

fundamental relations of the constitution itself! That a power under the constitution should have the ability to change and annihilate the instrument, from which it derives all its power—and if the treaty making power can introduce new partners to the political rights of the States, there is no length, however extravagant or inconsistent with the end, to which it may not be wrested. The present President of the United States, when a member of the Virginia convention for adopting the constitution, expressly declares that the treaty making power has limitations, and he states this as one, "that it cannot alienate any essential right." Now is not here an essential right to be alienated? The right to that proportion of political power which the constitution has secured to every State modified only by such internal increase of States as the existing limits of the territories at the time of the adoption of the constitution permitted. The debates of that period chiefly turned upon the competency of this power to bargain away any of the old States. It was agreed at that time that by this power old States within the ancient limits could not be sold from us.—And I maintain, that by its new States without the ancient limits cannot be saddled upon us. It was agreed at that time that the treaty making power "could not cut off a limb." And I maintain that neither has it the competency to clap a hump upon our shoulders. The fair proportions devised by the constitution are in both cases marred, and the fate and the felicity of the political being in material particulars, related to the essence of his constitution, affected. It was never pretended by the most enthusiastic advocate for the extent of the treaty making power, that it exceeded that of the King of Great Britain.—Yet I ask, suppose that monarch should make a treaty stipulating that *Hannover*, or *Hindostan*, should have a right of representation on the floor of Parliament—would such a treaty be binding? No, Sir; not as I believe, if a House of Commons and of Lords could be found venal enough to agree to it. But although in that country the three branches of its Legislature are called omnipotent and the people might not deem themselves justified in resistance, yet here there is no apology of this kind, the limits of our power are distinctly marked, and when the three branches of this government usurp upon this Constitution in particulars vital to the liberties of this people, the deed is at their peril. I have done with the constitutional argument.—Whether I have been able to convince any member of this House, I am ignorant, I had almost said indifferent. But this I will not say, because I am indeed deeply anxious to prevent the passage of this bill. Of this I am certain, however, that when the discussion of this day is passed away, when party spirit shall no longer prevent the people of the United States from looking at the principle assumed in it, independent of gross and deceptive attachments and antipathies, that the ground here defended will be acknowledged, as a high constitutional bulwark, and that the principles here advanced will be appreciated.

I will add one word touching the situation of *New-Orleans*. The provision of the treaty of 1803, which stipulates that it shall be "admitted as soon as possible," does not therefore imply a violation of the Constitution. There are ways in which this may constitutionally be effected by an amendment of the constitution; or by reference to conventions of the people in the States. And I do suppose, that in relation to the objects of the present bill, (the people of *New-Orleans*) no great difficulty would arise. Considered as an important accommodation to the western States, there would be no violent objection to the measure. But this would not answer all the projects, to which the principle of this bill, when once admitted, leads, and is intended to be applied. The whole extent of *Louisiana* is to be cut up into independent States; to counterbalance and to paralyze whatever there is of influence in other quarters of the Union. Such a power, I am well aware, that the people of the States would never grant you. And therefore, if you get it, the only way is by the mode adopted in this bill—by usurpation.

The objection here urged is not a new one. I refer with great delicacy to the course pursued by any member of the other branch of the Legislature, yet I have it from such authority that I have an entire belief of the fact, that our present Minister in *Russia*, then a member of that body, when the *Louisiana* treaty was under the consideration of the Senate, although he was in favor of the treaty, yet expressed great doubts on the ground of constitutionality, in relation to our control over the destinies of that people, and the manner and the principles on which they could be admitted into the Union. And it does appear that he made two several motions in that body, having for their object, as avowed, and as gathered from their nature, an alteration in the Constitution to enable us to comply with the stipulations of that convention.

I will add only a few words in relation to the moral and political consequences of usurping this power. I have said that it would be a virtual dissolution of the Union; and gentlemen express great sensibility at the expression. But the true source of terror is not the declaration I have made, but the deed you propose.—Is there a moral principle of public law better settled, or more conformable to the plainest suggestions of reason, than that the violation of a contract by one of the parties may be considered as exempting the other from its obligation? Suppose, in private life, thirteen form a partnership, and ten of them undertake to admit a new partner without the concurrence of the other three, would it not be at their option to abandon the partnership, after so palpable an infringement of their rights? How much more, in the political partnership, where the admission of new associates without previous authority, is so pregnant with obvious dangers and evils! Again—it is settled as a principle of morality, among writers on public law, that no person can be obliged,

