

JANUARY, 1820.

Admission of Maine and Missouri.

SENATE.

The Senate resumed the consideration of the report of the Committee on Naval Affairs, to whom was referred the petition of Thomas Chapman, collector of the customs for the district of Georgetown, in the State of South Carolina; and, in conformity thereto, resolved that the prayer of the petitioner ought not to be granted.

The Senate resumed the consideration of the report of the Committee of Claims, to whom was referred the petition of Edward Barry and George Hodge; and, in conformity thereto, the petitioners had leave to withdraw their petition.

The Senate resumed the consideration of the report of the Committee on Pensions, to whom was referred the petition of Phineas Cole, of New Hampshire; and, in conformity thereto, the petitioner had leave to withdraw his petition.

The Senate resumed the consideration of the report of the same committee, to whom was referred the petition of John Charlton, 2d, and Elisha Douglass, of the District of Maine, praying pensions; and, in conformity thereto, the petitioners had leave to withdraw their petition.

The bill confirming Anthony Cavalier and Peter Petit, in their claim to a tract of land, was read the second time.

The bill to establish a district court in the State of Alabama was read the second time.

The bill for altering the times for holding the court of the United States, for the western district of Pennsylvania, was read the second time.

The bill to establish an uniform system of bankruptcy throughout the United States was read the second time.

MAINE AND MISSOURI.

The Senate resumed the consideration of the subject of the Maine bill, (as proposed to be amended by adding Missouri to it,) and the proposition by Mr. ROBERTS, to recommit the bill with instructions to the committee to separate the two, and report Maine in a distinct bill, as it came from the other House.

Mr. BARBOUR, of Virginia said, the particular agency which he had heretofore had in this subject made it proper that he should endeavor to show the impropriety of agreeing to the proposed resolution, and at the same time vindicate the course pursued by the committee in recommending the amendment providing for the admission of Missouri into the Union. To a distinct understanding of the subject, said he, it is necessary we should advert to the history of its progress. A select committee, to whom the subject was referred, brought in a bill whose object was to provide for the admission of Maine into the Union. While it was depending before the Senate, I submitted a motion to recommit the bill, with instructions to incorporate the very amendment which has now been proposed. Before this question was decided, a bill is sent up from the House of Representatives, precisely like that depending here. In conformity to an existing comity between the two Houses, the bill depending here, with the instructions I had submitted, was postponed, and the Senate proceeded to act on the one from the House

of Representatives. At the proper time, it was committed to the Judiciary Committee, who, as I think, most wisely and justifiably, reported the bill with the much contested amendment in favor of Missouri—the memorial of that people having been previously referred to that committee, supplicating admission into the Union. It is objected, first, by the member from Pennsylvania, that the committee got possession of the subject rather curiously. In justification of this assertion, he states that the memorial of the people of Missouri is that which was presented the last session. Sure, this objection is of itself a curiosity. Is it not the invariable usage which obtains in both branches, when a petition has been presented, and its object not consummated, as is but too commonly the case, Congress either being unable or unwilling to do so, for the same identical petition to be presented to the ensuing Congress? Why present a new one, the facts and grounds of the application remaining the same? It is next objected by the gentleman from Rhode Island, that the committee have exceeded their powers in recommending this amendment. Pray, sir, what is the object of referring a bill to a committee—merely to dot the i's and cross the t's? I had supposed they had a more important duty to perform. Not only their right, but that it was their bounden duty to modify or amend any and every part in relation to the particular subject embraced by the bill, and to extend its provisions so as to embrace every corresponding subject. This is not only a rational rule, but one which is prescribed by every well organized deliberative body. It in the first place diminishes that multiplicity of laws already swelled to an extent beyond the reading of the most industrious. Secondly, it prevents that irregularity and inconsistency which ensue from a different course. I appeal to the experience of the Senate, when I assert, that the success of a claim, for instance, depends sometimes on the zeal, perseverance, and ability of its patron. A claim thus supported, is carried in triumph through the House—while one no less just, for want of those efficient auxiliaries, is lost, and, in consequence, a chequered and unequal system of legislation obtains. If this be true on trifling occasions, how does the reason of the course pursued by the committee increase upon us, and the necessity of adhering to it upon subjects so important as those involved in the bill and amendment! But it is objected that the two subjects are dissimilar, and, therefore, should be separated. If this be true, why send it back to the committee? The question before the Senate is, shall they be joined as proposed by the committee? If you disapprove of the junction, reject it; but do not refer it to the committee: they have performed their duty; do you perform yours. But is it true, that there is any difference in the two subjects, so as to make it indispensable to separate them? As to any thing yet before the Senate, there is no essential difference; and, therefore, nothing to require their separation. Let us inquire, first, in what they agree; Maine, it is readily admitted, has just claims to an admission into the Union; and I shall be greatly misunderstood, if I am suspected of any

