

tion of the United States, relative to powers of congress, which, if adopted, will prove highly injurious to the interests of the nation.

Since the passage of the resolutions under consideration, the subject matter of them has been so amply discussed in the congress of the United States, as to render it at this time, an unnecessary and useless labour to assign and illustrate, at large, the reasons why this legislature ought not to give its assent to them.

Notwithstanding the reasoning of the legislature of the state of Virginia, on the language of the constitution, the committee has full confidence, that the power to prescribe the prohibition of slavery, as a condition of the admission of new states into the Union, is vested in congress by a fair interpretation of the language of that instrument.

The argument, chiefly relied on, is, that the prescribing such condition by congress is inconsistent with the sovereignty of the state to be admitted, and its equality with the other states. It is admitted that "congress, if the applicant for admission into the Union had no right whatever to demand it, as would be the case of an independent state making such application, might provide for the admission of such state upon the performance of precedent conditions, not impairing its sovereignty." If so, as the territory of Missouri had no right to demand admission, the only question is, whether the right to establish slavery within their respective limits is essential to that sovereignty, which is enjoyed by the different states of the Union under the constitution of the United States. For evidence that such right is not essential to their sovereignty, an appeal might be made not only to the solemn assertion of the unalienable right of all men to freedom, announced in the declaration of our national independence, and which is adopted among the fundamental principles of many of the state governments, and to the reiterated acts of the general government, in admitting into the Union the new states with a prohibition of slavery, but also to the enlightened judgment of wise and good men of all countries.

Slavery is prohibited by the immutable law of nature, which is obligatory as well on states as individuals. The establishing or permitting slavery by a state, being thus morally wrong, the right to do it, instead of being essential to its sovereignty, cannot exist; except only in cases where slavery being already introduced cannot be suddenly abolished, without great danger to the community. Under such circumstances, it must of necessity be tolerated for a time, as the sole means of self preservation.

The painful necessity, may justify the temporary continuance of slavery in certain states of the Union, where it now exists.—But in the opinion of the committee nothing can be done to newly admitted states.

As far as it may affect the sovereignty of a nation, no material difference is perceived between the case where it surrenders its supposed right to carry on a traffic in slaves with a foreign country assenting thereto, and the case of its right to acquire in any other way, and retain slaves within its own limits. And yet several independent nations, and our own among others, have, without any suspicion of injury to their rights of sovereignty, bound themselves by treaty stipulations, forever to prohibit that monstrous traffic. Have they thereby lost what is essential to their sovereignty?

If from the generality and consistency of the terms, used in the federal constitution, any doubt remained as to their true construction, in relation to the power of congress, in the particular under consideration, such doubt would be removed on examining the condition of the territory, belonging to the United States, at the time of the adoption of the constitution, and the obligation they were under to form the same into states, to be admitted into the Union.

After the United States had, by the treaty with Great Britain, and by a cession from Virginia and certain other states of their claims, acquired an indisputed title to the territory north-west of the river Ohio, they passed the ordinance of 1787, for dividing that territory into states, and for their admission into the Union. The ordinance is entitled "articles of compact between the original states and the people and states within the said territory forever to remain unalterable." It recites the object and design to be "for extending the fundamental principles of religious liberty, which form the basis whereon these republics, their laws, and constitutions are created; to fix and establish those principles, as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in said territory; to provide also for the establishment of the states and a government therein, and for their admission into a share in the federal Union, on an equal footing with the original states, as early a period as may be consistent with the general interest." It then provides as one of the articles to remain forever unalterable, that "there shall be neither slavery nor involuntary servitude in any territory under the authority of the United States, and admitted as soon as they shall be admitted, to the enjoyment of the same rights, advantages and immunities as shall be enjoyed by the citizens of the United States." It is not believed that this provision can have any effect whatever on the question. The admission into the Union, is to be according to the principles of the constitution. If congress may, according to those principles, make the prohibition of slavery a condition of the admission, then surely the admission, subject to that prohibition, cannot be at variance with the principles.

act of its legislature. The states mentioned in the ordinance, and in which slavery was to be forever prohibited, were still to be admitted on an equal footing with the original states. Of course, the prohibition of slavery was not supposed to be incompatible with their sovereignty.

The U. States having thus pledged their faith and bound themselves to admit these states into the Union, with a perpetual prohibition of slavery, it would seem to be impossible that the constitution, which was soon after formed, and certainly with a full knowledge of the ordinance, should not have been intended and understood to confer on congress the requisite power to perform the obligations.

In further proof that the constitution must have been so understood, might be cited the act expressly confirming this ordinance, among the first doings of congress under the constitution. To conform with this understanding of the constitution, have the states north-west of the river Ohio been admitted into the Union, subject to a perpetual prohibition of slavery. Most of the other new states have likewise been admitted on such conditions, as congress, deeming them to be suitable to their respective situations, has been pleased to prescribe.

