THE

SUBSTANCE OF TWO SPEECHES,

DELIVERED IN THE SENATE OF THE UNITED STATES, ON THE SUBJECT OF THE MISSOURI BILL.

BY THE HONOURABLE RUFUS KING, OF NEW YORK.

Jamaica (L. I.), Nov. 22, 1819.

GENTLEMEN,

Conformably to your request in behalf of the committee appointed by the late meeting in the city, on the business of the Missouri Bill, I have the honour to send to you the substance of two speeches that I delivered in the Senate of the United States, when this bill was under its consideration.

As my notes are imperfect, I may have omitted some remarks made on that occasion, and added others which were not made; the communication however contains the substance of my observations, and present opinions on this important subject. I am particularly anxious not to be misunderstood in this case, never having thought myself at liberty to encourage, or to assent to any measure that would affect the security of property in slaves, or tend to disturb the political adjustment which the constitution has established respecting them. I desire to be considered as still adhering to this reserve; and that the observations which I send you should be construed to refer, and to be confined, to the prohibition of slavery in the new states to be formed beyond the original limits of the United States—a prohibition, which in my judgment Congress has the power to establish, and the omission of which may, as I fear, be productive of most serious consequences.

With great respect and esteem,
I have the honour to be,
Gentlemen,
Your most obedient servant,

RUFUS KING.

Messrs. John B. Coles, and John T. Irving, chairman and secretary of the committee appointed by the late city meeting respecting the Missouri Bill

The Substance of two Speeches on the Missouri Bill; delivered by Mr. King, in the Senate of the United States, during their last Session.

The constitution declares, "that Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States." Under this power Congress has passed laws for the survey and sale of the public lands, for the division of the same into separate territories; and has ordained for each of them a constitution, a plan of temporary government, whereby the civil and political rights of the inhabitants are regulated, and the rights of conscience and other natural rights are protected.

The power to make all needful regulations, includes the power to determine what regulations are needful; and if a regulation prohibiting slavery within any territory of the United States be, as it has been, deemed needful, Congress possesses the power to make the same, and moreover to pass all laws necessary to carry this power into execution.

The territory of Missouri is a portion of Louisiana, which was purchased of France, and belongs to the United States in full dominion; in the language of the constitution, Missouri is their territory, or property, and is subject, like other territories of the United States, to the regulations and temporary government which has been, or shall be, prescribed by Congress. The clause of the constitution, which grants this power to Congress, is so comprehensive and unambiguous, and its purpose so manifest, that commentary will not render the power, or the object of its establishment, more explicit or plain.

The constitution further provides, that "new states may be admitted by Congress into the union." As this power is conferred without limitation, the time, terms, and circumstances of the admission of new states, are referred to the discretion of Congress; which may admit new states, but are not

obliged to do so: of right, no new state can demand admission into the union, unless such demand be founded upon some previous engagement of the United States.

When admitted by Congress into the union, whether by compact or otherwise, the new state becomes entitled to the enjoyment of the same rights, and bound to perform the like duties, as the other states; and its citizens will be entitled to all privileges and immunities of citizens in the several states.

The citizens of each state possess rights, and owe duties that are peculiar to, and arise out of the constitution and laws of the several states. These rights and duties differ from each other in the different states; and among these differences, none is so remarkable or important as that which proceeds from the constitution and laws of the several states respecting slavery—the same being permitted in some states, and forbidden in others.

The question respecting slavery in the old thirteen states, had been decided and settled before the adoption of the constitution, which grants no power to Congress to interfere with, or to change, what had been so previously settled: the slave states therefore are free to continue or to abolish slavery. Since the year 1808, Congress has possessed power to prohibit, and has prohibited, the further migration or importation of slaves into any of the old thirteen states, and at all times under the constitution has had power to prohibit such migration or importation into any of the new states, or territories of the United States. The constitution contains no express provisions respecting slavery in a new state that may be admitted into the union: every regulation upon this subject, belongs to the power whose consent is necessary to the formation and admission of such state. Congress may therefore make it a condition of the admission of a new state, that slavery shall be forever prohibited within the same. We may with the more confidence pronounce this to be the true construction of the constitution, as it has been so amply confirmed by the past decisions of Congress.

