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DEBATE IN THE SENATE, ON THE MISSOURI QUESTION.

MR. MACON'S SPEECH CONCLUDED.

A wise Legislature will always consider the character, condition, and feeling of those to be legislated for. In a government and people like ours, this is indispensable. The question now under debate demands this consideration. To a part of the U.S. and that part which supports the amendment, it cannot be important, except as it is made so by the circumstances of the times. In all questions like the present, in the U.S. the strong may yield without disgrace, even in their own opinion; the weak cannot. Hence, the propriety of not attempting to impose this new condition on the people of Missouri. Their numbers are few, compared to those of the whole U.S. Let the U.S. then abandon this scheme; let their magnanimity, and not their power, be felt by the people of Missouri. The attempt to govern too much, has produced every civil war that ever has happened, & will probably, every one that ever may be. All governments, no matter what their form, want more power and more authority, and all the governed want less government. Great-Britain lost the U. States by attempting too much, and to introduce new principles of governing. The U. S. would not submit to the attempt, & earnestly endeavored to persuade G. Britain to abandon it, but in vain. The U. States would not yield; and the result is known to the world. The battle is not to the strong, nor the race to the swift. What reason have we to expect that we can persuade Missouri to yield to our opinion, that did not apply as strongly to Great-Britain? They are as near akin to us, as we were to G. B. They are "flesh of our flesh, and bone of our bone." But as to kin, when they fall out, they do not make up sooner than other people. G. Britain attempted to govern us on a new principle, and we attempt to establish a new principle for the people of Missouri, on becoming a new state. The people of G. B. attempted to lay a three-penny tax on the tea consumed in the three colonies, which were not represented in Parliament; and we to regulate what shall be property, when Missouri becomes a state, when she has no vote in Congress. The great English principle, of no tax without representation, was violated in one case, and the great American principle, that the people are able to govern themselves, will be, if the amendment be adopted. Every free nation has had some principle in their government, to which more importance was attached than to any other. The English was not to be taxed, without their consent given in Parliament; the American is to form their own state government, so that it be not inconsistent with that of the U. States. If the power in Congress to pass the restriction was expressly delegated, and so clear, that no one could doubt it, in the present circumstances of the country, it would not be wise or prudent to do so; especially against the consent of those who live in the territory. Their content would be more important to the nation, than a restriction, which would not make one slave less, unless they might be starved in the old states.

Let me not be understood as wishing, or intending to create, any alarm as to the intentions of the people of Missouri. I know nothing of them. But in examining the question, we ought not to forget our own history, nor the character of those who settle on our frontiers. Your easy chimney-corner people, the timid and fearful, never move to them. They stay where there is no danger from an Indian, or any wild beast. They have no desire to engage the pauper or the bear. It is the bravest of the brave, and boldest of the bold, who venture there. They go not to return. The settling of Kentucky and Tennessee, during the war of the Revolution, proves, in the most satisfactory manner, what they can do, and will undergo, and that they will not return. The few people who first settled there, had to contend, without aid from the states, against all the Indians bordering on the U. S. except the Chickasaw and Choctaw nations, and maintained their stations. The Northern tribes, unaided by the Southern, attacked the United States, since the adoption of the constitution, defeated two armies, and it required a third to conquer them. The frontier people, in the revolutionary war, as well as in the late, astonished every body by their great exploits. Vermont, though claimed, during the revolutionary war, by New-Hampshire and New York, was not inferior to any of the states in her exertions to support independence. The gentlemen from Pennsylvania will pardon me for stating, that that state has had some experience of their government managing a few people, who would not yield obedience to their authority, though settled within their limits. They were obliged to compromise. I mean the Wyoming settlers. Again, since this government was in operation, a few people settled on the Indian lands; they were ordered to move from them, but did not obey. The military were sent to burn their cabins. The commanding officer

