duct, which he who honestly observes, cannot err widely from the path of his sought duty. It is, to be very scrupulous concerning the principles you select at the test of your rights and obligations; to be very faithful, in noticing the result of their application; and to be very fearless, in tracing and exposing their immediate effects and distant consequences. Under the sanction of this rule of conduct, I am compelled to declare *it as my deliberate opinion, that, if this bill passes, the bonds of this Union are, virtually, dissolved; that the States which compose it are free from their moral obligations, and that, as it will be the right of all, so it will be the duty of some, to prepare definitely for a separation; amicably if they can, violently if they must.*

[Mr. QUINCY was here called to order by Mr. Poindexter, delegate from the *Mississippi Territory*, for the words in *italic*. After it was decided upon appeal to the House that Mr. QUINCY was in order, as stated in the papers, Mr. QUINCY proceeded.]

I rejoice, Mr. Speaker, at the result of this appeal. Not from any personal consideration, but from the respect paid to the essential rights of the people, in one of their representatives. When I spoke of a separation of the States as resulting from the violation of the constitution, contemplated in this bill, I spoke of it as of a necessity, deeply to be deprecated; but as resulting from causes so certain and obvious, as to be absolutely inevitable when the effect of the principle is practically experienced. It is to preserve, to guard the constitution of my country, that I denounce this attempt. I would rouse the attention of gentlemen from the apathy with which they seem beset. These observations are not made in a corner; there is no low intrigue; no secret machinations. I am on the people's own ground—to them I appeal, concerning their own rights, their own liberties, their own intent in adopting this constitution.—The voice I have uttered at which gentlemen startle with such agitation, is no unfriendly voice. I intended it as a voice of warning. By this people and by the event, if this bill passes, I am willing to be judged whether it be not a voice of wisdom.

The bill, which is now proposed to be passed, has this assumed principle for its basis—that the three branches of this national government, without recurrence to conventions of the people, in the States, or to the legislatures of the States, are authorised to admit new partners to a share of the political powers, in countries out of the original limits of the United States. Now this assumed principle I maintain to be altogether without a sanction in the Constitution. I declare it to be a manifest and atrocious usurpation of power; of a nature dissolving, according to undeniable principles of moral law, the obligations of our national compact; and leaning to all the awful consequences which flow from such a state of things.

Concerning this assumed principle, which is the basis of this bill, this is the general position on which I rest my argument—that if the authority, now proposed to be exercised, be delegated to three branches of the government, by virtue of the Constitution, it results either from its general nature, or from its particular provisions. I shall consider distinctly both these sources, in relation to this pretended power.

Touching the general nature of the instrument called the Constitution of the United States, there is no obscurity—it has no fabled descent, like the palladium of antient *Troy*, from the Heavens. Its origin is not confused by the mists of time, or hidden by the darkness of unexplored ages; it is the fabric of our day. Some now living, had a share in its construction—all of us stood by, and saw the rising of the edifice. There can be no doubt about its nature. It is a political compact. By whom? And about what. The preamble to the instrument will answer these questions.

"We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution, for the United States of *America*."

It is, *we the people of the United States, for ourselves and our posterity* not for the people of *Louisiana:* nor for the people of *New-Orleans*, or of *Canada*.—Nor, if these enter into the scope of the instrument, it embraces only "The United States of *America*." Who these are, it may seem strange, in this place to inquire. But truly, Sir, our imaginations have, of late, been so accustomed to wander after new settlements to the very ends of the earth, that it will not be time ill-spent to inquire what this phrase means, and what it includes. These are not terms adopted at hazard; they have reference to a state of things existing anterior to the constitution. When the people of the present United States began to contemplate a severance from their parent State, it was a long time before they fixed indefinitely the name by which they would be designated. In 1774, they called themselves "the Colonies and Provinces of *North America*." In 1775 "the Representatives of the United Colonies of *North America*." In the Declaration of Independence "the Representatives of the United States of *America*." And finally, in the articles of confederation, the style of the confederacy is declared to be "the United States of *America*." It was with reference to the old articles of confederation and to preserve the identity and established individuality of their character, that the preamble to this constitution, not content, simply, with declaring that it is "we the people of the United States" who enter into this compact, adds that it is for "the United States of *America*." Concerning the territory contemplated by the people of the United States, in these general terms, there can be no dispute; it is settled by the treaty of peace, and included within the *Atlantic* Ocean, the *St. Croix*, the lakes, and more precisely, so far as relates to the frontier, having relation to the present argument within "a line to be drawn through the middle of the river *Mississippi*, until it intersect the northernmost part of the thirty-first degree of north latitude, thence within a line drawn due east on this degree of latitude to the river *Apalichola*, thence along the middle of this river to its junction with the *Flint* river, thence strait to the head of the *St. Mary's* river, and thence down the *St. Mary's* to the *Atlantic* Ocean.

