

continue 6 months—but, if I had received the slightest intimation from the department that I should have been employed on my return, I should have considered no sacrifice too great, no exertion within my power should have been omitted to obtain so desirable an object, as any mark of my country's confidence would have been to me in such a moment: a gun boat, under my own orders, would not have been refused—but what hope had I, when my letter of application for service was not even honored by an answer. In regard to the John Adams, I do not deem it proper, on this occasion, to explain my reasons for making the attempt to return in that ship; but whenever I am called on by any person properly authorized to make the enquiry, I am confident that I shall convince them that I had good reason to believe that I should obtain a passage in her, notwithstanding your great knowledge on the occasion.

You say, by absenting myself, for years from this country, without leave from the government, I subjected myself to be stricken from the rolls. I know also, by the 10th article of the act for the better government of the navy, that all persons in the navy holding intercourse with an enemy, are subject to the severest penalties of the law; and that for these offences, as you are pleased to term them, I have not received, to your knowledge, even a reprimand; but I presume if I have not, it is not your fault. What kind and humane forbearance is this, after what I have already endured? But sir, as you seem to be so very intelligent upon other points, pray tell me where was the necessity of my asking for a furlough until the period of my suspension expired, or even after having reported myself for duty without being noticed.—As to the charge of my holding intercourse with the enemy, I am at a loss to conceive to what you allude, and should degrade myself by giving it any other reply than to pronounce it—if you mean to insinuate there was any unlawful or improper communication on my part with the government, or any individual of G. Britain, as a *false & foul aspersion* on my character, which no conduct or circumstance of my life, however it might be tortured by your malice or ingenuity, can in any manner justify or support. You say also, that you *do know* that my pay, even during my absence, was *continued to me*. It is not the fact, sir; I never, and until very recently since my return, received but half-pay. This part of your letter I should not have regarded, were it not to show with boldness, fecility, and *sang froid*, you can make assertions unsustained by the shadow of truth; but if you had made yourself acquainted with the circumstances relative to my half-pay you would have found that not one cent of it was received by me. The government was so good as to pay the amount to my unfortunate female family, whose kindest entertainment you have so frequently enjoyed. Poor unfortunate children! whose ancestors, every man of them, did contribute every disposable shilling of their property, many of them their lives, and all of them their best exertions, to establish the independence of their country, should now be told that the small amount of my half pay was considered, by an officer of high rank, too much for them! You have been good enough to inform me, that on my return to this country, my *efforts*, as you have been pleased to call them, to re-instate myself in the service were known and became a subject of conversation with officers, as well as others; and, but for those *efforts*, it is *more than probable* you would not have spoken of me. This would indeed have displayed a wonderful degree of lenity and courtesy on your part, of which I could not have failed to be duly sensible. But, sir, I beg leave to ask how and where, did you get your information, that such *efforts* were made by me; and even admit they were, why should you *alone*, disclaiming,

as you pretend to do, all *personal enmity* against me, have made yourself so *particularly busy* on the occasion? Was it because your inflated pride led you to believe that the weight of your influence was greater than that of any other officer of the navy, or that you were more tenacious of its honor and *'respectability'*, than the rest of the officers were? You assure me, however, "that in the interchange of opinion with other officers respecting me, you have never met with more than one who did not entirely concur with you in the opinion you have expressed of me." Indeed! and what is the reason? It is because I suppose you are most commonly attended by a train of dependents, who, to enjoy the sunshine of your favor, act as *caterers* for your vanity and, revolving around you like *satellites*, borrow their chief consequence from the countenance you may *condescend* to bestow upon them. You at length, arrive at the main point; the *'object'* of my letter of the 23d ult. which you might have reached by a much *shorter route*, and have saved me the fatigue of being compelled in self-defence to travel with you so far as you have gone. The language of defiance represented to have been used by you, that you would cheerfully meet me in the field, and hoped I would yet act like a man, are disavowed by you. And you further deny having ever invited me to the field, or expressed a hope that I would call you out; but you observe that, "being informed by a gentleman with whom I had conferred upon the subject, that I left Norfolk, for the seat of government, sometime before our June correspondence, with the intention of calling you out, you stated to that gentleman as you have to *all others* with whom you have conversed upon the subject, that, if I made the call you would meet me—but that, upon all scores, you would be much better pleased to have nothing to do with me." I certainly do not *exactly* know who that intermeddling gentleman was, with whom you say I "conferred;" but if I may be allowed a conjecture, I think I can recognize in him the self-same officious gentleman who, I am credibly informed, originated the report of your having made use of the gasconading expressions you have disowned:—In this respect I may be mistaken. Be this, however, as it may, I never gave him, or any other person, to understand that my visit to Washington last spring, was for the purpose of "calling you out," nor did I go there with *any such view*.