Although the articles of confederation were drawn up and approved by the old Congress in the year 1777, and soon afterwards were ratified by some of the states, their complete ratification did not take place until the year 1781. The states which possessed small and already settled territory, withheld their ratification, in order to obtain from the large states a cession to the United States of a portion of their vacant territory. Without entering into the reasons on which this demand was urged, it is well known that they had an influence on Massachusetts, Connecticut, New York, and Virginia; which states ceded to the United States their respective claims to the territory lying northwest of the river Ohio. This cession was made on the express condition, that the ceded territory should be sold for the common benefit of the United States; that it should be laid out into states, and that the states so laid out should form distinct republican states, and be admitted as members of the federal union, having the same rights of sovereignty, freedom, and independence, as the other states. Of the four states which made this cession, two permitted, and the other two prohibited, slavery. The United States having in this manner become proprietors of the extensive territory northwest of the river Ohio, although the considerations contained no express provisions upon the subject, Congress, the only representation of the United States, assumed, as incident to their office, the power to dispose of this territory; and for this purpose, to divide the same into distinct states, to provide for the temporary government of the inhabitants thereof, and for their ultimate admission, as new states, into the federal union.

The ordinance for these purposes, which was passed by Congress in 1787, contains certain articles which are called—"Articles of compact between the original states, and the people and states within the said territory, forever to remain unalterable unless by common consent." The sixth of those unalterable articles provides, "that there shall be neither slavery nor involuntary servitude in the said territory."

The constitution of the United States supplies the defect that existed in the articles of confederation, and has vested Congress, as has been stated, with ample powers on this important subject. Accordingly, the ordinance of 1787, passed by the old Congress, was ratified and confirmed by an act of the new Congress, during their first session under the constitution.

The state of Virginia, which ceded to the United States her claims to the territory, consented by her delegates in the old Congress, to this ordinance. Not only Virginia, but North Carolina, South Carolina, and Georgia, by the unanimous votes of their delegates in the old Congress, approved of the ordinance of 1787, by which slavery is forever abolished in the territory northwest of the river Ohio. Without the votes of these states, the ordinance could not have passed; and there is no recollection of an opposition from any of these states, to the act of confirmation passed under the actual constitution. Slavery had long been established in these states—the evil was felt in their institutions, laws, and habits, and could not easily or at once be abolished. But these votes, so honourable to these states, satisfactorily demonstrate their unwillingness to permit the extension of slavery into the new states which might be admitted by Congress into the union.

The states of Ohio, Indiana, and Illinois, on the northwest of the river Ohio, have been admitted by Congress into the union, on the condition and conformably to the articles of compact, contained in the ordinance of 1787, and by which it is declared that there shall be neither slavery nor involuntary servitude in any of the said states.

Although Congress possess the power of making the exclusion of slavery a part or condition of the act admitting a new state into

the union, they may in special cases, and for sufficient reasons, forbear to exercise this power. Thus Kentucky and Vermont were admitted as new states into the union, without making the abolition of slavery the condition of their admission. In Vermont slavery never existed; her laws excluding the same. Kentucky was formed out of, and settled by Virginia, and the inhabitants of Kentucky equally with those of Virginia, by fair interpretation of the constitution, were exempt from all such interference of Congress, as might disturb or impair the security of their property in slaves. The western territory of North Carolina and Georgia having been partially granted and erected under the authority of these states, before the cession thereof to the United States, and these states being original parties to the constitution which recognizes the existence of slavery, no measure restraining slavery could be applied by Congress to this territory. But to remove all doubts on this head, it was made a condition of the cession of this territory to the United States, that the ordinance of 1787, except the sixth article thereof, respecting slavery, should be applied to the same; and that the sixth article should not be so applied. Accordingly, the states of Tennessee, Mississippi, and Alabama, comprehending the territory ceded to the United States by North Carolina and Georgia, have been admitted, as new states, into the union, without a provision by which slavery shall be excluded from the same. According to this abstract of the proceedings of Congress in the admission of new states into the union, of the eight new states within the original limits of the United States, four have been admitted without an article excluding slavery; three have been admitted on the condition that slavery should be excluded; and one admitted without such condition. In the four first cases, Congress were restrained from exercising the power to exclude slavery; in the next three they exercised this power; and in the last, it was unnecessary to do so, slavery being excluded by the state constitution.

