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WASHINGTON.

HOUSE OF REPRESENTATIVES, January 14, 1811.

The House took up the Bill to enable the People of Orleans to form a Constitution and State Government, and for the admission of that State into the Union, on an equal footing with the original States. The question was, shall this bill pass?

Mr. MACON, and many other members advocated the passage of the bill, which was opposed by Mr. PIRKIN, and others.

Mr. JOHNSON said he had listened to the objections against extending the right of self-government to the territory of Orleans with great anxiety. So long as the measure was subject to modification and amendment (said he) I felt disposed to remain silent. But the question now presented is, shall the bill pass—by which the territory will be authorised to form a State government upon certain conditions. The conduct of the United States towards this territory has been magnanimous, liberal, generous. The conduct of the people deserved it. This disposition on the part of the United States has created in that people a love of independence, and a confidence that every reasonable request would be complied with. These people ask a favor—what is it? The power to erect themselves into an independent State. Is this unreasonable? Is it unnatural that freemen should seek the right of political self-government at their expense, and not ours? Do they present a paper in one hand and a threat in the other? No, Sir, they approach you as respectful memorialists asking a favor and not even demanding a right. What reasons of state then have we to disappoint the just expectations of this important territory? The principles of every State Constitution in the Union, the political creed so often professed on this floor, the sentiments of freedom as often expressed, and the articles of the federal constitution which circumscribe our powers, all unite to enforce the claims of this territory to state sovereignty. I cannot, I will not therefore, withhold my sanction from the wishes of these people. By a change of conduct on my part, I will not be instrumental in changing to enmity the deep rooted attachment of these people to this country, and our republican institutions. The 30th day of April, 1803, the United States acquired the territory of Louisiana, the Orleans being a part, by a convention entered into with France at Paris, which convention was ratified by the President of the U. States and the Senate, and the Congress made provision for the purchase money. The people of the Orleans territory have been incorporated into the Union by purchase and adoption, and are entitled to all the rights of American citizens.—The 3d article of said treaty specifies—“That the inhabitants of Louisiana, the ceded territory, shall be incorporated into the Union of the United States and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyments of all the rights, advantages and immunities of citizens of the United States.” We are thus solemnly bound by compact to admit this territory into the Union as a State, as soon as possible, consistent with the constitution of the United States. What principle of the constitution will be violated by their admission into the Union as a State? In fact, we are bound by the principles of the constitution; we are bound to the people of the United States; we are bound by conscience; and we are bound by a still more sacred tie to Him who gave us independence to extend the blessings of liberty to these people whenever it is practicable.—But the undefined limits of this territory have furnished ground for serious objection. The western and southern boundary remain subjects of dispute between the United States and Spain, and it is apprehended, that it will produce a collision with a foreign power to erect this territory into a State. The ingenuity of the gentleman from Connecticut has discovered this difficulty, but his information has furnished an answer. The present state of things will prove the reverse of this position. Why has not the territorial government produced this collision with a foreign power? The territorial administration has extended as far as to the west and the south as will be given to the state government; the state sovereignty, as to the extent of country, will be given in the very same words in which the territorial sovereignty has been exercised without war with a foreign power. Sir, the danger is ideal and the imagination should not be employed to embarrass with groundless fears upon a subject of so much magnitude. But I will prove the objection groundless—whether a territorial or a state government, the dispute as to boundary, if it does exist, is a national dispute to be settled by negotiation. In the year 1782, the United States and Great Britain entered into a provisional treaty. In the first article Great Britain acknowledges, for the first time, the sovereignty and independence of the United States; and in the second article the boundary is fixed between the British provinces and the United States. In the year

1783, Great Britain and the United States entered into the treaty of peace which ended the war of the revolution, and in the second article, the boundary lines between the United States and the British provinces are inserted in conformity to the provisional article upon the subject in 1782.

In the 2d article it is stated that the eastern boundary between the United States and the British provinces should be formed by a line drawn along the middle of the river St. Croix from its mouth in the Bay of Fundy to its source, and thence to the high lands which divide the waters of the St. Lawrence and the Atlantic. Subsequent to the date of the treaty of peace, doubts arose as to the source and run of St. Croix, as intended by the treaty. Two waters were known by the same name, which is not unfrequent, and, as was to be expected, Great Britain contended for the river, which would give them the most territory, as did the U. S. for that water bearing the name of St. Croix that would extend the limits of the United States. This dispute arose from these facts and remained unsettled until the year 1794, when Jay's treaty was entered into, and by mutual agreement commissioners were appointed to receive testimony and finally settle upon the true boundary between the two nations, which was done, without producing war or without the state bordering on the river St. Croix objecting to such a proceeding. I have an example still more in point, and which must be known to this house, and with the power of Spain the very nation who disputes the boundary of the Orleans territory to the west and south. I mean the unsettled and undefined limits of Georgia to the south and west bordering on the Spanish provinces of East and West Florida, and which was a subject of dispute between Spain and the United States, until the treaty of 1795 with that power; the 2d article of which treaty defines the boundary between the state of Georgia and the Spanish provinces of East and West Florida; and by the 3d article commissioners were appointed to run the line and fix the boundary. Until this treaty with Spain, of 1795, it is well known that Spain had possession of Natchez and several other places in the territory of the United States, and the Spanish troops and the governor were accordingly removed. This I presume should satisfy us upon this head. Every treaty in your statute books proves the practice of nations in settling controversy. These several treaties to which I have adverted have embraced a vast variety of subjects of dispute. The subject of contraband goods, the definition of a blockaded port, the duties upon merchandise and tonnage, are disputes of the commercial kind, which nations settle by negotiation and war, and in character there is no difference in commercial and in territorial disputes.—Sometimes a dispute may embrace a few acres of soil unimportant in any point of view, and less important than many commercial rights—at other times a territorial dispute may rise to importance as embracing a most valuable tract of country. In which cases sometimes the dispute may differ as to its intrinsic importance, but not in its character; and this nation will not so far consult the will of any other, as to keep in political chains any portion of our citizens. This dispute may exist until the present generation shall be grey with age.