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hostility to such admission. Her claims rest on the extent of her territory, the number of her people, the great length of her maritime coast, her frontier situation, and the necessity of the residence of her government within her borders, by which, whenever the occasion occurs, the resources of the State may be called out immediately for her defence and protection. What are Missouri's claims? An equal extent of country, the number of her people, her frontier situation, a right guaranteed by the treaty by which we acquired the country, but, above all, the invaluable privilege of self-government, of which she is now deprived: a privilege dear to every American; the deprivation of which is the last injury which can be inflicted upon them. In what do they differ? It is said Maine is ready to come into the Government, having formed her constitution. If dependently of the consideration that this state of things would make it necessary only to adapt the different sections of the bill to the peculiar circumstances of the two cases, I must be permitted to state, that Maine has no claim on us for the precipitancy with which she has acted. The correct course would have been, to have obtained the consent of Congress before she had proceeded as far as she has. For I presume no one will pretend that there is any Constitutional obligation on Congress to admit Maine at all into the Union—for the very obvious reason, that she now, as a part of Massachusetts, enjoys all the inestimable blessings of self-government. She surely, therefore, has not increased her claim on our indulgence by the premature step she has taken in forming her constitution; especially, too, as she did not know but, according to the new doctrine recently sprung up, Congress might think proper to impose restrictions—of which right she seems to have deprived us, by making and fashioning her constitution according to her own will and pleasure. Missouri, on the contrary, quietly submitted to the injustice of which she was the victim at the last session, and, for this submission, and her forbearance to assert her right to self-government, is held as an unworthy associate of the less respectful Maine.

Various other objections have been suggested by the member from Rhode Island, but it must be palpable they are intended merely as a light corps for skirmishing, and to conceal the real point of attack. He says he does not know that the people of Missouri wish to be admitted into the Union. I fear were one to come from the dead to testify the fact, the gentleman would be still incredulous. Were you not petitioned by the Legislature of the Territory at your last session? Did not the people, during the last Summer, in every possible form, indignantly denounce the attempted usurpation of Congress? And has not their Delegate in the other branch of the Legislature signified the wishes of his constituents by obtaining leave to bring in a bill for that purpose in a few days after our meeting? But why need I refer to these facts? Is there any circumstance which renders it less desirable to the people of Missouri than at the last session? What is it they pray for? the right

of self-government—the choicest blessing of Heaven to human kind. And, does an American Senator wish any other evidence of the existence of this wish, but that innate desire for this high privilege in man wherever he is found; but more especially with a people principally composed of native born Americans, who have enjoyed the blessing and know how to appreciate it? But, he does not know the number of people in the Territory since Arkansas was detached. No! Was not the latter Territory detached during the last session contemporaneously with the bill for the admission of Missouri? Then no objection was heard as to her wanting the number to justify her admission into the Union? But, if her number were sufficient then, much more so is it now, when they have incalculably increased by that tide of emigration which has so steadily flowed into the Territory during the last year. He is also not satisfied with the boundaries. Yet they, too, were critically scanned during the last session, and finally assumed such a shape as to be unexceptionable. I will not lose more time, in meeting objections of this kind, which carry with them their own refutation, than barely to remark that the gentleman who used them must have felt himself pressed to the wall before he would resort to means of defence of, to say the least, such doubtful propriety. It would have been better at once fairly to acknowledge the real object. Let it be presented without ambiguity. Let the issue be made up, and, according to the will of the majority, let the contest be settled. I will state frankly what it is. The gentlemen wish to impose restrictions on the people of Missouri, and not on the people of Maine. Here lies the difference, not in the unequal claims of the people of these two portions of territories, but in the new-fangled scheme, the result of modern and unwise counsels, which seeks to fix on Missouri the badge of inequality and degradation. I had fondly hoped that the good sense of the Senate, and its regard to the just rights of every part of the Union, would have resisted an attempt so repugnant to the plighted faith of the nation, the letter and spirit of the Constitution, and, above all, the great and inalienable right of the people of self-government; but, in this hope I fear I shall be disappointed. It is this attempt which constitutes the only difference between Maine and Missouri. Now, I submit this question to the candor of gentlemen on the opposite side.