The province of Louisiana, soon after its cession to the United States, was divided into two territories, comprehending such parts thereof as were contiguous to the river Mississippi, being the only parts of the province that were inhabited. The foreign language, laws, customs and manners of the inhabitants, required the immediate and cautious attention of Congress, which, instead of extending in the first instance to these territories the ordinance of 1787, ordained special regulations for the government of the same. These regulations were from time to time revised and altered, as observation and experience showed to be expedient, and as was deemed most likely to encourage and promote those changes which would soon qualify the inhabitants for self government, and admission into the union. When the United States took possession of the province of Louisiana in 1804, it was estimated to contain fifty thousand white inhabitants, forty thousand slaves, and two thousand free persons of colour.* More than four-fifths of the whites, and all the slaves, except about thirteen hundred, inhabited New Orleans and the adjacent territory; the residue, consisting of less than ten thousand whites, and about thirteen hundred slaves, were dispersed throughout the country now included in the Arkansaw and Missouri territories. The greater part of the thirteen hundred slaves were in the Missouri territory; some of them having been removed thither from the old French settlements on the east side of the Mississippi, after the passing of the ordinance of 1787, by which slavery in those settlements was abolished.

In 1812, the territory of New Orleans, to which the ordinance of 1787, with the exception of certain parts thereof, had been previously extended, was permitted by Congress to form a constitution and state government, and admitted as a new state into the union, by the name of Louisiana. The acts of Congress for these purposes, in addition to sundry important provisions respecting rivers and public lands, which are declared to be irrevocable, unless by common consent, annex other terms and conditions whereby it is established, not only that the constitution of Louisiana should be republican, but that it should contain the fundamental principles of religious liberty, that it should secure to the citizens the trial by jury in all criminal cases, and the privilege of the writ of habeas corpus, according to the constitution of the United States; and after its admission into the union, that the laws which Louisiana might pass, should be promulgated, its records of every description preserved, and its judicial and legislative proceedings conducted in the language in which the laws and judicial proceedings of the United States are published and conducted.

Guards so friendly to the rights of the citizens and restraints on the state sovereignty so material to the gradual confirmation and security of their liberties, demonstrate the extensive and parental power of Congress; powers, the wise exercise of which, on this occasion, is not confined to the inhabitants of the new state, but reaches and protects the rights of the citizens of all the states. The habits of the people, and the number of slaves by whom the labour of the territory of New Orleans was performed, were doubtless the reason for the omission of an article in the act of admission, by which slavery should be excluded from the new state.

Having annexed these new and extraordinary conditions to the act for the admission of Louisiana into the union, Congress may, if they shall deem it expedient, annex the like conditions to the act for the admission of

* This estimate was too high, as by the census of 1810, the whole province was found to contain only 97,000 inhabitants, viz. 51,000 whites, 37,000 slaves, 8,000 free persons of colour.

Missouri; and, moreover, as in the case of Ohio, Indiana and Illinois, provide, by an article for that purpose, that slavery shall not exist within the same.

