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purpofe he knew not; much, from a conviction, that their objects and numbers would militate againft his wifhes, this he prefumed was the true reafon which forbid a compliance. He faid he had in mind attempted a felection of thofe petitions, but really found them fo numerous, as to render it perhaps improper to attempt to detail them to the committee at this time. He would only ftate that fince congrefs had rejected the law paffed by the territorial legiflature for dividing it; more than 20 petitions had come on figned by thoufands of the inhabitants, and many by felect men chofen for the exprefs purpofe by the people, and thefe too from almoft every county in the territory; praying for a ftate government, and ftating their grievances in the moft refpectful terms. He faid there were alfo a much greater number againft the law which he had juft mentioned, which alfo had the fame object in view, that of a ftate government, as it was known the effect of this law and its objects were to prevent a ftate government, by cutting them up into fmall fections and dividing the population fo that their numbers in no part fhould be fufficient to entitle them to a ftate government. Mr. W. faid, from every information he could obtain, he had no doubt, but that nine tenths of thofe people were in favor & wifhed a ftate government. Nay! there was not a folitary petitioner to the contrary, except the member from the territory, notwithftanding his great defire to defeat this meafure, by oppofing the wil of the people, whom he ought to reprefent on this floor. The gentleman from Connecticut, (Mr. Griswold) has ftarted a conftitutional objection to this refolution, to inforce which he had fuppofed it to be intended for one of the ftates now in the union, and afking whether congrefs have the right to direct the ftate of Maryland to call a convention, &c. now Mr. W. faid he could fee no analogy between the cafe put by him, and the prefent one before the committee. The ftate of Maryland was an independent ftate, and was fo before the formation of the federal government, and had her conftitution independently of the general government, which fhe as well as every other ftate, has a right to alter at will, &c. and many of which have done fo fince the prefent government. But what is the fituation of this territory? Here is a [illegible] country belonging to the United States which they wifh to fettle, they form for the people who fhall go there a temporary government, and at the fame time agree that whenever this tract of country fhall have a certain number of inhabitants to wit, 60,000, it fhall be admitted into the union; and if confiftent with the general intereft, fuch admiffion may be fooner, and when there may be a lefs number of inhabitants than 60,000.

It is to be obferved, that the term of admiffion is two fold, firft, when they have the number 60,000, the right of admiffion is abfolute, in the fecond, when they have not the numbers, it is difcretionary with congrefs; but this difcretion he prefumed ought to depend on the expediency and policy of the meafure; but furely gentlemen will not contend there is any conftitutional impediment in the way, if they will attend to the ordinance, and the conftitution giving the right to congrefs to form and lay out new ftates.

The fame gentleman (Mr. G.) has ftated, as a further objection, that this application for admiffion into the union, does not come through a proper channel, by which we are to know the public will, and fays it ought to have come through the legiflature of the territory, that thefe are the fources from which we are to look for an expreffion of the public will; and again refers to what ought to be the effect of an application from any of the ftates. Mr. W. faid, although he admitted it was not common for that gentleman and himfelf to agree, as to what ought to be an expreffion of the public will; yet on the prefent occafion, for argument fake, he would agree to the cafe ftated, that we fhould regard the act of the legiflature of any of the ftates, as expreffive of the will of the people in fuch ftate, and ftill it does not bear on the prefent cafe. In all the ftates, faid he, the people have a government of their own choice, which themfelves have formed; they are reprefented by thofe of their own appointment, and who are refponfible to the people at fhort and ftated periods by elections, hence we may infer that in their public acts, the intereft as well as opinions of the people are confulted. But how is it as to this territory? Have the people a government of their own choice? Are not two branches of the legiflature, the governor and council, appointed by the Prefident of the United States, independent of the people, and under no kind of refponfibility to them, except the falary which the governor receives is paid by the United States? The reprefentatives are chofen by the people, but by a very limited fuffrage indeed—and the governor, it is to be obferved, has an unqualified negative on all the acts of the legiflature with a power to diffolve and prorogue them, &c.