told them his business, and very humanely advised them to move what property they had out of them. This they did, and their cabins were burnt. They waited till the troops marched, and very soon after built new cabins on the same places and to the same backs where the old ones had been burnt. These facts are stated to show that a contest with a people who believe themselves right, and one with a government, are very different things. It would have been very gratifying to me to have been informed by some one of the gentlemen who support the amendment, what is intended to be done if it be adopted, and the people of Missouri will not yield, but go on and form a state government (having the requisite number, agreeably to the ordinance) as Tennessee did, & then apply for admission into the Union. Will she be admitted as Tennessee was, on an equal footing with the original states, or will the application be rejected, as the British government did the petitions of the old Congress? If you do not admit her, and she will not return to the territorial government, will you declare the people rebels, as Great Britain did us, and order them to be conquered for contending for the same rights that every state in the union now enjoys? Will you for this, order the father to march against the son, and brother against brother?—God forbid! It would be a terrible sight to behold these near relations plunging the bayonet into each other, for no other reason than because the people of Missouri wish to be on an equal footing with the people of Louisiana. When territories they were so. Those who remember the Revolution will not desire to see another civil war in our land. They know too well the wretched scenes it will produce. If you should declare them rebels, and conquer them, will that attach them to the Union? No one can expect this. Then do not attempt to do that for them which was never done for others, and which no state would consent for Congress to do for it. If the U. S. are to make conquests, do not let the first be at home. Nothing is to be got by American conquering American. Nor ought we to forget that we are not legislating for ourselves, and that the American character is not yielding when rights are concerned. We have been told, and told again, that the amendment will be an advantage to the people of Missouri; but they like others, are willing to decide for themselves. We are also told that the people in the new states over the Ohio river are in favor of the restriction. Pass it, and half the industry and exertion which have been used to excite the present feeling in the U. States, might excite those people very differently; they might be persuaded that it was done to prevent settling the country with inhabitants from the old states—to prevent their being able to elect the President west of the mountains—and it is not impossible that the present great excitement of public opinion may have somewhat of election in it. The Senate was intended, by the long time for which its members are elected, to check every improper direction of the public mind. It is its duty to do so; and never was there a more proper occasion than the present. The character of the present excitement is such, that no man can foresee what consequences may grow out of it. But why depart from the good old way, which has kept us in quiet, peace & harmony—every one living under his own vine and fig tree, and none to make him afraid? Why leave the road of experience, which has satisfied all, and made all happy, to take this new way, of which we have no experience? The way leads to universal emancipation, of which we have no experience. The eastern and middle states furnish none. For years before they emancipated they had but few, and of these a part were sold to the south, before they emancipated. We have no more experience or book learning on this subject than the French Convention had which turned the slaves of St. Domingo loose. Nor can we foresee the consequences which may result from this motion, more than the Convention did their decree. A clause in the Declaration of Independence has been read, declaring "that all men are created equal;" follow that sentiment, and it does not lead to universal emancipation? If it will justify putting an end to slavery in Missouri, will it not justify it in the old states? Suppose the plan followed, and all the slaves turned loose, and the Union to continue, is it certain that the present constitution would last long? Because the rich would, in such circumstances, want titles and hereditary distinctions; the negro food and raiment, and they would be as much, or more degraded, than in their present condition. The rich might hire these wretched people, and with them attempt to change the government, by trampling on the rights of those who have only property enough to live comfortably.

Opinions have greatly changed in some of the states, in a few years. The time has been when those now called slave-holding states, were thought to be the best & most steadfast friends of the people and of liberty. Then they were opposing an administration & a majority in Congress, supported by a sedition law; then there