Admitting this construction of the constitution, it is alleged that the power by which Congress excluded slavery from the states northwest of the river Ohio, is suspended in respect to the states that may be formed in the province of Louisiana. The article of the treaty referred to declares: "That the inhabitants of the territory shall be incorporated in the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all rights, advantages and immunities of citizens of the United States; and, in the mean time, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Although there is a want of precision in the article, its scope and meaning cannot be misunderstood. It constitutes a stipulation by which the United States engage that the inhabitants of Louisiana should be formed into a state or states, and as soon as the provisions of the constitution permit, that they shall be admitted as new states into the union, on the footing of the other states; and before such admission, and during their territorial government, that they shall be maintained and protected by Congress in the enjoyment of their liberty, property, and religion. The first clause of this stipulation will be executed by the admission of Missouri as a new state into the union, as such admission will impart to the inhabitants of Missouri "all the rights, advantages and immunities," which citizens of the United States derive from the constitution thereof. These rights may be denominated federal rights, are uniform throughout the union, and are common to all its citizens. But the rights derived from the constitution and laws of the states, which may be denominated state rights, in many particulars differ from each other. Thus, while the federal rights of the citizens of Massachusetts and Virginia are the same, their state rights are however dissimilar, slavery being forbidden in one, and permitted in the other state. This difference arises out of the constitutions and laws of the two states, in the same manner as the difference in the rights of the citizens of these states to vote for representatives in Congress arises out of the state laws and constitution. In Massachusetts, every person of lawful age, and possessing property, of any sort, of the value of two hundred dollars, may vote for representatives to Congress. In Virginia, no person can vote for representatives to Congress unless he be a freeholder. As the admission of a new state into the union confers upon its citizens only the rights denominated federal, and as these are common to the citizens of all the states, as well of those in which slavery is prohibited, as of those in which it is allowed, it follows that the prohibition of slavery in Missouri will not impair the federal rights of its citizens, and that such prohibition is not restrained by the clause of the treaty which has been cited.

The remaining clause of the article is expressly confined to the period of the territorial government of Missouri, to the time between the first occupation of the country by the United States, and its admission as a new state into the union. Whatever may be its import, it has no reference nor application to the terms of the admission, or to the condition of Missouri after it shall have been admitted into the union. The clause is but the common formula of treaties, by which inhabited territories are passed from one sovereign to another; its object is to secure such inhabitants the permanent or temporary enjoyment of their former liberties, property, and religion; leaving to the new sovereign full power to make such regulations respecting the same, as may be thought expedient, provided these regulations be not incompatible with the stipulated security.

What were the liberties under the French government, the enjoyment of which under ours called for protection, we are unable to explain; as the United States have no power to prevent the free enjoyment of the Catholic religion, no stipulation against their interference to disturb it could be necessary; and the only part of the clause whose object can be readily understood is that relative to "property."

As all nations do not permit slavery, the term property, in its common and universal meaning, does not include or describe slaves. In treaties therefore between nations, and especially in those of the United States, whenever stipulations respecting slaves were to be made, the word "negroes," or "slaves," have been employed, and the omission of these words in this clause, increases the uncertainty whether by the term property, *slaves* were intended to be excluded. But admitting that such was the intention of the parties, the stipulation is not only temporary, but extends no further than the property actually possessed by the inhabitants of Missouri, when it was first occupied by the United States. Property since acquired by them, and property acquired or possessed by the new inhabitants of Missouri, has in each case been acquired under the laws of the United States, and not during and under the laws of the province of Louisiana. Should therefore the future introduction of slaves into Missouri be forbidden, the feelings of the citizens would soon become reconciled to their exclusion, and the inconsiderable number of slaves owned by the inhabitants at the date of the cession of Louisiana would be emancipated or sent for sale into states where slavery exists.

It is further objected, that the article of the act of admission into the union, by which slavery should be excluded from Missouri, would be nugatory, as the new state in virtue of its sovereignty would be at liberty to revoke its consent, and annul the article by which slavery should be excluded.

Such revocation would be contrary to the obligations of good faith, which enjoins the observance of our engagements—it would be repugnant to the principles upon which government itself is founded. Sovereignty in every lawful government is a limited power, and can do only what it is lawful to do—sovereigns, like individuals, are bound by their engagements, and have no moral power to break them. Treaties between nations repose on this principle. If the new state can revoke and annul an article constructed between itself and the United States, by which slavery is excluded from it, it may revoke and annul any other article of the compact; it may, for example, annul the article respecting public lands, and in virtue of its sovereignty, assume the right to tax and to sell the lands of the United States.