Mr. W. faid this being the fituation of thofe people as to a government, he would venture to fay, that if congrefs difregarded the direct application of the people for a ftate government, and wait for a legiflative application, that it never would be made; for it is not to be fuppofed that thofe men, who have the power to nullify every act of the people, through their legiflature, will ever fanction one which is calculated to put an end to their political exiftence. Nay, faid Mr. W. have we not had before the prefent feffion, a memorial for example which proves what thofe men would do had they the power? Did they not pafs a law, which this congrefs almoft unanimoufly rejected, in palpable violation of their conftitution (the ordinance) and which was intended folely to prevent the people from obtaining a ftate government, by dividing the population in fuch manner as that their numbers would not entitle them to a government? When, faid he, men will fo far difregard their oaths and the intereft of the people, as to do acts of this kind, what may we not expect them to do, in order to promote their own private views? Thus he faid we might fairly conclude, that neither from the nature or practice of this government, was an expreffion of the public will to be expected through its legiflature, but the reverfe. But it is afked, why force thefe people into a ftate government; this is not a fact, as relates to the petitioning of the people, or the report of the committee; if gentlemen will attend to the report, they will find it is left optional with thofe people when in convention, to fay whether they will go into a ftate government or not. Where is the impropriety? It only gives them a fair opportunity of exercifing thofe rights which belong to every people, and which it feems ftrange any fhould be difpofed to deny them. It alfo will afford a fair opportunity of trying the validity of the affertion made on this floor, that thefe people do not wifh a ftate government—fhould that be the cafe, no doubt they will act accordingly, and all parties be fatisfied in the will of the majority.

Mr. W. faid thefe territorial governments which the United States have been obliged to refort to, were arbitrary [illegible], and ought not to exift longer than they could with propriety be difpenfed with. They were, he faid, oppofed to the genius of the people of this country, and in direct hoftility with their notions of government, of which [illegible] we were not fo fagacious they would be fatisfied under them, any longer than they may be incapable of felf government. He faid he did not wifh to take up the time of the committee in detailing the powers of this government, and the abufe of them by the governor of the territory, to prove what he had juft ftated, becaufe he believed they were well known to every member of the committee, which was quite fufficient for the prefent purpofe.

Mr. W. faid he believed it to be a debt of juftice due to thofe people as well as found policy in the general government, to admit them into the union at this time. The people refident in the Territory had emigrated from the different ftates in the union, where they had been in the habit of enjoying the benefits of a free form of government; they no doubt had looked forward to a very fhort period at which they might again enjoy the fame, as pointed out by the ordinance to effect which it was natural to fuppofe they had invited a migration to their country, but if the doctrine now contended for in oppofition, fhall prevail in this houfe, all their hopes are blafted. Ought we not, faid he, to have a fellow feeling for thofe people? Let any gentleman make their fituation his own, and will he longer hefitate as to the propriety and juftice of the meafure? It cannot be doubted but that thefe people are ripe for felf-government; they now have or will by the time propofed for their admiffion, the number required by the ordinance, 60,000. By a recurrence to the cenfus taken more than a year paft, it will be found their numbers were upwards of 45,000. Since which we are to fuppofe a great increafe of population, for we find that the U. S. have fince then fold more than a half a million of acres of land within this Territory, for a fum amounting to more than a million of dollars. It is alfo to be obferved that agreeable to a cenfus taken in that country in the year 1794, the number of its inhabitants did not exceed fix thoufand; thus in about feven years we find an increafe in this country of about 40,000 people; they now pay an expence nearly equal to fome of the ftates, to fupport their government. From this ftatement of facts Mr. W. faid, by the time propofed for their admiffion by the report of the committee, there could be no doubt of their abfolute admiffion into the union, under the ordinance.