was not a word heard, at least from one side, about those who actually did most towards changing the administration and the majority in Congress, and they were from slave holding states. And now it would be curious to know how many members of Congress actually hold seats in consequence of their exertions at the time alluded to. Past services are always forgot when new principles are to be introduced. It is a fact, that the people who move from the non-slave holding to the slave holding states, when they become slave-holders by purchase or marriage, expect more labor from them than those do who are brought up among them. To the gentleman from Rhode Island (Mr. Burrill) I tender my hearty thanks for his liberal and true statement of the treatment of slaves in the Southern states.—His observations leave but little for me to add, which is this, that the slaves gained as much by independence as the free. The old ones are better taken care of than any poor in the world, and treated with decent respect by all their white acquaintances. I sincerely wish that he and the gentleman from Pennsylvania, (Mr. Roberts) would go home with me, or some other southern member, and witness the meeting between the slaves and their owner, & see the glad faces and the hearty shaking of hands. This is well described in Gen. Moultrie's History of the Revolutionary War in South-Carolina; in which he gives the account of his reception by his slaves the first time he went home after he was exchanged. He was made prisoner at the surrender of Charleston. Could Mr. M. have procured the book in the city, he intended to have read it, to shew the attachment of the slave to his owner. A fact shall be stated. An excellent friend of mine—he is, like the other characters which have been mentioned in the debate, was a Virginian—had business in England, which made it necessary that he should go to that country himself, or send a trusty agent. He could not go conveniently, and sent one of his slaves, who remained there near a year. Upon his return, he was asked by his owner how he liked the country, and if he would have liked to stay there? He replied, that to oblige him he would have staid; the country was the finest country he ever saw; the land was worked as nice as a square in a garden; they had the finest horses, and carriages, and houses, and every thing; but that the white servants abused his country.—What did they say? They said we owed them (the English) a heap of money, and would not pay. To which he added, their chief food was mutton; he saw very little bacon there. The owner can make more free in conversation with his slave and be more easy in his company, than the rich man, where there is no slave, with the white hireling who drives his carriage. He has no expectation that the slave will, for that free and easy conversation, expect to call him fellow citizen, or act improperly. Massachusetts, Pennsylvania and Virginia, have been often mentioned in the debate—and it has frequently been said, that the two first had emancipated their slaves; from which an inference seemed to be drawn, that the other might have done so; emancipation, to these gentlemen, seems to be quite an easy task. It is so where there are but very few; and would be more easy, if the color did not every where place the blacks in a degraded state. Where they enjoy the most freedom they are there degraded. The respectable whites do not permit them to associate with them, or to be of their company when they have parties. But if it be so easy a task, how happens it that in Virginia, which before the revolution endeavored to put an end to the African slave trade, has not attempted to emancipate? It will not be pretended, that the great men of other states were superior, or greater lovers of liberty, than her Randolph, the first President of the first Congress, her Washington, her Henry, her Jefferson, or her Nelson. None of these ever made the attempt—and their names ought to convince every one, that it is not an easy task in that state. And is it not wonderful, that, if the declaration of Independence gave authority to emancipate, that the patriots who made it, never proposed any plan to carry it into execution? This motion, whatever may be pretended by its friends, must lead to it. And is it not equally wonderful that if the constitution gives the authority, this is the first attempt ever made, under either, by the federal government, to exercise it? For if, under either, the power is given, it will apply as well to states as territories. If either intended to give it, is it not still more wonderful that it is not given in direct terms. The gentleman then would not be put to the trouble of searching the confederation, the constitution and the laws for a sentence or word to form a few doubts. If the words of the declaration of independence, be taken as part of the constitution, and that they are no part of it is as true as that they are no part of any other book—what will be the condition of the southern country when this shall be carried into execution? Take the most favorable which can be supposed, that no convulsion ensue, that nothing like a massacre or a war of extermination take place as in St. Domingo. But that

the whites and blacks do marry and produce mulatto states. Will not the whites be compelled to move and leave their country to the blacks? and are you willing to have black members of Congress? But if the scenes of St. Domingo should be re-acted, would not the tomahawk & scalping knife be mercy? But, before the question be taken on the motion, I should be very much obliged to any one of the gentlemen from the non-slave holding states, who would frankly state the condition of the blacks in the state he represents, especially their condition in the large cities; whether the whites and blacks intermarry? If they do; whether the whites are not degraded by it—whether the blacks are in the learned professions of law and physic, and whether they are not degraded. If they be degraded where there are so few, what will be the consequence when they are equal in number or nearly so the whites? Every one will decide this for himself. It may be stated, without fear of contradiction, that there is no place for the free blacks in the U. S.—no place where they are not degraded. If there was such a place, the society for colonizing them would not have been formed; their benevolent design never known. A country wanting in inhabitants, and a society formed to colonize a part of them, prove there is no place for them. Some of the arguments used in the present debate convey to me a kind of impression, that it was thought the owning of slaves enervated and enfeebled the owners. Let the history of the revolution and of the late war be examined, and nothing like it will be found. Facts enough might be stated to prove it was not so—only will be mentioned. The battle of King's Mountain and that of New Orleans. But on this subject, I will, with permission of the Senate, read a part of the speech of that celebrated master of the human character (Mr. Burke) on his motion for reconciliation with the colonies, delivered in 1775, his language is this: "Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the Church of England forms a large body, and has a regular establishment.—It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is that in Virginia and the Carolinas, they have a vast multitude of slaves. Where this is the case, in any part of the world, those who are free, are by far the most proud and jealous of their freedom." To this I will not attempt to add a word. No man can add to Mr. Burke. Mr. M. said he intended to have read the part in which the character of New England is given; it is equally honorable and equally true; but he was so much exhausted, he would omit it. The whole speech is worthy of being read on this occasion. Nor are the owners of slaves less moral or less religious than those who hold none. This fact might be ascertained from the preachers of the Gospel who have travelled from the slave holding states to the non slave holding states to preach. And that they are not less fit for managing the great concerns of others, may be ascertained by knowing who presides over the Bank of the United States. When its affairs fell into confusion, where did the Directors find a man to preside over it? This is not mentioned to cast a shade on any one living, but to show that, in private concerns of the greatest importance, no regard has been paid to a man's being born and brought up in a state holding slaves—nor to convey any opinion as to the past transactions of that institution. Permit me now to notice a few of the observations made in defence of this motion. The gentleman from Pennsylvania (Mr. Roberts) told us, that nothing but necessity tolerated slavery in the United States. The constitution tolerates it; and that was not adopted from necessity, but through choice. If the necessity ever ceases, who is to decide when? Congress did not decide for Pennsylvania, or any other state: she decided for herself. Let Missouri do the same. The gentleman from New-Hampshire, (Mr. Morrill) has said, that the Constitution was a compromise as to slaves. This, no doubt, is true; but not a compromise to emancipate. The states that held them could free them as others had done, without asking or consulting the Convention or Congress. But it was a compromise as to representation, and nothing else.—He has also said, slavery was a curse, & has read a part of Mr. Jefferson's Notes on Virginia, to prove it. But what ought surely to be inferred from Mr. Jefferson's notes and life, is, that he thinks slavery a curse, but thinks it a greater curse to emancipate in his native Virginia. His democracy, like that of his great countrymen who have been before mentioned, appears to be of the white family. Both the gentlemen have stated that the slaves are represented. Are not the blacks every where represented? Emancipate them and they stay where they are; and two-thirds of their number will be added to the representation, though they are not permitted to enlist in our army.