There is yet a more satisfactory answer to this objection. The judicial power of the United States is coextensive with their legislative power, and every question arising under the constitution or laws of the United States, is cognizable by the judiciary thereof. Should the new state rescind any of the articles of compact contained in the act of admission into the union, that, for example, by which slavery is excluded; and should pass a law authorizing slavery, the judiciary of the United States, on proper application, would immediately deliver from bondage, any person detained as a slave in said state; and in like manner, in all instances affecting individuals, the judiciary might be employed to defeat every attempt to violate the constitution and laws of the United States.

If Congress possess the power to exclude slavery from Missouri, it still remains to be shown that they ought to do so. The examination of this branch of the subject, for obvious reasons, is attended with peculiar difficulty, and cannot be made without passing over arguments which to some of us might appear to be decisive, but the use of which, in this place, would call up feelings, the influence of which would disturb, if not defeat, the impartial consideration of the subject.

Slavery unhappily exists within the United States. Enlightened men in the states where it is permitted, and every one out of them, regret its existence among us, and seek for the means of limiting and of mitigating it. The first introduction of slaves is not imputable to the present generation, nor even to their ancestors. Before the year 1642, the trade and ports of the colonies were open to foreigners equally as those of the mother country, and as early as 1620, a few years only after the planting of the colony of Virginia, and the same year in which the first settlement was made in the old colony of Plymouth, a cargo of negroes was brought into and sold as slaves in Virginia by a foreign ship.* From this beginning the importation of slaves was continued for nearly two centuries. To her honour, Virginia, while a colony, opposed the importation of slaves, and was the first state to prohibit the same, by a law passed for this purpose in 1773, thirty years before the general prohibition enacted by Congress in 1808. The laws and customs of the states in which slavery has existed for so long a period, must have had their influence on the opinions and habits of the citizens, which ought not to be disregarded on the present occasion.

Omitting therefore the arguments which might be urged, and which by all of us might be deemed conclusive, were this an original question, the reasons which shall be offered in favour of the interposition of the power of Congress to exclude slavery from Missouri, shall be only such as respect the common defence, the general welfare, and that wise administration of the government, which as far as possible may produce the impartial distribution of benefits and burdens throughout the union.

By the articles of confederation, the common treasury was to be supplied by the several states according to the value of the lands, with the houses and improvements thereon, within the respective states. From the difficulty in making this valuation, the old Congress were unable to apportion the requisition for the supply of the general treasury, and obliged the states to propose an alteration of the articles of confederation, by which the whole number of free persons, with three-fifths of the slaves, contained in the respective states, should become the rule of such apportionment of the taxes. A majority of the states approved of this alteration, but some of them disagreed to the same; and for want of a practicable rule of apportionment, the whole of the requisitions of taxes made by Congress during the revolutionary war, and afterwards, up to the establishment of the constitution of the United States, were merely provisional, and subject to revision and correction as soon as such rules should be adopted. The several states were credited for their supplies, and charged for the advances made to them by Congress; but no settlement of their accounts could be made, for the want of a rule of apportionment, until the establishment of the constitution.

When the general convention that formed the constitution took this subject into their consideration, the whole question was once more examined, and while it was agreed that all contributions to the common treasury should be made according to the ability of the several states to furnish the same, the old difficulty recurred in agreeing upon a rule whereby such ability should be ascertained, there being no simple standard by which the ability of individuals to pay taxes can be ascertained. A diversity in the selection of taxes has been deemed requisite to their equalization. Between communities, this difficulty is less considerable, and although the rule of relative members would not accurately measure the relative wealth of nations, in states in the circumstances of the United

* Stith's History of Virginia.

States, whose institutions, laws, and employments, are so much alike, the rule of number is probably as nearly equal as any other simple and practicable rule can be expected to be (though between the old and new states its equity is defective): these considerations, added to the approbation which had already been given to the rule, by a majority of the states, induced the convention to agree, that direct taxes should be apportioned among the states, according to the whole number of free persons, and three-fifths of the slaves which they might respectively contain.

The rule for the apportionment of taxes, is not necessarily the most equitable rule for the apportionment of representatives among the states;—property must not be disregarded in the composition of the first rule, but frequently is overlooked in the establishment of the second; a rule which might be approved in respect to taxes, would be disapproved in respect to representatives, as one individual possessing twice as much property as another, might be required to pay double the taxes of such other; but no man has two votes to another's one; rich or poor, each has but a single vote in the choice of representatives.