Mr. W. faid he had ftated that it would be the policy as well as intereft of the general government to admit this ftate into the union; he believed there were many confiderations to warrant this opinion. The general government owns much valuable land in this country which it wifhed to fell; that it was a fource from which much of our revenue is calculated to be drawn. Certainly then to form this country into a ftate and the people to have a free government of their own choice, and enjoy their natural and political rights, will contribute more to the fettlement and increafe of its population, than under the prefent form of government. The natural confequence will be a demand for our lands as well as an increafe in its value, but let Congrefs once fhew a difpofition not to admit them to thofe rights, or delay them, and the reverfe will certainly be the fact; for it is not to be fuppofed that the people of America will be difpofed to go from a free into an almoft arbitrary government, or even to remain there.— Again, the United States pay towards the fupport of this territorial government, between four and five thoufand dollars annually, which they will be freed from by adopting the propofed meafure. Mr. W. faid there was one further confideration, which he thought ought to have weight on the prefent occafion, he confeffed it had much weight with him; which was the people in this country were extremely diffatisfied with their prefent government, and particularly its adminiftration; and this diffatisfaction would increafe in proportion to their fenfe of being entitled to and ripe for a better. He conceived it to be the duty of all governments to make its people as quiet and happy as poffible, confiftent with the general good, and to effect which it is of primary importance to grant them their reafonable requefts. In the prefent cafe he could fee no way fo well calculated effectually to remove this diffatisfaction as to give them the liberty of forming for themfelves a government. That there would be fome ftill diffatisfied he had no doubt, but who would they be? He fuppofed thofe now in power and their adherents, who hold offices and appointments not derived from the people, but independent of them; this was a natural confequence. It was not to be expected they would ever agree to a change likely to prove unfavorable to their prefent fituations.

Mr. W. faid he would further remark, that in admitting the Territory to become a ftate at this time, certain articles of compact were propofed to the convention to be called for forming a government, which if agreed to he thought muft prove highly beneficial to the United States as well as that ftate, among which was, that the lands of the United States to be fold, fhould be exempted from taxation by that ftate for a term of years; thefe articles to be fure they were free to reject; yet he believed they would be agreed to, as there was an equivalent tendered on the part of the United States, which would induce acceptance. But if Congrefs difregard the wifhes of thefe people at prefent and keep them out of the union, till they fhall be admitted under abfolute right, we are not to expect any favor but in the fame way.

Mr. W. faid that in every point of view in which he had been able to confider this fubject, its propriety prefented itfelf to his mind fo forcibly, that he could not but be furprifed at the oppofition of fome gentlemen. The people fettled a country under an exprefs agreement with the United States, that at a certain period they fhould be admitted to the rights of a free government and form a member of the union. They now come forward, afk it and fhew themfelves entitled, and that the prefent government you have given them has become oppreffive, and incompetent to promote their happinefs; yet are they to be told, remain as you are, becaufe a few interefted characters among you are not agreed that you fhall be free. He concluded by faying however fome members of the committee might be oppofed to the meafure, he hoped that there would be found a large majority in favor of it.

Mr. Bacon.—Thefe refolutions involve two queftions. The firft of which refpects their conftitutionality, and the fecond their expediency. With refpect to the firft queftion there appears to me to be no reafonable doubt. By the conftitution the power of admitting new ftates into the union is vefted in Congrefs. The third fection of the 4th article fays, "New ftates may be admitted by the Congrefs into the union." The mode of admiffion is left difcretionary. The power then being vefted in Congrefs, and the mode in which this power may be exercifed being determined in that other part of the conftitution, which fays Congrefs fhall have power "to make all laws which fhall be neceffary and proper for carrying into execution the foregoing powers, and all other powers vefted by this conftitution in the government of the United States, or in any department or officer thereof;" if this refolution be neceffary to carry the vefted power into effect, every objection againft the conftitutionality of the meafure muft vanifh. Not only the power of admiffion, but alfo the power of paffing the laws neceffary for admiffion muft be granted.

As to the expediency of the meafure, we may not be fo competent to judge; but by the ordinance we find that when the territory fhall attain a population of 60,000 it fhall be admitted as a ftate into the union; and that fo far as it may be confiftent with the general interefts of the confederation, it fhall be admitted earlier. If then the admiffion be confiftent with the general interefts, Congrefs having the power to admit ought to exercife it. For we all know that the poffeffion of liberty is a very defirable thing, and ought to be extended liberally, efpecially where no injury can arife from it.