The gentleman from Rhode Island (Mr. Burrill) seemed to think the question about slaves ought to be touched very delicately. He did touch it so. But there is no power in the General Government to touch it in any way. He observed that the people who had moved to Missouri from the old states, had no claim of any kind under the treaty. He will not, I am sure, on reflection, think that the people of any acquired territory can have more rights in the territory, than the good people of the old states when they move to it. They carry with them their rights, as our forefathers brought theirs from England, when they first came to America. It has often been stated, that the law establishing a territory in Louisiana, prohibited the carrying of slaves there, unless the owner moved with them. This provision in the law was made and intended to prevent the carrying Africans there—one of the states having opened her port for the African slave trade about that time. But, with all the sins of holding slaves, we have not that of going to Africa for them. They have been brought to us by the citizens of the states which hold none. The only time, in Congress, that I ever heard the slave trade defended, was by a member from the same state with the gentleman from Rhode Island, (Mr. Burrill). Why not leave the people of Missouri exactly as the other territories have been left, free to do as they please? A majority of them have moved from the states, and understand self government. One word on the African slave trade. A bill was reported in the Senate to whip those who might be in any way concerned in it. The whipping was struck out; not by the votes of those who represented slave states, because a rich merchant might be convicted, and it would not do to whip a gentleman. If the amendment be adopted, Missouri will have fewer rights as a state, than as a territory. This is new in the United States. And had not the wise King of Israel said, there is nothing new under the sun, this would be thought so. The vote of the Senate last year on this same question was sufficient to convince the people of Missouri that the Senate then thought they had the same rights with the other territories. But, all this attention to Missouri, reminds me of people who, when young, married to please themselves, but who, when old, were desirous to make matches for others. Tired as he was, he would offer a few observations on the constitution and the treaty: both of which, as well as the laws, which surely cannot affect a right secured by either of the others, have been searched with uncommon industry, and every sentence or word which could possibly be supposed to have the least bearing on the subject has been read and scanned, as if this was a question of syntax, and as if the rights of people depended on detached sentences and words. Can it be thought that the Convention which framed the constitution, would have given the power to emancipate in so indirect a way that it was never discovered till the last session, when they were so particular as even to prohibit an interference with the slave trade until 1808? The following words in the constitution are chiefly relied on for the authority: "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property belonging to the United States." The fair and only meaning of these words is, that Congress may sell and manage their own property, but not the property of the people. The power over the territories is very different from that over the District of Columbia, where exclusive legislation is granted. "New states may be admitted by the Congress into this Union." Under these words a power is claimed to declare what shall be property in a new state. As well might a power be claimed to fix the age when people shall marry in the state. The ordinance so often referred to declares that the new states shall be admitted on an equal footing with the original states. And so all the new states have been. It seems to be authority for every one but Missouri. The words were intended to take place of an article in the confederation, which provided for the unconditional admission of Canada into the Union. They have no application to what was then called the north-western territory, because the states to be formed in that were to come into the Union under the ordinance. What was intended for Canada has brought Louisiana into the Union. This clause has also been relied on—"The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person." The importation may be taxed, but not the migration. If, as has been supposed, a tax applied to slaves, why not tax them? Migration was not intended for slaves brought into the United States by land. At the time the constitution was framed, it is probable that no attempt to do this had ever been made. The gentleman from Rhode Island (Mr. Burrill) has said,