If the design alluded to, that of imposing restrictions on the people of Missouri, did not exist, or, existing, we were ready to agree to it, would they have any difficulty in agreeing to the union of these States in the same bill? I answer for them—they would not: the bill would have passed, notwithstanding this union, without criticism or question. But the question, in our view, is as though this difficulty did not exist; for that which does not exist, and that which ought not to exist, is, as to its effects, precisely the same. Now, we say you have no right to impose these restrictions, and, having no right, you shall claim no advantage by the attempt. This would be to suffer you

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to profit by your own wrong; and, if I am correct in saying you would have no objection to the proposed consolidation, were it not for this attempt to control the people of Missouri in the exercise of the great privilege of making their own government, and also that you have no right so to control them, we, who assume both these as unquestionable truths, can see no serious difficulty to the proposed union. I forbear to investigate them at this time, because I have been told by the Chair, and properly told, that upon this question such an investigation would, as the lawyers say, be travelling out of the record. In the proper stage of the question I will, as far as my feeble capacity will enable me, endeavor to sustain them to the satisfaction of every unprejudiced mind. But gentlemen confidently ask us, why seek to compel us to vote for a measure of which we disapprove by uniting it with another on which there is no difference of opinion? For the plainest of all possible reasons. You who ask, shall be compelled to do justice. Is this a novelty in ethics or in legislation? If you apply to a court of equity for its aid in reference to a subject relative to which there is no doubt, what is the answer of the chancellor? You who ask must do justice. "Do unto others as you would be done unto," is a sublime maxim of morality, inculcated by the highest of all possible authority, and on which, we are told, hang the law and the prophets. You who ask justice for Maine, shall be compelled to do it for Missouri. And shall we be called unreasonable who view the question in this light, if to preserve equality, which is but another name for justice, we unite them indissolubly together, and subject them to a common fate? How could we stand justified in lending ourselves to a course of legislation whose result would be stamped with the most consummate injustice? Do you not know that the very Constitution by whose authority we are here is the result of compromise brought about by the very course we are now pursuing? If the South had required its claims, never so just, first to have been yielded, and all control over such cession to have been surrendered by the North before its pretensions had been heard, much less established, would not such a proposition have been scouted? The fact is, in all great national questions, where different views and different feelings prevail, it is indispensable to any practical result that we practise towards each other some degree of deference and concession. The mind of man revolts at that spirit of arrogance which claims unqualified submission and acquiescence to the pretensions of an equal, who, at the same moment, refuses to listen to yours. Every consideration of propriety, and justice, and prudence, demands that he, towards whom injustice is about to be practised, should reject every proposition which has not perfect equality for its basis. It is in this spirit that we who think the claims of Missouri, for the reasons before assigned, to an admission into the Union as unrestrained as Maine, are stronger than those of Maine, believe it would be an act of folly and injustice to suffer Maine to be introduced into the Union while Missouri was excluded. I there-

fore, repeat again, do unto others as you would they should do unto you. Precedent has been resorted to on this occasion to influence our decision. It is supposed to be found in the instance of Kentucky and Vermont. With submission, I think the gentlemen singularly unfortunate in this reference. I am authorized to say, from unquestionable authority, that Kentucky was kept back some time for the purpose of insuring the admission of Vermont. What do we propose to do? Not to delay the admission of Maine for a moment, but simply to unite Missouri with her. Does this affect Maine? No. Yet, in the very case alluded to, the East refused justice to the West, for a portion of time, with the design of making this act of their justice to Kentucky subservient to the wishes of Vermont to be admitted into the Union; and, although they are not in the same law, yet, as there was no difficulty at that time in admitting both, they passed at the same session. But let us suppose the invidious distinctions which are now attempted had been insisted on against Kentucky or Vermont, is it to be believed that the same caution would not have been used which we propose now to pursue? In this conclusion I think I am warranted by referring to the law of the same session in regard to the representation of those States. The census not having been taken, the ratio was arbitrary, and, to prevent inequality, both States were united in the same law, and two Representatives assigned to each. So much for precedent, sir.

In calling upon the Senate to support the amendment, whose effect will be to admit Missouri into the Union, there is one portion of the House to which I feel confident I shall not appeal in vain. I address myself to those who have just escaped from the thralldom of colonial government. You have too recently escaped from that degraded state, and entered into the fruition of all the blessings of self-government, not to appreciate duly the advantages of the change. The unportioned Missouri, the nation's orphan, claims to participate in this immeasurable blessing. Can you turn a deaf ear to her just supplications? She knocks at that door through which you have just entered. Does it become you to bar it against her? Leave this invidious, unhallowed task, to your veteran associates. Remember the question now is, shall Missouri be admitted at all? The question is not involved whether she shall be admitted with or without restrictions. Whatever may be your sentiments on this subject, it is not at this stage that an expression of them is called for. An opportunity will be furnished you hereafter of recording your opinion on this point.

Mr. President, the question essentially involved in the measure under consideration, is one, in its consequences, of the highest import to the tranquillity and happiness of the Union. Let me appeal to the other side, (and I design to be as solemn as the occasion requires,) and ask, what is to be done? We are pledged by the most solemn sanctions of our religion to reject the meditated restrictions on Missouri; the Constitution, which we have sworn to support, forbids it. You say that you will not recede because expediency dictates it.