(To be continued)

Mr. Hendricks' Speech ON THE MISSOURI BILL.

MR. CHAIRMAN.—Rising, at this late hour of the debate, and preceded by many who are prominent and powerful in the discussions on this floor, it is not to be expected, that very much remains for me to say. This however is a circumstance which I do not regret, for it is not my purpose or intention to say much. Sir, at an early period of this discussion, it was my intention to have offered at large to the committee, my views on this subject, but not having been fortunate enough, to have occupied the floor at that stage of the debate, I find much of the ground which I had marked out for myself, occupied and successfully as I think occupied by others.

With that ground sir, I shall have as little to do as possible. I will not tire the committee in wandering unnecessarily upon it, but will ask their indulgence, while I say a few words, which appear to me necessary to be said, and which are some of my reasons for the vote I expect to give, on the proposition now before the committee. Sir, my apology for troubling the committee is, the interest which with others I take in this great question, and the circumstance, that that portion of the Union, of which I am a citizen and a representative, seems to have become in a great measure the theatre of this debate.

Mr. Chairman, the history of the North Western Territory, is connected with the earliest and the proudest days of this Republic, and its history in times to come, will shew it warmly, and devotionally attached, to the rights of the States and the integrity of the Union. Sir, there is nothing fortuitous or uncertain in this opinion. The states of Ohio, Indiana and Illinois, are standing monuments of the magnanimity of an ancient and respectable state (Virginia.) They are monuments also of a wise & liberal policy, whence springs their happy institutions, and their freedom from slavery, that great evil of the South. They shew a policy of the general government, which should it roll on with the flood of emigration to the west, it will add a constellation to your Union, equal in lustre to the brightest star of the East. This is the view of the amendment under discussion—an amendment which commands my approbation and coerces my support. An amendment objectionable say gentlemen, because congress have not the constitutional power to enact it. Those who oppose the restriction of slavery in Missouri, call for the constitutional provision which authorizes the measure—call for the speaking index which points to this question, as though every measure of the government, could have been anticipated, and all its future incidents seen by the framers of the constitution.

Mr. Chairman the language of the constitution is plain enough for me. And here let me remark; that this amendment presents itself to my mind, in a point of view, different from that in which it appears to be considered, by most gentlemen who have spoken of it. This amendment is objected to, because it is understood to propose conditions for the state of Missouri. This is not the way I understand it. It speaks to the people of Missouri Territory, and not to the state of Missouri. To the people of the Missouri Territory, and to the people of all the territories, we have been in the habit of speaking. Even gentlemen on the opposite side of the question admit we may speak to them.

Sir, I think in the progress of this discussion, it has been clearly made out, that Congress may impose conditions. Indeed this seems of necessity to be admitted on all hands, for without admitting this principle we cannot justify the Government we hold over the Territories, or the control we hold over the public lands within the limits of the new states. Sir, in this case we do not dictate to, or impose conditions on the state. We only say to the people of the Territory, what we consider necessary for their constitution to contain, and without which they are not to expect ad-

mission into the Union. They are not possessed of Sovereign state powers when making this constitution, nor when it is made, until Congress shall admit them into the Union. This ceremony of admission, has been deemed necessary in the history of our government in relation to all the new states. Their sovereign state power is derived from their constitution, which has not force or efficacy until approved by Congress. It is true the power which made this constitution was in existence before, but it was chaos reduced by these proceedings to consistency and order.

