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IMPORTANT STATE PAPER.

The following report of the joint committee of the legislature of Massachusetts, has been accepted in the two branches. It embraces a constitutional principle of vital interest to the existence of the United States, and cannot be read but with the liveliest feelings of solicitude for the perpetuation of those blessings which the heroes and sages of the revolution had in view, when they formed the grand Confederation of the States.

The committee appointed to consider, "so much of His Excellency's Speech as relates to an extension of territorial limits," and forming new States without the territorial limits of the United States,"

Respectfully Report—

That they have considered the subject committed to their investigation with the attention and solicitude, which its nature and importance demand. On the one side, they have been careful to give the full weight to all the obligations, which are due from the people of Massachusetts to the people of the United States; as resulting from the federal compact. On the other, it has been their study not to forget the duties, which a powerful and independent State owes to itself and posterity; on occasions, when great constitutional principles are deliberately violated. On occasions of this kind, in the opinion of your committee the duty of a people is as plain, as it is imperious. The beginnings of manifest usurpations are never to be neglected; since silence on the part of the people is, always, taken as acquiescence by the advocates of usurpation. What power seizes, without right, to-day, it holds tomorrow, by precedent; and the day after, by prescription. A wise people, therefore, will always canvass every new pretension of power at the threshold; being assured that the liberties of a people have nothing to fear from vigilance, and every thing from apathy. Not, in the opinion of your committee, will a wise people refrain from such an examination because the nature of the usurpation or the circumstances of the period, may, in the judgment of some, render farther measures untimely. Much is gained to liberty, by a distinct assertion of the constitutional principles on which it rests. And a people may lose by being ignorant of their rights, but never by understanding them.

In entering upon this investigation your committee have not omitted to consider the reasons for present acquiescence, in violations of the constitution, drawn from the peculiar embarrassments, resulting from the war, and the encouragements, which the enemy may receive from any evidence of discontent, at the present moment, among the States; or among the people. They have given this suggestion all the attention it appeared to merit. But in their opinion, this objection has less weight, inasmuch as the particular subject of animadversion is independent, altogether, of the principle of the war; so far as this principle is known. Besides, it would be little else than a bounty on foreign and domestic usurpations should find it a shield, or a sanction. Your committee have given this consideration the less importance from the conviction, they entertain, that the American people may have peace, whenever the administration of the general government shall seek it, with a sincere disposition for its attainment.

As your committee have deemed their duty not to be restrained by any temporary considerations, from deliberation and public examination of the subject submitted to their inquiry, so, also, they have not been disposed to connect the great constitutional question with the transient calamities of the day, from which it is, in their opinion, very apparently, distinguished, both

in its cause and its consequences.—In the view, therefore, they are about to present of this great constitutional question, they have confined themselves, strictly, to topics and arguments drawn from the terms of the Constitution, and the history of the period; at which it was adopted; and with a reference to fulfil their duty to their country, and posterity, by a distinct avowal of their opinions and the grounds of them, with the hope limiting the farther progress of the evil, rather than any expectation of immediate relief, during the continuance of the existing influence in the national administration.

The question touching the admission into the Union, of States created in territories, lying without the ancient limits of the U. S. has been considered, by your committee, in relation to constitutional principles and political consequences. By an act of the Congress of the U. S. States passed the 8th day of April, 1812, entitled "An act for the admission of the State of Louisiana into the union and to extend the laws of the U. S. to the said State," the said State of Louisiana was admitted into the Union on an equal footing with the other States. This act was, in the opinion of your committee, a manifest usurpation by the Congress of the United States of a power not granted to that body by the federal Constitution.—The State of Louisiana was formed, in countries situated beyond the limits of the old U. States; according as those limits were established by the treaty of Paris, commonly called the treaty of peace, in the year 1783, and as they existed, at the time of the formation and adoption of the federal Constitution. And the position, which your committee undertake to maintain is this, that the Constitution of the U. States did not invest Congress with the power to admit into the Union, States, created in territories, not included within the limits of the U. States, as they existed at the peace of 1783, and at the formation and adoption of the Constitution. Your committee are thus particular in stating with precision, the constitutional ground which they maintain, because the doctrine here asserted has been confounded, sometimes artfully, sometimes negligently, with the questions, which have arisen concerning the admission of Kentucky, Vermont, Ohio; or which may arise, on the admission of new States, to be created in the Michigan, Indiana or Illinois territories. With none of which has the question now under consideration any affinity. These last mentioned States and territories all lie within the old limits of the United States, as settled by the treaty of Peace, and as existing at the time of the formation and adoption of the federal Constitution. Now the State of Louisiana lies without those limits; and on this distinction the whole question of constitutional right depends. The power, assumed by congress in passing this act for the admission of Louisiana, if acquiesced in is plainly a power to admit new States into this Union, at their discretion, without limit of place or country. Not only new States may be carved out of the boundless regions of Louisiana; but the whole extent of South America, indeed of the globe is a sphere, within which it may operate without check or control, and with no other limit than such as congress may choose to impose on its own discretion.