This being the construction given to the constitution immediately after its adoption, and which has been acted upon without opposition, and acquiesced in for more than thirty years, it was not to have been expected, that its correctness would at this late period, have been drawn into question.

It must be recollected that this contemporaneous construction of the constitution was made by those, who had the best possible means of knowing what was the true intent. Many of the distinguished members of the convention, which formed the constitution, were at that time in the national councils.

Neither these states themselves, nor any body in their behalf, have heretofore doubted that they were on an equal footing with the original states, or that they enjoyed all the rights essential to their sovereignty.

The legislature of Virginia attributes this early construction of the constitution, so uniformly followed by the general government, and acquiesced in by the states, to the score of misapprehension. And an intimation seems to be given to the newly admitted states, that the conditions and stipulations, on which they were admitted, and which were solemnly ratified by them, are of no binding force. The dangerous tendency of such a doctrine is too apparent to need comment.

The legislature of Virginia advert "to the feelings of the people of this state, and the feelings of the people of the other states, in relation to the constitution, and the particular of great national importance, may, in a moment of excitement, be set aside in favour of supposed doubts, raised by the excess of ingenuity of reasoning, no ground of security will remain for the equal rights of the states; and the foundation of the Union itself may be shaken.

An argument against the power of congress to prevent the extension of slavery to new states is attempted to be raised from the general scope of the constitution, and from the nature of our free institutions. The legislature of Virginia says, "It can never be believed that an association of free and independent states, formed for the purpose of general defence, of establishing justice, and of securing the blessings of liberty to themselves and their posterity, ever contemplated the acquisition of territory for the purpose of establishing and perpetuating for others and their posterity, that colonial bondage against which they themselves had so lately revolted." "Power may enslave them, (the inhabitants of territories) longer, but the laws of nature and of justice, the genius of our political institutions, and our own example, proclaim their title to break their bonds and assert their freedom." Can this have been intended for calm reasoning, to convince the understandings of those to whom it purports to be addressed, or was it designed to produce an effect on the feelings and conduct of the inhabitants of the territory of Missouri, then demanding admission into the Union?—It is hoped it will never be believed, that this association of free states, formed for the noble purposes above stated, ever contemplated the acquisition of territory for the purpose of establishing or extending bondage of any kind.

If the constitution gives to congress the power in question, it is not perceived that there is any stipulation in the treaty, ceding Louisiana to the United States, that forbids the exercise of it, in providing for the admission into the Union of the territory of Missouri. The provision of the treaty, which is supposed to impose on congress the obligation of admitting that territory unconditionally, is the following: "The inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted as soon as they shall be admitted, to the enjoyment of the same rights, advantages and immunities as shall be enjoyed by the citizens of the United States." It is not believed that this provision can have any effect whatever on the question. The admission into the Union, is to be according to the principles of the constitution. If congress may, according to those principles, make the prohibition of slavery a condition of the admission, then surely the admission, subject to that prohibition, cannot be at variance with the principles.

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The rights mentioned in the treaty, are such as are conferred by the constitution of the United States on its citizens, among which the right to hold slaves (if such right there be) is not one. Admitting, subject to the proposed inhibition of slavery, the inhabitants of Missouri would have enjoyed the same rights as citizens of the United States, as do the citizens of the states on the north side of the river Ohio, or as do the citizens of other states where slavery is not tolerated, and who, as is hoped, will not soon be convinced that they do not enjoy all the rights appertaining to a citizen of the United States.

To avoid this conclusion, the legislature of Virginia contends, that the clause "according to the principles of the federal constitution," is no more than a qualification of the time of admission. But the constitution neither states nor even alludes to any principle whatever, to designate or determine the time for the admission of a new state. Such construction of those words would therefore render them wholly inoperative, and must consequently be rejected.

The toleration of slavery in a portion of our common country, has long furnished matter of reproach on our national character.—Strong hopes were entertained, that instead of the zeal now shown for enlarging the sphere of its baneful operation, suitable measures would have been adopted for its gradual abolition. Congress, having the power, is bound by considerations of justice and humanity, and by a regard to the general welfare of the nation, to prevent the further extension of this evil.

The attempt to wrest this power from congress, affords just cause of alarm. It is apparent that slavery creates habits and interests peculiar to the states tolerating it, and that it constitutes between them a strong bond of union. To this cause is to be attributed the unparalleled unanimity of every senator and representative of the slaveholding states, on the passing of the late act by congress, affecting this subject.