But it is said by this amendment, you require these conditions to be adopted by Missouri, and to come from her, because Congress have not the power to make or impose them. This, sir, is true, and is correct, in the same way, that the first party to a contract, must obtain the consent of the second party, before the contract is complete; but after that consent is obtained the first party has the same advantage from it, and it is as binding on the second party, as if all had been originally in the power of the first party—for in truth, this is nothing more or less than a contract, and it is one of those contracts which, though made in the minority of Missouri, will be binding on her after she shall arrive at full age. I deny then Mr. Chairman, that any thing required by this amendment, is to be done in the character or capacity of a State, on the part of Missouri.

Again sir, the treaty. The third article of the treaty so much spoken of in this debate, could not have been intended to pass the boundaries of the constitution. If such were its stipulations, those stipulations could not be carried into effect. Sir, what created the treaty making power? The constitution, and the moment the treaty making power passes the boundaries of the constitution, that moment its powers become annihilated. We are told, that it is now too late to object to the treaty—that it has been ratified by the Senate and sanctioned by the House of Representatives, in the passage of laws to carry it into effect. Sir, I do not object to the validity of the treaty. The acquisition of Louisiana was one of the happiest epochs of our political history since the close of the revolution. But I object to any construction of that treaty unknown to, and unauthorized by the constitution. I object to any construction of the treaty, which would do away the discretion of Congress, in the admission of new states. Can any unconstitutional stipulation in a treaty gain strength by the ratification of the Senate, or the passage of a law by Congress to carry that treaty into effect? Surely not. Suppose for instance that the treaty making power, had stipulated that the appointment of the officers, and the authority of training the militia of the states to be formed west of the Mississippi, should be reserved to the government of the U. S. Would gentlemen tell us that this stipulation could be carried into effect? No—because such stipulation would be contrary to the constitution of the U. S. Such stipulation would be an infringement of the rights of the state. And are we not to guard the rights of the general government, as well as those of the states? The treaty then I understand as placing the inhabitants of the province of Louisiana, in the same situation they would

have been in if they had been included within the original limits established by the treaty of peace.

Sir, if the treaty making power can pass the limits of the constitution, it could have provided, that the states to be formed in the province of Louisiana, should have the power of making war or peace, or of creating titles of nobility. The language of the treaty is in substance, the language of the constitution, and the privileges and immunities conferred on the Louisianian, must be such privileges and immunities as the government of the United States can bestow; for according to the principles of the gentlemen opposed, neither the treaty, nor the constitution, can confer on the ancient inhabitant of Louisiana, the rights and privileges which result from the regulations of a state, and which are the offspring of municipal law, because these things say gentlemen, are the prerogatives of state sovereignties and cannot be exercised by congress. Then what are the privileges & immunities of an inhabitant of Louisiana under the treaty and the constitution? They are simply those of a citizen distinguished from a foreigner or an alien. The inhabitant of Louisiana, is not subject to the requisitions of an alien law.

He becomes at once a citizen of the United States. The treaty then does not seem to stand in the way of the free operation of the constitution—the practice and policy of the government, in the admission of new states. There is no guarantee in the treaty, in favor of adventurers to the country, or in favor of the Louisianian after he shall have become a member of state government.

The force of the treaty then fails, gentlemen.—It is imposing conditions on him in the character of a citizen of a state of which they complain, and in such character the treaty has no guarantee in his favor, and it would be absurd if it had. It would be, France stipulating for the privileges and immunities of citizens, not only of the United S., but of a particular state.

But sir, to the positive language of the constitution:—"Congress shall have power to dispose of, and to make all needful rules and regulations, respecting the territory, or other property belonging to the U. States." Here then is direct power—absolute control over the most important and first object of sovereignty. Here is a constitutional power, more extensive than is necessary for the amendment before the committee. Congress owns in fee simple the soil of the country. This soil may be retained by its owners, or it may be parted with on conditions. It may be leased for life or for years. These leases may contain as many conditions as may be agreed on. One of these may be that the soil shall not be cultivated by a slave, and that it shall not be the residence of a slave. Sir, the citizen of the United States, no matter whether he be from the South or the North, may constitutionally be prevented from settling that soil. Your standing armies and your militia, may be marched from every state to dispossess him. This is a policy which the government will very seldom adopt, but the power to adopt it is found in the constitution, and it is the constitutional power to adopt this measure, which we are now in search of, and not its expediency. Sir, this part of the constitution is not a dead letter. Look at your state