

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 Apalachicola, thence along the middle of this river to its junction with the Flint River, thence straight 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 was 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 away to strangers any proportion of the rights of the original partners. If such a power exist, 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 exist anywhere, 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 anywhere 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 inquiry: "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 everyone 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 inquiry would ensure 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 inquiry 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.

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 men-

tion 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 seaboard fifteen hundred miles at least from their residence, and having a preponderancy in councils into which, constitutionally, they could never 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 scale 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 would produce it, I spoke of its principle and its practical consequences. To this principle and 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 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 ethereal 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 analyzing its nature. There is in it nothing of mystery. It depends upon the qualities of that Union, and it 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, anything universal in its nature. Sir, I confess it, the first public love of my heart is

the Commonwealth of Massachusetts. There is my fireside; 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 lands, 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.