Should this odious bond of union be permitted to be extended, without opposition, it will soon produce such a combination of political power, as may be sufficient to control all the other constitution, a disproportionate share of political power is conceded to the slave holding states, on account of their slaves. And although the equivalent, given to the states not tolerating slavery, has in a great degree failed, by reason of the government's seldom resorting to direct taxation for revenue, yet no complaint is made, while the advantage is confined to the original states, the parties to the compact, or even to the new states formed out of territory, not included within the original limits of the United States, have no claim to this advantage.—And the granting of it to them, when nothing in their situation renders it necessary, is an act of injustice towards the states not allowing slavery, and which if persevered in, may in the end, destroy their just share of power and influence in the general government, and endanger their security.

Which said report was approved and agreed to, as expressing the opinion of this legislature. Therefore, Resolved, by the Senate and House of Representatives in General Court convened, That in the opinion of this legislature the congress of the United States has, by the constitution, the right, in admitting new states into the Union, to prescribe the prohibition of slavery, as one of the conditions, on which such state shall be admitted: That in the case of Missouri, to which, by the preamble and resolutions of the general assembly of Virginia, the attention of this legislature has been called, that right remained in full force, unimpaired either by the treaty under which that territory was acquired, or any subsequent acts of the general government: That in the opinion of this legislature, the existence of slavery within the United States is a great moral as well as political evil, the toleration of which can be justified by necessity alone, and that the further extension of it ought to be prevented, by the due exercise of the power vested in the general government.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing report and resolutions to the governor of the state of Virginia.

Passed the House of Representatives, Year 194, Nays none. Passed in Senate, Year 11, Nays none.

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## Foreign Intelligence.

From the National Gazette.

SPAIN. We have received a series of Spanish gazettes (the Constitutional Diary of Barcelona) to the 6th May. They furnish a feast to one who takes a lively interest in the Spanish revolution. Every thing in them denotes national energy, elasticity, and reform. Patriotism, talent, knowledge, experience, are shewn to be all in full and salutary motion.

The system of ecclesiastical discipline and administration is under revision, and subjected to various beneficial changes. Royal decrees abound, tending to the regeneration of every branch of government and economy, particularly the finances. The most remarkable of these decrees is one of the 25th of April, which ordains, that, for the purpose of giving the people a knowledge of their rights and duties, and in order that they may be enlightened on these from the very source whence they had been too often deceived, all the parochial curates of the monarchy shall explain to their parishioners, at stated hours on the Sundays and holidays, the political constitution of the Cortes; pointing out its utility to all classes, and refuting all accusations against it—that the same shall be done for the children of the primary schools, by their teachers; for the students in the universities and ecclesiastical seminaries, by the regular professors of the law and of moral philosophy; and for the inhabitants of convents, and universally of all literary and monastic establishments, by their principals. The decree also directs, that the constitution be stereotyped at the Royal Printing Offices, to make a copy of it attainable for every one; and that it be printed and distributed in all the trans-marine dominions of Spain. Another decree establishes an anniversary commemoration, with the utmost military and ecclesiastical pomp, of the death of those Spaniards whom Murat butchered in Madrid, on the second of May, 1808: another prescribes and regulates the organization of the National Militia "to guard the constitution;" and it appears that numerous volunteer companies are forming themselves for the same object.

The Barcelona Diary complains of the fabricated or distorted news respecting Spanish affairs, given in the French gazettes. It traces them to malice chiefly, and in part to ignorance of the Spanish language. It contradicts the rumors of revolutionary movements in Portugal, and the assertion of the British ministerial journals, (upon whose tone it animadverts sharply,) that the South American Provinces will not receive the constitution. It alleges that the best results are expected in South America, when the intelligence of the revolution is received there. It relates that Ferdinand expostulated with the French Ambassador at Madrid, in regard to the calumnies vented in the French ultra-royalist and ministerial journals, against the Spanish revolution, and that he assured his excellency that he, Ferdinand, was the first and the truest constitutionalist of Spain. Much good pleasantry and keen observations are made on the Spanish papers about the fears of the Prussian, French, and British governments, as to the influence of Spanish liberty, and the infection of Spanish liberty. The French journalists are fully matched in point of ability, and over matched in the topics of recrimination, and in poignancy of satire. The whole number of French troops in the neighborhood of the Pyrenees, is stated at 3700, and represented as "a cordon against freedom." Patriotic pieces are constantly performed on the Spanish theatre; a new one, entitled "Liberty Restored," was announced for the 2d of May, at Barcelona.

Some of the particular traits mentioned in the Diary, are full of meaning, & well worthy of being repeated. When Canga Arguelles, the new Minister of Finance, who had come from the fortress of Ceuta, appeared for the first time before Ferdinand, the latter would not allow him to kneel, but embraced him; asking his pardon for the ill he had done him; professed the utmost sorrow for his suffering; exhorted him to maintain the constitution; and to rely on his support; and, finally, both burst into tears.

After Arco Aguerro, one of the heroes of the army of the Isle of Leon, had been carried in triumph by the people of Madrid, he repaired to the Royal palace, and placed his crown of laurel at the feet of the "Constitutional King."