I have been thus particular to draw the minds of gentlemen, distinctly, to the meaning of the terms used in the preamble; to the extent which "the United States" then included; and to the fact that neither *New-Orleans* nor *Louisiana*, were within the comprehension of the terms of this instrument. It is sufficient for the present branch of my argument to say, that there is nothing in the general nature of this compact from which the power contemplated to be exercised in this bill results. On the contrary as the introduction of a new associate in political power implies, necessarily, a new division of power, and consequent diminution of the relative proportion of the former proprietors of it; there can certainly, be nothing more obvious than that from the general nature of the instrument no power can result to diminish and give way to strangers any proportion of the rights of the original partners. If such a power exists, it must be found, then, in the particular provisions in the constitution. The question now arising is, in which of these provisions is given the power to admit new States, to be created in territories, beyond the limits of the old United States. If it exists any where, it is either in the third section of the fourth article of the Constitution, or in the treaty making power. If it result from neither of these, it is not pretended to be found any where else.

That part of the third section of the fourth article, on which the advocates of this bill rely, is the following:—"*New States may be admitted, by the Congress, into this Union: But no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the legislatures of the States concerned, as well as of the Congress.*"

I know, Mr. Speaker, that the first clause of this paragraph has been read, with all the superciliousness of a grammarian's triumph. "*New States may be admitted, by the Congress, into this Union.*" Accompanied with this most consequential enquiry: "Is not this a new State to be admitted? And is not here an express authority?" I have no doubt this is a full and satisfactory argument to every one, who is content with the mere colors and superficies of things. And if we were now at the bar of some stall-fed justice, the enquiry would insure victory to the maker of it, to the manifest delight of the constables and suitors of his court. But Sir, we are now before the tribunal of the whole American people; reasoning concerning their liberties, their rights, their constitution. These are not to be made the victims of the inevitable obscurity of general terms; nor the sport of verbal criticism. The question is concerning *the intent of the American people*, the proprietors of the old United States, when they agreed to this article. Dictionaries and spelling books are here, of no authority. Neither JOHNSON nor WALKER, nor WEBSTER, nor DILWORTH, has any voice in this matter. Sir, the question concerns the proportion of power, reserved by this constitution to every State in this Union. Have the three branches of this government a right, at will, to weaken and outweigh the influence, respectively secured to each State in this compact, by introducing, at pleasure, new partners, situate beyond the old limits of the United States? The question has not relation merely to *New-Orleans*. The great objection is to the principle of the bill. If this principle be admitted, the whole space of *Louisiana*, greater it is said, than the entire extent of the old United States, will be a mighty theatre, in which this government assumes the right of exercising this unparalleled power. and it will be;—there is no concealment, it is intended to be, exercised. Nor will it stop, until the very name and nature of the old partners be overwhelmed by new comers into the confederacy. Sir, the question goes to the very root of the power and influence of the present members of this Union. *The real intent of this article* is, therefore, an enquiry of most serious import; and is to be settled only by a recurrence to the known history and known relations of this people and their constitution. These, I maintain, support this position, that the "terms new states," in this article do intend new political sovereignties, *to be formed within the original limits of the United States;* and do not intend new political sovereignties with territorial annexations, *to be created without the original limits of the United States*. I undertake to support both branches of this position to the satisfaction of the people of these United States. As to any expectation of conviction on this floor, I know the nature of the ground; and how hopeless any arguments are, which thwart a concerted course of measures.