Is, then, that vast region beyond the Mississippi, with its countless inhabitants, forever to be subjected to a colonial government? If it were practicable, does it become the Senate of the United States to will it? But suffer not yourselves to be deceived. The same spirit which animated the heroes and patriots of the Revolution warms the bosoms of those hardy sons of the West; and when you, by your resolves, arrest the mighty flood of the Mississippi, then, and not till then, will you be able to repress this unconquerable spirit. I will not lift the curtain to look into futurity, still less to delineate what I fear may be the awful consequences. I am not easily alarmed, nor am I disposed to be an alarmist; but this I will say, that I fear this subject will be an ignited spark, which, communicated to an immense mass of combustion, will produce an explosion that will shake this Union to its centre. There is one consideration connected with the present question and its attendant circumstances, that swells beyond even it, important as it is, and embraces the foundations of our political fabric. The crisis has arrived, contemplated by the framers of the Constitution, and to guard against whose effects was the principal object of the creation of the Senate. To us does the Constitution look in the moment of popular excitement, whether the result of accident or design; to us belongs the high attribute of prescribing limits to its excess. The framers of the Constitution, independently of their general knowledge, were deeply read in the character of man; they had seen him in every phase of which he was susceptible in peace and war. They, therefore, knew that power and distinction were idols but too devoutly worshipped in every heart; that there were too many who valued them even beyond their consciences, and whose sacrifice was therefore considered small compared to their enjoyment. Nothing is more easy than to sail gently down the current with all your sails swelled with popular breezes. It is that breeze which becomes your chart and compass. You fear no shoal or breaker but popular displeasure. But these great men, in tracing liberty and its effects from the master States of antiquity to the present time, had seen, wherever it had appeared, that it had been attended with faction and violence—conforming in this to the law of all existing things, that whatever is great is irregular. To create some check in the Constitution that might stay its fury was the result of profound wisdom. To fulfil this great purpose, a duration in office has been assigned us sufficient to fill the measure of legitimate ambition. If true to our trust, we stand as an isthmus between the troubled wave of popular discontent, lashed into a storm by local prejudices or designing demagogues, and the Constitution. If, instead of resisting, we yield to the current, we swell the dreadful tide, which, passing its limits, floods the land, and whelms every thing in ruin. The time has arrived which brings to the test the theory of the Constitution. This portentous subject, twelve months ago, was a little speck scarcely visible above the horizon; it has already overcast the heavens, obscuring every other object; mate-

rials are everywhere accumulating with which to render it darker. I cannot repress an expression of my fears as to its catastrophe, unless it be dissipated by the wisdom and the firmness of the Senate. To stand firm when deserted by the people; to prefer our duty to our honors, requires a moral energy not often to be found. To disfranchise ourselves when not called for by the magnitude of the subject is wanton suicide. But fearlessly to commit ourselves to the breach when the peace and tranquillity of our country demand it, entitles those who perform so illustrious a service to the gratitude of their country. I think I see around me some who are ready to make the sacrifice. To them, if my feeble voice can effect it, shall be erected an everlasting monument of imperishable fame. I do not ask of others what I am not ready to perform; and if ever the day shall come when the welfare of my country demands this sacrifice of me, and I shall be wanting in my duty, I pray God it may be my last.

Mr. ORIS, of Massachusetts, observed that, from the relation in which he stood to the State whose separation was to be effected by the bill, it might be expected that he should take some part in the debate, though he was not sure that it was in his power to add much to the illustration of the subject. It must be obvious to all that he could not reflect without regret upon the proposed division of his native State; but as this measure had been long since agreed to, with the full and deliberate consent of all parties concerned; and the people of Maine, in consequence of what he regarded as an invitation from Congress, had actually formed a constitution, and were now intent upon the consummation of their plan, he felt it to be his duty to contribute, with sincerity and frankness, to its accomplishment. The question now before the Senate was in substance a question of order; and it was with a view to disencumber it of other questions, of a more grand and interesting character, that he should vote in favor of the recommitment. He should, on the whole, have preferred taking the question upon the adoption of the amendment; but as upon that the entire merits of the Missouri pretensions would have been open to a debate, at the option of honorable gentlemen, which it was desirable to avoid, he was reconciled to the present course. He begged leave, however, to deny, that a vote in favor of this motion was equivalent to one for rejecting Missouri. He had once voted for the admission of Missouri, and expected, after a fair opportunity for examination into the details of a bill for that purpose, if it could be made to accord with his views, to vote for it again. It was not, he agreed, very easy to compass, with the chains of a definition, the principles that should regulate the embracing of several objects in one bill; but there was in every man's bosom a perception of the fitness and congruity of objects which furnished an almost unerring standard. If the subject-matter of two provisions was entirely dissimilar, and unconnected; if the law could neither operate simultaneously, nor with equal effect, upon different subjects; if the conclusion to be drawn resulted from different premises, and depended on