In the dispute between England and the colonies, the latter denied the right of the former to tax them, because they were not represented in the English parliament. They contended, that according to the law of the land, taxation and representation were inseparable. The rule of taxation being agreed upon by the convention, it is possible that the maxim with which we successfully opposed the claim of England, may have had an influence in procuring the adoption of the same rule for the apportionment of representatives; the true meaning, however, of this principle of the English constitution, is, that a colony or district is not to be taxed which is not represented; not that its number of representatives shall be ascertained by its quota of taxes. If three-fifths of the slaves are virtually represented, or their owners obtain a disproportionate power in legislation, and in the appointment of the President of the United States, why should not other property be virtually represented, and its owners obtain a like power in legislation, and in the choice of the president? Property is not confined to slaves, but exists in houses, stores, ships, capital in trade, and manufactures. To secure to the owners of property in slaves, greater political power than is allowed to the owners of other and equivalent property, seems to be contrary to our theory of the equality of personal rights, inasmuch as the citizens of some states thereby become entitled to other and greater political power than the citizens of other states. The present house of representatives consists of one hundred and eighty-one members, which are apportioned among the states in a ratio of one representative for every thirty-five thousand federal members, which are ascertained by adding to the whole number of free persons, three-fifths of the slaves. According to the last census, the whole number of slaves within the United States was 1,191,364, which entitled the states possessing the same, to twenty representatives, and twenty presidential electors more than they would be entitled to, were the slaves excluded. By the last census, Virginia contained 582,104 free persons, and 392,518 slaves. In any of the states where slavery is excluded, 582,104 free persons would be entitled to elect only sixteen representatives; while in Virginia, 582,104 free persons, by the addition of three-fifths of her slaves, become entitled to elect, and do in fact elect, twenty-three representatives, being seven additional ones on account of her slaves. Thus, while 35,000 free persons are requisite to elect one representative in a state where slavery is prohibited, 25,559 free persons in Virginia, may and do elect a representative—so that five free persons in Virginia, have as much power in the choice of representatives to Congress, and in the appointment of presidential electors, as seven free persons in any of the states in which slavery does not exist.

This inequality in the apportionment of representatives was not misunderstood at the adoption of the constitution—but as no one anticipated the fact that the whole of the revenue of the United States would be derived from indirect taxes, (which cannot be supposed to spread themselves over the several states according to the rule for the apportionment of direct taxes,) it was believed that a part of the contribution to the common treasury, would be apportioned among the states by the rule for the apportionment of representatives. The states in which slavery is prohibited, ultimately, though with reluctance, acquiesced in the disproportionate number of representatives and electors that was secured to the slave holding states; the concession was, at the time, believed to be a great one, and has proved to have been the greatest which was made to secure the adoption of the constitution.

Great, however, as this concession was, it was definite, and its full extent was comprehended. It was a settlement between the original thirteen states. The considerations arising out of their actual condition, their past connexion, and the obligation which all felt to promote a reformation in the federal government, were peculiar to the time and to the parties, and are not applicable to the new states, which Congress may now be willing to admit into the union.

The equality of rights, which includes an equality of burdens, is a vital principle in our theory of government, and its jealous preservation is the best security of public and individual freedom; the departure from this principle in the disproportionate power and influence, allowed to the slave holding states, was a necessary sacrifice to the establishment of the constitution. The effect of this concession has been obvious in the preponderance which it has given to the slave holding states

over the other states. Nevertheless, it is an ancient settlement, and faith and honour stand pledged not to disturb it. But the extension of this disproportionate power to the new states would be unjust and odious. The states whose power would be abridged, and whose burdens would be increased by the measure, cannot be expected to consent to it; and we may hope that the other states are too magnanimous to insist on it.

The existence of slavery impairs the industry and the power of a nation; and it does so in proportion to the multiplication of its slaves: where the manual labour of a country is performed by slaves, labour dishonours the hands of freemen.