beyond his intent at the time of the contract. Now who believes, who dare assert, that it was the intention of the people, when they adopted this Constitution, to assign, eventually to *New-Orleans* and *Louisiana*, a portion of their political power; and to invest all the people those extensive regions might hereafter contain, with an authority over themselves and their descendants? When you throw the weight of *Louisiana* into the scale, you destroy the political equipoise contemplated at the time of forming the contract. Can any man venture to affirm that the people did intend such a comprehension as you now, by construction, give it? Or can it be concealed, that beyond its fair and acknowledged intent, such a compact has no moral force? If gentlemen are so alarmed at the bare mention of the consequences, let them abandon a measure which sooner or later will produce them. How long before the seeds of discontent will ripen, no man can foretell. But it is the part of wisdom not to multiply or scatter them. Do you suppose the people of the Northern and Atlantic States will, or ought to look on with patience and see representatives and senators from the *Red-river* and *Missouri*, pouring themselves upon this and the other floor, managing the concerns of a sea board, fifteen hundred miles at least from their residence; and having a preponderancy in councils, into which, constitutionally, they never could have been admitted? I have no hesitation upon this point. They neither will see it, nor ought to see it with content. It is the part of a wise man to foresee danger and to hide himself.—This great usurpation, which creeps into this House, under the plausible appearance of giving content to that important point, *New-Orleans*; starts up a gigantic power to control the nation. Upon the actual condition of things, there is, there can be no need of, concealment. It is apparent to the blindest vision. By the course of nature, and conformable to the acknowledged principles of the Constitution, the sceptre of power in this country is passing towards the Northwest. Sir, there is to this no objection. The right belongs to that quarter of the country—Enjoy it. It is yours.—Use the powers granted, as you please. But take care in your haste after effectual dominion, not to overload the scales by heaping it with these new acquisitions.—Grasp not too eagerly at your purpose. In your speed after uncontrolled sway, trample not down this Constitution. Already the old States sink in the estimation of members, when brought into comparison with these new countries. We have been told that "*New-Orleans* was the most important point in the Union." A place, out of the Union, the most important place within it! We have been asked "What are some of the small States, when compared with the *Mississippi Territory*?" The gentleman from that territory (Mr. POINDEXTER) spoke the other day of the *Mississippi*, as "of a high road between"—Good Heavens! between what? Mr. Speaker.—Why "*The Eastern and Western States*." So that all the northwestern territories, all the countries, once the extreme western boundary of our Union, are hereafter to be denominated *Eastern States*!

[Mr. POINDEXTER explained. He said that he had not said that the *Mississippi* was to be the boundary between the *Eastern and Western States*. He had merely thrown out a hint, that in erecting new States, it might be a good high road, between the States on its waters. His idea had not extended beyond the new States, on the waters of the *Mississippi*.]

I make no great point of this matter. The gentleman will find, in the *National Intelligencer*, the terms, to which I refer. There will be seen, I presume what he has said, and what he has not said. The argument is not affected by the explanation. New States are intended to be formed beyond the *Mississippi*. There is no limit to men's imaginations, on this subject, short of *California* and *Columbia* river. When I said that the bill would justify a revolution and produce it; I spoke of its principle and its practical consequences. To this principle and to those consequences I would call the attention of this House and nation. If it be about to introduce a condition of things, absolutely insupportable, it becomes wise and honest men, to anticipate the evil; and to warn and prepare the people against the event. I have no hesitation on the subject. The extension of this principle to the States, contemplated beyond the *Mississippi*, cannot, will not, and ought not to be borne. And the sooner the people contemplate the unavoidable result the better; the more likely that convulsions may be prevented; the more hope that the evils may be palliated or removed.

Mr. Speaker. What is this liberty of which so much is said? Is it to walk about this earth, to breathe this air, and to partake of the common blessings of God's providence. The beasts of the field, and the birds of the air, unite with us in such privileges as these. But man boasts a purer and more aetherial temperature.—His mind grasps in its view the past and future, as well as the present. We live not for ourselves alone.—That which we call liberty is that principle on which the essential security of our political condition depends. It results from the limitations of our political system, prescribed in the Constitution. These limitations, so long as they are faithfully observed, maintain order, peace and safety. When they are violated in essential particulars, all the concurrent spheres of authority rush against each other; and disorder, derangement and convulsion are, sooner or later, the necessary consequences.

With respect to this love of our union, concerning which so much sensibility is expressed, I have no fear about analysing its nature. There is in it nothing of mystery. It depends upon the qualities of that union, and its results from its effects upon our and our country's happiness. It is valued for "that sober certainty of waking bliss," which it enables us to realize. It grows out of the affections; and has not, and cannot be made to have any thing universal in its nature.—

Sir, I confess it, the first public love of my heart is the Commonwealth of *Massachusetts*. There is my fire-side—there are the tombs of my ancestors—

"Low lies that land, yet blest with fruitful stores,
Strong are her sons, though rocky are her shores,
And none, ah! none, so lovely to my sight,
Of all the land which Heaven o'erspreads with light."