Your committee have in vain, looked for any clause in the constitution of the U. States granting such a power. In the first place, the parties associating are declared to be the people of the U. S. & the objects of the association are stated to be "to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity." Your committee deem themselves authorized to assert without fear of contradiction, that by the terms "the people of the United States," "ourselves and our posterity," were intended the people inhabiting and who should inhabit the States and territories lying within the limits of the United States, as they were

established by the treaty of 1783; and as they existed at the time of the formation and adoption of the federal constitution; & that none of the terms of the Constitution indicate the idea that foreign states or kingdoms, or new states, created in their territories, could be admitted into a participation of its privileges.

Indeed, it is not pretended as your committee understand, by the advocates of this usurpation, that it has any colour of justification, in the terms of the constitution, unless it be in the third section, of its fourth article. The tenor of which is as follows:

Sect. 3.—"New States may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; or any state be formed by the junction of two or more states, or part of states, without the constant of the Legislatures of the states concerned as well as the congress."

"The congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property, belonging to the United States, and nothing in this constitution shall be so construed as to prejudice any claims of the United States, or of any particular state."

Upon this section, your committee observe that, without reference to the known condition of the United States, and the history of the times when the constitution was adopted, if the terms of this section be alone considered and examined by those rigid and approved rules of construction, recognized on similar occasions & relative to other instruments, the terms do not authorize the power, which has been assumed, but, on the contrary, do strongly and almost necessarily, imply that no power was granted to admit states, created in territories without the limits of the old U. States.

The section contains the grant of an authority and expresses certain limitations to that grant. The first clause of the section "new states may be admitted by the congress into the union" is indeed, very broad and comprehensive; and had there been no objects, within the old boundaries of the United States sufficient to exhaust the whole force of the terms, some doubt might result upon the subject. Yet even, in such case it would seem incredible that an association of states, forming a constitution for purposes exclusively their own, should transfer the power to congress of admitting, at will, into a participation of their rights and privileges, any state, or kingdom in any part of the globe, without expressing any limitation to the exercise of a power, in its nature, so great and critical.

Happily, however, we are not reduced to the necessity of supposing such an absurdity. The fact is notorious and undeniable, that the terms relative to the admission of new States had objects, within the limits of the old United States, sufficient to exhaust the full force of those terms, so that there is no necessity to resort to the creation of states, without the ancient limits, in order to give efficacy to them.—On the contrary, every limitation of this power, contained in this section shows, that no other operation of it was contemplated, except within the old limits of the United States.—These limitations are relative to states formed, or erected within the jurisdiction of any other state; to states formed by the junction of two or more states or parts of states; to the disposal and regulation of the territory, or property of the United States; to a reservation in favor of any claims of the United States; or any particular state.

Now it is to be believed, that a power to create and admit states, beyond the ancient boundaries of the United States was granted to Congress, absolutely without any limits, while the comparatively unimportant power of creating states, within the ancient boundaries is guarded by so many and so strict limitations? Had the admission of new states, to be formed in countries, then the parts of foreign and distant kingdoms, been contemplated, would not some terms have indicated the

conditions, the principles or occasions, on which such annexation of a mass of foreigners, with their territories should, take place? In the opinion of your committee the entire absence of any such restriction is, of itself conclusive evidence that such admission of foreign countries, far from being contemplated, was not so much as even considered possible, by the framers of the constitution, or by the people at the time of its adoption.

The situation of the U. S. and the history of the times, when the constitution was adopted, strongly corroborate this idea; indeed, in the opinion of your committee render it so absolutely demonstrable as to amount in their minds to certainty.

Such was the situation of the U. S. at the time of the adoption of the constitution, that the admission of new states, in countries beyond the limits of the old U. S. does not appear to have been contemplated as an event probable, or even possible.

On the contrary, the writings of that period, and the debates of the various meetings and conventions, assembled for the purpose of considering the constitution, show, that the extent of the U. S. even within its ancient limits was one of the principal objections to the practicability of the proposed constitution, within those limits. Your committee have in vain sought in the history of the discussion, of that period, for the expression of any opinion, either by way of reason in favour or against the constitution, that by any possibility it might be susceptible of that construction of late given to it, and to which they object. The idea does not seem to have entered into the mind of any one that it was possible that such a construction could be given and for the reason above suggested, that the extent of the country as at that time existing, was urged, and admitted on all sides to be one of the most forcible objections to the practicability of the experiment.