Don Augustin Arguelles, appointed Minister of Justice, being in very bad health, on his return from imprisonment at Majorca, was obliged to stop at Almenara, a village distant seven leagues from Valencia. The principal members of the Catalonia regiment, in that city, repaired, to the number of twenty-four, to Almenara, and brought the distinguished patriot on their shoulders in a litter to Valencia. How different this in spirit and effect from the harnessing the populace in Manchester, to drag the radical demagogues!

From the Norfolk Herald.

We have private intelligence from Spain up to the 11th of May, at which time the country was perfectly tranquil, and the people were looking forward to the meeting of the Cortes in July with a degree of interest bordering on impatience. Meanwhile Quiroga and others who commenced the revolution are determined not to lay down their arms until they are satisfied that it is complete.—They maintain their posts and stations as a check upon the counter-revolutionary projects of the king and his party whom they know to be powerful and perfidious. It is confidently believed that there will be a party in the Cortes opposed to having a king, and it has been even asserted that he will

be impeached for his past conduct in overturning the constitution. Judging however from the prudent and exemplary proceedings of the Spaniards at every step of their revolutionary career, we do not think they will touch that subject but upon the suggestions of extreme necessity connected with the national welfare.

The solemn protest of the council against the measures recommended by the committee of foreign relations in the congress of the United States, relative to Florida, was not published, and as the president's message had been received, it was thought that it would not. It is believed that the council is favorably disposed towards the United States, and that with proper management the treaty may be secured with the Cortes, who have the sole direction of such matters.

Mr. Forsyth, who had taken a tour of pleasure to France, did not proceed as far as Paris, but stopped at Bordeaux, and would return from thence to be in Madrid by the 18th May. It was not known why he changed his purpose.

New York, July 1.

By the arrival of the ship Ann Maria, captain Waite, from Liverpool, London papers to the 18th and Liverpool to the 20th of May were received.

Great and splendid preparations were making for the coronation of the king, which it was said would take place on the first of August. The expense, it is said, will exceed one hundred thousand pounds sterling. The price of a coronation dress for a peeress is estimated at one thousand pounds.

The celebrated Hunt had been sentenced to be imprisoned two years and a half, and to give security at the expiration of that term for his good behaviour for five years.

London, May 18.

At a meeting of merchants and others interested in the trade of this port, held at the exchange room on the 17th instant, Thomas Fletcher, esq. in the chair, a petition to parliament against the restrictive measures on trade was proposed and unanimously adopted, and ordered to remain for signatures in the public rooms until this evening; after which it will be forwarded by the chairman to the members for the borough, for presentation.

A petition was presented to the house of commons yesterday week, by lord Sefton, signed by 400 respectable inhabitants of Liverpool, praying that in the new arrangements respecting the civil list, the crown may be properly restricted in its power of granting pensions and annuities without the intervention of parliament.

News was received here on Wednesday morning, and generally credited, that Sir F. Burdett had been condemned to three years imprisonment and a fine of 5,000l.

A ministerial evening paper says—"We mentioned some time since that orders had been sent to St. Helena, directing a more enlarged freedom to be allowed to Bonaparte. The expected return of Sir Hudson Lowe is considered as a corroboration of the fact."

On Tuesday week the soldiers were under arms most of the night at Huddersfield.—Fires were seen upon the hills around the town, and it is said the magistrals received some secret information respecting the intended movements of the radicals, as they are whimsically called; but this appears to have been a false alarm, as all continued quiet.

On the last Canterbury market day, a French sold his wife, with a halter round her neck, and a whip by her breast, for 5s. which the dejected tin (purchaser, seller, and animal) spent in liquor before they separated.

A French paper states—"M. Sourdeau, the French consul at Tangiers, was met on the sea shore by the Sheriff Sidi Teyed-el-Bodady, who gave him a severe blow with a stick, and knocked him down. The consul complained to the emperor of Morocco, who, anxious to show his respect for Europeans, ordered the Sheriff Sidi Teyed to be put to death; reserving, however, to the French consul the power of pardoning the offender if he thought proper. M. Sourdeau gave a noble example of generosity, by hastening to pardon his assailant."

The elector of Hesse lately sent a commercial traveller to prison for six months for finding fault with the state of the roads!

The Caledonian Canal, now carrying on for avoiding the tedious and dangerous navigation round the northern and western coasts of Scotland, is truly gigantic; when completed, frigates of 22 guns will be able to navigate it; the depth is to be 20 feet, the width at the bottom 50, and at the surface of the water 110 feet, and the sluices from 162 to 172 feet in length.

From Birmingham it is stated that the poor house is so crowded that the inmates can only sleep by turns.

EAST INDIES.

Advices have been received from Batavia to the middle of December last: the Dutch had made two very desperate attempts, but without success, to make a place of considerable importance on