Mr. Griswold. I have long been perfuaded that when gentlemen are determined upon any particular meafure, they can readily find pretexts for it.— The conftitution is brought in to their aid, though the fact is that the territory exifted before the conftitution was formed. The people of the territory never confented to it, nor are they bound by any part of it which gives more power to the federal legiflature than is given by the compact. Their rights under the compact cannot be taken away by any provifion of the conftitution to which they were not a party. I fhall therefore lay the conftitution totally out of the queftion.

The gentleman from Maryland (Mr. Nicholfon) and myfelf agree in one or two points. We agree that it is competent to Congrefs to admit the territory into the union before it has attained a population of 60,000. If this were the fole object of the refolutions I would agree to them. We agree in another point; that Congrefs has not the right to impofe a convention upon thefe people without their confent. The queftion, then, is whether it is or is not, the object of thefe refolutions to impofe a convention. Let us turn to the third refolution, which is calculated in exprefs words for calling a convention by a law of the United States, and by taking the population of the laft cenfus as the bafis of reprefentation. If the principle be a found one, that we have a right to impofe a convention upon the people of the territory without their confent, how are the opinions of the people on the calling a convention to be obtained? How is their confent to elect delegates to be obtained? The confent expreffed on the face of the petitions before you cannot be faid to be a legal confent. How elfe then can fuch confent be obtained? In no other way than by an act of the territorial legiflature, or by going round to every man in the territory, and obtaining his opinion. If this be left undone until the election for members of the convention, the refult will be a partial expreffion of the public mind. For one man may vote, & another refufe to vote. Thus you may get a partial convention compofed of a few demagogues. I fay, therefore, that however defective the provifions of the compact, you muft obtain the confent of the territorial legiflature before you take the ftep of calling a convention.

Believing the inevitable effect of thefe refolutions will be to impofe a convention on the territory, I am juftified in faying they involve an ufurpation of power by the United States, of power not belonging to them. If the refolutions amount to any thing, they amount to this. If gentlemen will ftill obtain the confent of the territory, in a proper mode, though their population does not amount to 60,000, I will confent to their admiffion into the union. I am difpofed to let them act for themfelves, to let them divide or not divide the territory into ftates as they pleafe; but I am againft impofing any thing upon them contrary to their will. They are more deeply interefted than we are in the eftablifhment of a proper form of government. They, and not we, are to be bound by it. They then ought in its eftablifhment to act for themfelves, and not we for them.— I contend that fuch a meafure is extraordinary in this country. I know that it has been practifed in other countries. I know that in Switzerland and in Holland, the people were told by the republic of France they had bad conftitutions that required alteration, and that the republic with fifterly kindnefs, without afking their confent, impofed conventions upon them, which formed for them entirely new fyftems of government. But I truft the fame thing will not be done here.

I do not think it neceffary to enquire into the expediency of this meafure, as I have no objection to giving my confent to the admiffion of the territory into the union, even without a population of 60,000, if wifhed for by the people; though I have no idea that the people will be benefited by it, as they will then have taxes to pay from which they are now exempt. But I do not confider this as a proper objection for us to make, as it ought to reft with the people to fay whether they are willing to pay thofe taxes.

I fay again we have no right to impofe a convention. I believe that the principle on which we take this ftep goes the full length I have ftated, and may, if adopted in relation to the territory, be applied to all the ftates. The powers of the territory on this head are as complete as thofe of the ftates; and if we interfere with the firft we may interfere with the laft. I know that in Connecticut the legiflature have regulated the choice of governor, and that the legiflature of Maryland elects the governor; but thefe powers do not give a right to the national government to interfere in the regulations of the one as to the election of the other. So, if the legiflative powers of the territory are limited, no power is thereby given to the national legiflature over thofe powers which exclufively belong to that territory.