I recur in the first place, to the evidence of history. This furnishes the following lea ding fact; that before, and at the time of the adoption of this Constitution, *the creation of new political sovereignties within the limits of the old United States was contemplated.* Among the records of the old Congress, will be found a resolution, passed as long ago as the 10th day of October, 1780, contemplating the session of unappropriated lands to the United States, accompanied by a provision, "that they shall be disposed of for the common benefit of the United States and be settled and formed into distinct republican States, which shall become members of the federal Union, and have the same rights of sovereignty, freedom and independence, as the other States." Afterwards, on the 7th of July, 1786, the subject of "laying out and forming into States" the country lying north-west of the river *Ohio*, came under the consideration of the same body; and another resolution was passed recommending to the Legislature of *Virginia*, to revise their act of cession, so as to permit a more eligible division of that portion of territory derived from her; "which States," it proceeds to declare, "shall hereafter become members of the federal Union, and have the same rights of sovereingty, freedom and independence as the original States, in conformity with the resolution of Congress of the 10th of October, 1780. All the territories, to which these resolutions had reference were undeniably within the antient limits of the United States. Here, then, is a leading fact, that the article in the Constitution had a condition of things, notorious at the time when it was adopted, upon which it was to act, and to meet the exigency resulting from which such an article was requisite. That is to say, *new States, within the limits of the old United States, were contemplated at the time when the foundations of the Constitution were laid.* But we have another authority, upon this point, which is, in truth, a cotemporaneous exposition of this article of the Constitution. I allude to the resolution passed on the 3d of July, 1788, in the words following: "Whereas application has been lately made to Congress by the Legislature of *Virginia*, and the district of *Kentucky*, for the admission of the said district into the federal Union, as a separate member thereof, on the terms contained in the acts of the said Legislature, and in the resolutions of the said district, relative to the premises. And whereas Congress, having fully considered the subject, did, on the third day of June last, resolve that it is expedient that the said district be erected into a sovereign and independent State, and a separate member of the federal Union; and appointed a committee to report and act accordingly, which committee, on the second instant was discharged, *it appearing that nine states had adopted the constitution of the United States*, lately submitted to conventions of the people. And whereas a new confederacy is formed among the ratifying States, and and there is reason to believe that the state of *Virginia*, including the said district, did, on the 25th of June last, become a member of the said confederacy: And whereas an act of Congress, in the present state of the government of the country, severing part of the said State from the other parts thereof, and admitting it into the confederacy, formed by the articles of confederation and perpetual union, as an independent member thereof, may be attended with many inconveniences, *while it can have no effect to make the said district a separate member of the federal Union, formed by the adoption of the said constitution*, and therefore it must be manifestly improper for Congress assembled, under the articles of confederation, to adopt any other measures relative to the premises than those, which express their sense, that the said district ought to be an independent member of the Union, as soon as circumstances shall permit proper measures to be adopted, for that purpose, "Resolved, that a copy of the proceedings of Congress relative to the independency of the district of *Kentucky*, be transmitted to the legislature of *Virginia*, and also to SAMUEL M'DOWELL, Esq. late President of the said Convention; and that the said legislature, and the inhabitants of the district aforesaid, be informed that, *as the constitution of the United States is now ratified*, Congress think it unadvisable to adopt any further measures, for admitting the district of *Kentucky* into the federal Union, as an independent member thereof, under the articles of confederation and perpetual union; but that *Congress thinking it expedient that the said district be made a separate State and member of the Union, as soon after proceedings shall commence under the said constitution*, as circumstances shall permit, recommends it to the said legislature, and to the inhabitants of the said district, so to alter their acts and resolutions, relative to the premises, as to render them *conformable to the provisions made in the said constitution, to the end that no impediment may be in the way of the speedy accomplishment of this important business.*"

In this resolution of the old Congress, it is expressly declared, that the Constitution of the United States having been adopted by nine States, and act of the old Congress could have no effect to make *Kentucky* a separate member of the Union, and that, although they thought it expedient that it should so be admitted, yet that this could only be done under the provisions made in the new constitution. It is impossible to have a more direct cotemporaneous evidence that the case contemplated in this article was that of territories *within the limits of the old United States;* yet the gentleman from *North-Carolina*, (Mr. MACON) for whose integrity and independence I have very great respect, told us the other day, that "*if this article had not territories without the limits of the old United States to act upon, it would be wholly without meaning. Because the ordinance of the old Congress had secured the right to the States within the old United States, and a provision for that object, in the new constitution, was wholly unnecessary.*" Now, I will appeal to the gentleman's own candor, if the very reverse of the conclusion he draws is not the true one; after he has considered the following fact: That by this ordinance of the old Congress, it was declared that the boundaries of the contemplated States, and the terms of their admission, should be, in certain particulars, specified in the ordinance, subject to the control of Congress. Now, as by the new constitution the old Congress was about to be annihilated, it was absolutely necessary for the very fulfilment of this ordinance, that the new constitution *should have this power for the admission of new States, within the antient limits:* so that the ordinance of the old Congress, far from shewing the inutility of such a provision for the territories *within the antient limits*, expressly proves the reverse; and is an evidence of its necessity to effect the object of the ordinance itself.

I think there can be no more satisfactory evidence adduced or required of the first part of the position,