But the people ask us for the right of self-government, and we grant it upon conditions which makes it a great favor to us that the Orleans territory will become a State upon those conditions. The acceptance of these people on these conditions is the highest evidence of their worth and merit. In 12 months these people amounting to 60,000 souls could demand of you as a right, what is asked of you as a favor: The 1st condition prescribed, is that the public lands belonging to the United States, shall ever remain exempt from taxation. This would have been a source of great revenue to this people, and which could not have been considered unreasonable if taxed, as the lands belonging to individuals. Condition is, that all the legislative, judicial and executive proceedings shall be carried on in the English language. The acceptance of this condition proves their love for liberty, their willingness to sacrifice prejudices at the shrine of independence.—They are willing to destroy the only remaining vestige of French nationality, the French language, that we may not only be one in sentiment, one great family in principles, but in language, habit and external appearance. It is a great sacrifice, one which they ought to make, and one worthy alone of freemen. For the great purposes of liberty they are not only willing to lose as soon as possible the language of France, but recollect it is the language of their fathers and mothers. It is the language of their native country.—What becomes of the denunciations which we have heard against these people and the charge of disaffection? The charge is groundless, the imputation is without foundation.—It has been contended on this floor, that the people of this territory can never be admitted into the Union, as an

independent State, and that they must remain in a state of political vassalage. In article the 4th, section the 3d, of the federal constitution it is stated, that new States may be admitted by the Congress of the United States into this Union. Here the absolute power of admitting States into the Union is given to the Congress. If this power is given to the people of the United States in Congress assembled, by what fiat are the people of the vast purchase of Louisiana to be deprived of their freedom? By what law of nature are they to be held in political bondage; and by what article in the Constitution are these people disfranchised; I envy not the spirit which dictated this sentiment of galling chains.—It was dictated by a spirit of hatred to France and Frenchmen, and not by that spirit of independence which should be cherished by us all. But they are Frenchmen—that is their crime. They are American citizens, and they deserve the name. I will venture to say that there are as many lovers of England and English monarchy, as there are lovers of France and French despotism in the United States, and as many lovers of England in as many square miles in the United States, as lovers of France in this territory.

Sir, attend to the happy effect of this measure as it respects the United States; we get rid of the trouble and expence of the territorial government; we shall no longer be embarrassed with territorial petitions, and territorial regulations; we shall no longer hear of remonstrances against the legal government and officers, neither the cries of the injured nor the clamors of envy will assail us; these things will be managed by the State government. The effects of this measure upon the people of the territory will be still more beneficial and salutary at a crisis so interesting to the American people. Every man has a desire for freedom.—By dint of experience man will become enlightened. By the light of his own errors he will become wise and good. The people of this territory have not only a relish for independence, but they have the capacity of enjoying it. They have not only heard the sound but they have in part enjoyed the substance. They have been some time Legislative people. Their emancipation from a territorial government will have a most happy influence upon the morals, the character and the intelligence of the people. Merit will soon be the test of promotion and a noble emulation will check an inordinate passion for gain. The spirit of liberty will soon animate every bosom; and the mind will see its own enlargements. It will increase the physical force of the nation, and it will arm the people with additional weapons of self preservation.

Thus, Sir, I have endeavored to prove that no serious objection can be urged to the passage of this bill, and that by its passage you extend the blessings of independence to a large and respectable territory without abridging the right of others.

MR. QUINCY, (of Massachusetts.)

Then addressed the House as follows:—
MR. SPEAKER. I address you, Sir, with an anxiety and distress of mind, with me, wholly unprecedented. The friends of this bill seem to consider it as the exercise of a common power; as an ordinary affair; a mere municipal regulation which they expect to see pass without other questions than those concerning details. But, Sir, the principle of this bill materially affects the liberties and rights of the whole people of the United States. To me it appears, that it would justify a revolution in this country; and that, in no great length of time, may produce it. When I see the zeal and perseverance, with which this bill has been urged along its parliamentary path, when I know the local interests and associated projects, which combine to promote its success, all opposition to it seems manifestly unavailing. I am almost tempted to leave, without a struggle, my country to its fate. But, Sir, while there is life, there is hope. So long as the fatal shaft has not yet sped, if heaven so will, the bow may be broken and the vigor of the mischief—meditating arm withered. If there be a man in this House, or nation, who cherishes the constitution, under which we are assembled, as the chief stay of his hope, as the light, which is destined to gladden his own day, and to soften even the gloom of the grave, by the prospect it sheds over his children, I fall not behind him in such sentiments. I will yield to no man, in attachment to this constitution, in veneration for the sages who laid its foundations, in devotion to those principles, which form its comment and constitute its proportions. What then must be my feelings; what ought to be the feelings of a man, cherishing such sentiments, when he sees an act contemplated, which lays ruin at the root of all these hopes? When he sees a principle of action about to be usurped, before the operation of which, the bands of this constitution are no more than flax before the fire, or stubble before the whirlwind. When this bill passes, such an act is done; and such a principle usurped.

Mr. Speaker. There is a great rule of human con-