If her labourers be slaves, Missouri may be able to pay money taxes, but will be unable to raise soldiers, or to recruit seamen; and experience seems to have proved that manufactures do not prosper where the artificers are slaves. In case of foreign war or domestic insurrection, misfortunes from which no states are exempt, and against which all should be seasonably prepared, slaves not only do not add to, but diminish the faculty of self defence; instead of increasing the public strength, they lessen it, by the whole number of free persons whose place they occupy, increased by the number of freemen that may be employed as guards over them.

The motives for the admission of new states into the union, are the extension of the principles of our free government, the equalizing of the public burdens, and the consolidation of the power of the confederated nation. Unless these objects be promoted by the admission of new states, no such admission can be expedient or justified.

The states in which slavery already exists, are contiguous to each other; they are also the portion of the United States nearest to the European colonies in the West Indies; colonies whose future condition can hardly be regarded as problematical. If Missouri, and the other states that may be formed to the west of the river Mississippi, are permitted to introduce and establish slavery, the repose, if not the security, of the union may be endangered; all the states south of the river Ohio and west of Pennsylvania and Delaware, will be peopled with slaves, and the establishment of new states west of the river Mississippi, will serve to extend slavery instead of freedom over that boundless region.

Such increase of the states, whatever other interests it may promote, will be sure to add nothing to the security of the public liberties, and can hardly fail hereafter to require and produce a change in our government.

On the other hand, if slavery be excluded from Missouri, and the other new states which may be formed in this quarter, not only will the slave markets be broken up, and the principles of freedom be extended and strengthened, but an exposed and important frontier will present a barrier, which will check and keep back foreign assailants, who may be as brave, and, as we hope, will be as free as ourselves. Surrounded in this manner by connected bodies of freemen, the states where slavery is allowed, will be made more secure against domestic insurrection, and less liable to be affected by what may take place in the neighbouring colonies.

It ought not to be forgotten, that the first and main object of the negotiation which led to the acquisition of Louisiana, was the free navigation of the Mississippi; a river that forms the sole passage from the western states to the ocean. This navigation, although of general benefit, has been always valued and desired, as of peculiar advantage to the western states; whose demands to obtain it, were neither equivocal or unreasonable. But with the river Mississippi, by a sort of coercion, we acquired, by good or ill fortune, as our future measures shall determine, the whole province of Louisiana. As this acquisition was made at the common expense, it is very fairly urged that the advantages to be derived from it should also be common. This it is said will not happen, if slavery be excluded from Missouri, as the citizens of states where slavery is permitted will be shut out, and none but citizens of states where slavery is prohibited can become inhabitants of Missouri.

But this consequence will not arise from the proposed exclusion of slavery: the citizens of states in which slavery is allowed, like all other citizens, will be free to become inhabitants of the Missouri, in like manner as they have become inhabitants of Ohio, Indiana, and Illinois, in which slavery is forbidden. The exclusion of slaves from Missouri, will not therefore operate unequally among the citizens of the United States. The constitution provides, "that the citizens of each state shall be entitled to enjoy all the rights and immunities of citizens of the several states"—every citizen may therefore remove from one to another state, and there enjoy the rights and immunities of its citizens. The proposed provision excludes slaves, not citizens, whose rights it will not, and cannot impair.

Besides, there is nothing new or peculiar in a provision for the exclusion of slavery: it has been established in the states northwest of the river Ohio, and has existed from the beginning in the old states where slavery is forbidden. The citizens of states where slavery is allowed, may become inhabitants of Missouri, but cannot hold slaves there, or in any other state where slavery is prohibited. As well might the laws prohibiting slavery in the old states become the subject of complaint, as the proposed exclusion of slavery in the Missouri; but there is no foundation for such complaint in either case. It is further urged, that the admission of slaves into Missouri would be limited to the slaves who are already within the United States; that their health and comfort would be promoted by their dispersion, and that their numbers would be the same, whether they remained confined to the states where slavery exists, or are dispersed over the new states that may be admitted into the union.

That none but domestic slaves would be introduced into Missouri, and the other new and frontier states, is most fully disproved by the thousands of fresh slaves which, in violation of our laws, are annually imported into Alabama, Louisiana, and Mississippi.

