expediency. It is impossible such a power could be granted. It was not for these men that our fathers fought. It was not for them this constitution was adopted. You have no authority to throw the rights and liberties, and property of this people, into "bother-pot" with the wild men on the Missouri, nor with the mixt, though more respectable race of Anglo Hispano-Gallo Americans, who bask on the sands, in the mouth of the Mississippi. I make no objection from their want of moral qualities or political light. The inhabitants of New-Orleans are, I suppose like those of all other countries, some good, some bad, and some indifferent.

As then the power in this bill proposed to be usurped is neither to be drawn from the general nature of the instrument, nor from the clause just examined; it follows, that if it exists any where, it must result from the treaty making power. This the gentleman from Tennessee (MR. RHEA) asserts—but the gentleman from North Carolina, (MR. MACON) denies—and very justly; for what a monstrous position is this, that the treaty making power has the competency to change the