

## **Substance of Two Speeches**

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...[5] *The substance of two Speeches on the Missouri Bill – delivered by Mr. KING, in the Senate of the United States, during their last session.*

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The constitution declares “that congress shall have power to dispose of, and make all needful rules and regulations respecting the territory and other property of the United States.” Under this power congress have passed laws for the survey and sale of the public lands, for the division of the same into separate territories; and have ordained for each of them a constitution, a plan of temporary government, whereby the civil and political rights of the inhabitants are regulated, and the rights of conscience and other natural rights are protected.

The power to make all needful regulations, includes the power to determine what regulations are needful; and if a regulation prohibiting slavery within any territory of the United States be, as it has been, deemed needful, congress possess the power to make the same, and moreover to pass all laws necessary to carry this power into execution.

The territory of Missouri is a portion of Louisiana, which was purchased of France, and belongs to the United States in full dominion; in the language of the constitution Missouri is their territory or property, and is subject, like other territories of the United States, to the regulations and temporary government, which has been, or shall be pre[6]scribed by congress. The clause of the constitution, which grants this power to congress, is so comprehensive, and unambiguous, and its purpose so manifest, that commentary will not render the power, or the object of its establishment, more explicit or plain.

The constitution further provides that “new states may be admitted by congress in the Union” – time, terms, and circumstances of the admission of new states are referred to the discretion of congress; which may admit new states, but are not obliged to do so – of right no new state can demand admission into the Union, unless such demand be founded upon some previous engagement of the United States.

When admitted by congress into the Union, whether by compact or otherwise, the new state becomes entitled to the enjoyment of the same rights, and bound to perform the like duties as the other states; – and its citizens will be entitled to all privileges and immunities of citizens in the several states.

The citizens of each state possess rights, and owe duties that are peculiar to, and arise out of the constitution and laws of the several states. These rights and duties differ from each other in the different states, and among these differences none is so remarkable or important as that which proceeds from the constitution and laws of the several states respecting slavery; the same being permitted in some states, and forbidden in others.

[7] The question respecting slavery in the old thirteen states had been decided and settled before the adoption of the constitution, which grants no power to congress to interfere with, or to change what had been so previously settled – the slave states therefore are free to continue or to abolish slavery. Since the year 1808 congress have possessed power to prohibit and have prohibited the further emigration or importation of slaves into any of the old thirteen states, and at all times under the constitution have had power to prohibit such migration or importation into any of the new states, or territories of the United States. – The Constitution contains no express provision respecting slavery in a new state that may be admitted into the Union, every regulation upon this subject belongs to the power whose consent is necessary to the formation and admission of a new state, that slavery shall be forever prohibited within the same. We may, with the more confidence, pronounce this to be the true construction of the constitution, as it has been so amply confirmed by the past session of congress.

Although the articles of confederation were drawn up and approved by the old congress in the year 1777, and soon afterwards were ratified by some of the states, their complete ratification did not take place until the year 1781. The states which possessed small and already settled territory, [8] withheld their ratification, in order to obtain from the larger states a cession to the United States of a portion of their vacant territory, without entering into the reasons on which this demand was urged. It is well known that they had an influence on Massachusetts, Connecticut, New-York and Virginia, which states ceded to the United States their respective claims to the territory lying north-west of the river Ohio. This cession was made on the express condition, that the ceded territory should be sold for the common benefit of the United States; that it should be laid out into states, and that the states so laid out should form distinct republican

states, and be admitted as members of the federal union, having the same rights of sovereignty, freedom, and independence as the other states! Of the four states which made this cession, two permitted, and the other two prohibited slavery.

The United States having in this manner become proprietors of the extensive territory north-west of the river Ohio, although the confederation contained no express provision upon the subject, congress, the only representation of the United States, assumed, as incident to their office, the power to dispose of this territory; and for this purpose, to divide the same into distinct states, to provide for the temporary government of the inhabitants thereof, and for their ultimate admission as new states into the federal union.

The ordinance for these purposes, which was passed by congress in 1787, contains arti[9]cles, which are called, “Articles of compact between the original states and the people and states within the said territory, forever to remain unalterable unless by common consent.” The sixth of those unalterable articles provides, “that there shall be neither slavery nor involuntary servitude in the said territory.

The constitution of the United States supplies the defect that existed in the articles of confederation, and has vested congress, as has been stated, with ample powers on this important subject. – Accordingly the ordinance of 1787, passed by the old congress, was ratified and confirmed by an act of the new congress during their first session under the constitution.

The State of Virginia, which ceded to the United States her claims to this territory, consented by her delegates in the old congress to this ordinance – not only Virginia, but North Carolina, South Carolina and Georgia, by the unanimous votes of their delegates in the old congress, approved of the ordinance of 1787, by which slavery is forever abolished in the territory north-west of the river Ohio. Without the votes of these states, the ordinance could not have passed; and there is no recollection of an opposition from any of these states to the act of confirmation, passed under the actual constitution. Slavery had long been established in these states – the evil was felt in their institutions, laws, and habits, and could not easily or at once be abolished. But these votes so honourable to [10] these states, satisfactorily demonstrate their unwillingness to permit the extension of slavery into the new states which might be admitted by congress into the Union.

The states of Ohio, Indiana, and Illinois, on the north-west of the river Ohio, have been admitted by congress into the Union, on the condition and conformably to the article of compact,

contained in the ordinance of 1787, and by which it is declared that there shall be neither slavery nor involuntary servitude in any of the said states. [*end transcript*]