We may renew our efforts, and enact new laws with heavier penalties, against the importation of slaves; the revenue cutters may more diligently watch our shores, and the naval force may be employed on the coast of Africa and on the ocean, to break up the slave trade—but these means will not put an end to it: so long as markets are open for the purchase of slaves, so long they will be supplied; and so long as we permit the existence of slavery in our new and frontier states, so long slave markets will exist. The plea of humanity is equally inadmissible; since no one, who has ever witnessed the experiment, will believe that the condition of slaves is made better by the breaking up and separation of their families, nor by their removal from the old states to the new ones; and the objection to the provision of the bill, excluding slavery from Missouri, is equally applicable to the like prohibition of the old states; these should be revoked, in order that the slaves, now confined to certain states, may, for their health, and comfort, and multiplication, be spread over the whole union.

That the condition of slaves within the United States has been improved, and the rigours of slavery mitigated by the establishment and progress of our free governments, is a fact that imparts consolation to all who have taken pains to inquire concerning it. The disproportionate increase of free persons of colour, can be explained only by the supposition, that the practice of emancipation is gaining ground; a practice which there is reason to believe would become more general, if a plan could be devised by which the comforts and morals of the emancipated slaves could be satisfactorily provided for. For it is not to be doubted that public opinion every where, and especially in the oldest state of the union, is less favourable than formerly to the existence of slavery. Generous and enlightened men, in the states where slavery exists, have discovered much solicitude on the subject; a desire has been manifested that emancipation might be encouraged by the establishment of a place or colony, without the United States, to which free persons of colour might be removed; and great efforts for that purpose are making with corresponding anxiety for their success. Those persons, humane and enlightened as they are known to be, surely will be unwilling to promote the removal of the slaves from the old states to the new ones, where their comforts will not be multiplied, and where their fetters may be rivetted forever.

Slavery cannot exist in Missouri without the consent of Congress; the question may, therefore, be considered, in certain lights, as a new one, it being the first instance in which an inquiry respecting slavery, in a case so free from the influence of the ancient laws, usages and manners of the country, has come before the Senate.

The territory of Missouri is beyond our ancient limits, and the inquiry whether slavery shall exist there, is open to many of the arguments that might be employed, had slavery never existed within the United States. It is a question of no ordinary importance. Freedom and slavery are the parties which stand this day before the Senate; and upon its decision the empire of the one or the other will be established in the new state which we are about to admit into the union.

If slavery be permitted in Missouri, with the climate, and soil, and in the circumstances of this territory, what hopes can be entertained that it will ever be prohibited in any of the new states that will be formed in the immense region west of the Mississippi. Will the co-extensive establishment of slavery and of new states throughout this region, lessen the danger of domestic insurrection, or of foreign aggression? Will this manner of executing the great trust of admitting new states into the union, contribute to assimilate our manners and usages, to increase our mutual affection and confidence, and to establish that equality of benefits and burdens, which constitutes the true basis of our strength and union? Will the militia of the nation, which must furnish our soldiers and seamen, increase as slaves increase? Will the actual disproportion in the military service of the nation be thereby diminished; a disproportion that will be, as it has been, readily borne, as between the original states, because it arises out of their compact of union, but which may become a badge of inferiority, if required for the protection of those who, being free to choose, persist in the establishment of maxims, the inevitable effect of which will deprive them of the power to contribute to the common defence, and even of the ability to protect themselves? There are limits within which our federal system must stop; no one has supposed that it could be indefinitely extended—we are now about to pass our original boundary; if this can be done without affecting the principles of our free government, it can be accomplished only by the most vigilant attention to plant, cherish and sustain the principles of liberty in the new states that may be formed beyond our ancient limits: with our utmost caution in this respect, it may still be justly apprehended, that the general government must be made stronger as we become more extended.

But if, instead of freedom, slavery is to prevail, and spread, as we extend our dominion, can any reflecting man fail to see the necessity of giving to the general government greater powers, to enable it to afford the protection that will be demanded of it; powers that will be difficult to control, and which may prove fatal to the public liberties?

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