The love of this union grows out of this attachment to my native soil, and is rooted in it. I cherish it, because it affords the best external hope of her peace, her prosperity, her independence. I oppose this bill from no animosity to the people of *New-Orleans*; but from the deep conviction that it contains a principle incompatible with the liberties and safety of my country.—I have no concealment of my opinion. The bill, if it passes, is a death blow to the constitution. It may, afterwards linger! but lingering, its fate will, at no very distant period, be consummated.

BY THE HONORABLE
MARTIN HUNTER, Esquire,
PRESIDENT of His MAJESTY'S Council and
(L. S.) Commander in Chief of the Province of *NEW-BRUNSWICK*, &c. &c. &c.
MARTIN HUNTER.

A PROCLAMATION.
WHEREAS the GENERAL ASSEMBLY of this Province stands prorogued to the first TUESDAY in MARCH instant; I have therefore thought fit, by and with the advice of His MAJESTY'S Council, further to prorogue the said General Assembly, and the same is hereby prorogued to the first TUESDAY in JUNE next ensuing.

GIVEN under my Hand and Seal at *Frederickton*, the first day of March, in the Year of our Lord One Thousand Eight Hundred and Eleven, and in the fifty first Year of His Majesty's Reign.
By the PRESIDENT'S Command,
JON. ODELL.

SECRETARY'S OFFICE,
FREDERICKTON, 4th MARCH, 1811.
PUBLIC NOTICE IS HEREBY GIVEN, that in pursuance of the KING'S Instructions, requiring all persons to whom allotments are made, to apply for their Grants within Six Months from the date of the allotment—A Lot of Land lying between the *Salmon River* and *Mill-Stream* Lots registered to *George Burgess*, and a Lot No. 2, in the vicinity of *Sussex Vale*, registered to *Simon Freyre*, have been forfeited and allotted to other persons.
By order of His Honor the PRESIDENT,
JON. ODELL.

FOR SALE AT AUCTION,
By ANDREW CROOKSHANK,
ON MONDAY the 8th APRIL next, at 12 o'Clock, on the Premises—A HOUSE and Two Lots of LAND, formerly the property of *Christian Weiner*, in *St. James Street*. The Lots contain 80 feet fronting on the Street and extend to low water mark. Terms of payment, one third of the purchase money on delivery, the residue in two years with interest and approved security. Possession will be given immediately after the Sale.
9th March, 1811.

Public Notice is hereby given,
THAT a REWARD of FORTY SHILLINGS will be given to any person that will give information against any person or persons that shall at any time hereafter, be found in any way injuring the Public Pumps or Wells in this City.
By order of the Common Council.
The above Reward will be punctually paid on the conviction of the offender, by
11th March, 1811. JOHN THOMSON.

To be Sold at Public Auction,
On SATURDAY the 6th APRIL next, at 1 o'Clock, ON THE PREMISES,
THAT Valuable FARM, containing One Hundred and Fifty Acres; thirty of which are Intervale, lying on *Studholm's Mill-Stream*, with a good Grist-Mill thereon, and other buildings.—Also, five head of Neat Cattle, Hogs, Farming Utensils, Household Furniture, and a full set of Joiners and Carpenters Tools. Likewise, Two Lots of Land, lying about 2 miles east of the above Farm, containing 200 Acres each, both of which is improved. A good title will be given, and terms of payment will be made known at the day of Sale.
Saint John, 8th March, 1811. HENRY DANIELS.

ELIJAH FIELD,
TAYLOR FROM BOSTON,
RESPECTFULLY informs the Ladies and Gentlemen of *Saint Andrews* and its vicinity, that he has taken an apartment (for the present) in the house lately occupied by Mr. AMEN RITE, where he intends carrying on his business in all its branches, hoping by his assiduous attention, and his best endeavours to please, to merit a share of the public patronage.
Wanted immediately a Lad from 14 to 15 years of age, as an Apprentice to the above business, well recommended.
St. Andrews, 7th March, 1811.

ASSISTANT COMMISSARY GENERAL'S OFFICE,
Saint John, 25th February, 1811.
ALL Persons having ACCOUNTS against Government in the Commissariat Department, are hereby notified that unless they render them into this OFFICE on the 24th of each Month, they must unavoidably stand over until the ensuing Month, which will consequently procrastinate the payment.
HENRY GOLDSMITH,
Assistant Commissary General.