It is well known that to secure the union of the thirteen primitive states, and the advantages thence resulting were the main objects of the federal constitution. To this was added the design of admitting such other states as might arise in their own bosoms, or in territories included within the general limits of the old United States. By the proceedings of the old Congress, subsequent to the peace of 1783, it appears, that it was in contemplation to create and admit states, within the limits of the old U. States, and not included within the particular boundaries of any state. But it appears no where, that subsequent to the peace of 1783, the admission of states, beyond the limits then established was ever either proposed or publicly contemplated.

Now it is very apparent to your committee, that the power to admit states, created in territories, beyond the limits of the old United States is one of the most critical and important, whether we consider its nature or its consequences. It is, in truth, nothing less than the power to create in foreign countries new political sovereignties, and to divest the old United States of a proportion of their political sovereignty, in favour of such foreigners. It is a power, which, in the opinion of your committee, no wise people ever would have delegated, and which they are persuaded the people of the United States, and certainly the people of Massachusetts, never did delegate. The proportion of the political weight of each foreign state, composing this union, depends upon the number of the states, which have a voice under the compact. This number the constitution permits congress to multiply at pleasure, within the limits of the original states, observing only the express limitations in the constitution. To pass these limitations, and admit states beyond the ancient boundaries, is, in the opinion of your committee, an usurpation, as dangerous as it is manifest; in as much as these exterior states after being admitted on an equal footing with the original states, may, as they multiply, certainly will become in fact, the arbiters of the

destinies of the nation, by availing themselves of the contrariety of interests and views which in such a confederacy of states, necessarily arise, they hold the balance among the respective parties, and govern the states constitutionally composing the union, by throwing their weight into whatever scale is most conformable to the ambition or projects of such foreign states.

Your committee cannot, therefore, but look with extreme regret and reprobation upon the admission of the territory of Louisiana to an equal footing with the original and constitutionally admitted states; and they cannot but consider the principle asserted by this admission as an usurpation of power, portending the most serious consequences to the perpetuation of this union, and the liberties of the American people.

Although the character of this usurpation and its ultimate consequences ought, naturally to excite an extreme degree of alarm in this quarter of the country, as it indicates that new and unconstitutional arbiters, remote from interests and ignorant of them, are admitted into the Union, yet the nature of the remedy is, in the opinion of your committee, a subject of much more difficulty than the certainty of the mischief. On the one hand, it is the duty of a free and wise people to meet encroachments upon the principles of their constitution in their first beginnings, and to give no sanction to the continuance or repetition of such violations, by tameness or acquiescence. On the other hand, they are sensible that the people of Massachusetts, oppressed by the burthen of an unjust and unnecessary war, are at this moment naturally, more solicitous about instant relief from existing sufferings, than about the distant consequences of political usurpation. Nevertheless, in the opinion of your committee, the legislature of Massachusetts owe it to themselves, to the people of this state and to future generations, to make an open and distinct avowal of their sentiments upon this topic, to the end that no sanction may appear to be derived from their silence; and also that other states may be led to consider this intrusion of a foreign state into our confederacy, under this usurped authority, in a constitutional point of view, as well as in its consequences; and that thereby a concurrence of sentiment, and a coincidence of councils may result; whence alone can be hoped a termination of this usurpation, and of the evils, which are apparently about to flow from it.

Your committee therefore propose for the adoption of the legislature the following resolutions:

Resolved, As the sense of this legislature, that the admission into the union, of states, created in countries not comprehended within the original limits of the United States is not authorized by the letter, or the spirit of the federal constitution.

Resolved, That it is the interest and duty of the people of Massachusetts to oppose the admission of such states into the union, as a measure tending to the dissolution of the confederacy.

Resolved, That the act passed the 8th day of April, 1812, entitled, "An act for the admission of the state of Louisiana into the union and to extend the laws of the United States to the said State" is a violation of the constitution of the U. States; and that the senators of this state in Congress be instructed, and the representatives thereof requested, to use their utmost endeavours to obtain a repeal of the same.

Resolved, That the secretary of this commonwealth be directed to transmit a copy of these resolutions to each of the senators and representatives of this commonwealth in the congress of the United States.

By order,
JOSIAH QUINCY.

WILLIAM H. MARRIOTT.
In consequence of ill-health, declines being considered a candidate to represent Anne Arundel county in the next Legislature of Maryland.
June 24. 2