Gentlemen may fay what they will, but there is nothing under the ordinance to prevent an expreffion of the public voice of the territory. It is true that one branch of the territorial legiflature is chofen by the Prefident, but the other branch is chofen directly by the people. It is, therefore, perfectly fafe to truft to the expreffion of the public will through a legiflature which is chofen every two years. If gentlemen will confine themfelves to giving the affent of this government to the calling a convention, I will agree to it; I cannot agree to impofe one.

Mr. Nicholson. I will not undertake to fay, with the gentleman from Connecticut, (Mr. Griswold) that the people of the North Weftern Territory are not bound by the conftitution, as that doctrine might carry us farther than we mean to go; but I will fay, there is nothing in thefe refolutions that abridge the rights of the people. They in fact extend them; and though, in the opinion of the gentleman, the people may not be bound by the conftitution, they may not be unwilling to accept the privileges we now offer them. We are about to beftow upon thefe people, what man has ever confidered as his greateft bleffing, the right of felf-government, to offer them a full participation in all our rights. They have a right, if they pleafe, to accept thefe high privileges, which we have a conftitutional right, if we pleafe, to beftow. I do not know that I faid, what the gentleman from Connecticut afcribes to me, that Congrefs has no right to impofe upon thefe people the calling a convention. I did fay that Congrefs had no right to give them a conftitution without their confent. But take gentlemen on their own ground; grant, for argument fake, that we have no right to impofe upon them a convention. Is there any thing like this contained in the refolution? We only enable them by the firft refolution to come into the union under principles not repugnant to the conftitution, or to the ordinance of 1787.

The gentleman from Connecticut fays we are not to collect from the petitions on our table that every man in the territory is anxious that the territory fhould be admitted into the union. True. We fee that this is not the cafe. We have evidence here from the language of the delegate of the territory, that there is one man at leaft againft it. But from the complexion of thofe petitions, and from the great number of fignatures, we have reafon to believe that a large majority of the citizens are for admiffion, particularly as we have received no oppofing petitions. We have reafon to believe that a portion of the people are oppofed to the admiffion, becaufe thofe elected by the people have communicated to us their indifpofition to come into the union; alfo the governor, and the member on this floor are of the fame opinion; but when the fmall number of this defcription of citizens is contrafted with the feveral thoufand petitioners, who pray for admiffion, the fair inference is that a large majority wifh to be admitted.

The gentleman from Connecticut fays there is no way of getting the confent of the territory, but through their ufual legiflative organs, or by going throughout the territory and collecting the opinion of every citizen. But I will afk him how the affent of the people of the United States was obtained to the conftitution under which we now live. Was it obtained by the affent of all the legiflatures, or by that of every man in the country? No. The fame mode was then adopted that we are now purfuing. Conventions were affembled, which ratified the conftitution for their refpective ftates, which was not binding upon thofe ftates that ratified it, until adopted by nine ftates; and then it was adopted as the fupreme law of the land in thofe ftates. Now, what do we wifh? Not to impofe a convention upon the people of the territory, or to fay, when the convention fhall be convened, they fhall adopt a conftitution. We take on the contrary, the fame mode purfued by the grand convention, which did not fay that every ftate fhould elect conventions, but that when the conventions of nine ftates fhould adopt the conftitution, it fhould be to thofe ftates the fupreme law of the land. So we fay that when the people of the territory fhall have elected a convention, and adopted a conftitution, it fhall be valid. There is no compulfion: We take the beft mode we can devife for obtaining the fenfe of the people. This, while it is the only mode the people poffibly can have of freely and fully expreffing their fentiments, [illegible] for a man who fhall declare himfelf an advocate of, or an opponent of the meafure, the fenfe of the public will be obtained. This will be accomplifhed more completely and diftinctly by voting for a man, whofe duties will be confined to this fingle object, than by electing a legiflative man, whofe duties are various and multiform.

I muft fay that I do believe that the wifhes of the people will be better expreffed by a convention [illegible] by the people themfelves, than by a legiflature,