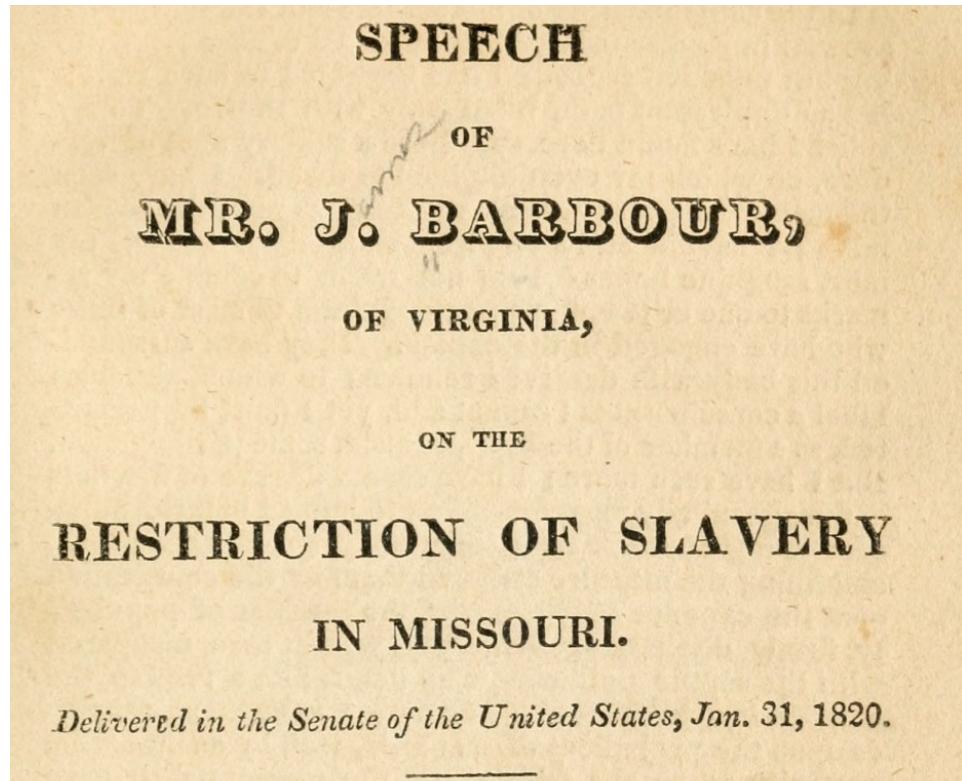


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ed your country from time, ~~and~~ ^{and} time. With these exceptions, all that I have heard has filled me with solicitude and pain. I have heard sentiments uttered that go to shake the foundations of the Union, and to produce a revolution in the government; principles avowed directly hostile to the compact on which reposes our Union, and the doctrine avowed, that all power not prohibited belongs to the general government. To combat these, to deprive them of all authority, by showing their fallacy, will be the object of my endeavors. Before, however, I proceed to this, let me notice an attempt which has been made to give a character to this question which it does not deserve. It has been said that this is a question between slavery and freedom. A more indefensible perversion was never attempted to be practised on the human mind. Such a statement of the question is a libel on the South. I appeal, without the fear of contradiction, to every member of the Senate, from every quarter of the Union, when I ask if the South-

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ern members have not invariably supported, with unanimity, every proposition which had for its object the suppression of the slave trade; and whether, during the last session, we did not indulge them in the project, as wild as it was well-designed, of expending thousands for the accommodation of the unfortunate victims of that abominable trade, by authorizing the government to provide them an asylum in Africa, to be maintained at the public expence. Can, then, any man believe we wish to multiply the number? The question we are called to discuss, is not whether slaves shall be multiplied. If it was, there would be but one sentiment here. What is the real question? Shall we violate the constitution, by imposing restrictions on the people of Missouri? While exercising the great privilege of forming their government, shall we disregard the solemn obligations imposed by treaty? And shall we finally do an unmeasurable act of injustice, in excluding the people of one half the republic from participating in that country bought by a common treasure and their exclusive counsels? And for what? Not to diminish slavery, but to confine it within its present limits—destructive to the slaves themselves, and fatal eventually to the whole population—instead of diffusing them over a wide-spread country, where their comforts would be increased, and by their disproportionate numbers they might be within the reach of the suggestions of policy and of humanity. Not to diminish slavery, I repeat again; but to seduce the white population from this portion of country thus interdicted, and to increase the disproportion of the blacks to such an extent as forever to shut the door of hope upon them; or to drive us from the country, and surrender it exclusively to them.

This is the real state of the question, which I will now proceed to discuss; and, for the sake of perspicuity, I propose to do so under the following heads: 1st. You have no constitutional right to impose the restriction involved in the amendment. 2d. That the treaty by which we acquired the country forbids it. And, 3d. That it is inexpedient and unjust to do so.

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fore, a restraint on Congress does not imply the existence of the power restrained; for I presume the gentleman from New Hampshire would hardly contend that Congress, even without this clause, would have had the power to vary the standard of the apportionment of direct taxation. But, it is said, that, as Congress has the power to prevent the importation of slaves under the clause of regulating foreign commerce, they have the power to prevent the passage of slaves from one state to another under the clause of regulating the commerce between the states. Now, sir, what is commerce, according to the common understanding of mankind, or in its strictest sense, as furnished by the most approved lexicographers? It is traffic. And can any one soberly contend that a removal of the head of a family, like the patriarch of times gone by, carrying with him his household, is engaged in that kind of commerce whose regulation has been given to Congress. His slaves are a part of his family; they have descended from generation to generation; are the depository of the history of his family; have rocked the cradle of his infancy, or have been companions of his youth; for them he has an affectionate regard; to preserve whom, if adversity come upon him, he will sell his home, and seek a more propitious fortune in the wilderness. Will any man call such a removal carrying on commerce? But, again, what was the end in view in giving this power to Congress? To ascertain this, let us recur to the state of this country prior to the adoption of the constitution. The states, having absolute authority over this subject, had adopted various and vexatious regulations upon the commerce between each other: they were as foreigners, each availing itself of its peculiar situation, at the expense of the other states. Those lying on the Atlantic made the interior tributary to them; and, as in all unwisely-organized confederacies, this policy was generating heart-burnings, so unfavorable to union. To prevent this, to the parent government was given the power of regulating this commerce—the whole amount and object of which was, to guarantee an unrestrained intercourse between the states; not to shackle or embarrass it; still less to apply it to the ordinary intercourse between coterminous states in the endless transactions occurring between their citizens. To

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Union, in that case, being different, the Union could not be the same ; and, therefore, they would not be admitted into this Union. It would be worse than useless for me to add any thing to what he has said. What, then, is your power ? Simply whether you will admit or refuse. This is the limit of your power. And even this power is subject to control. Whenever a territory is sufficiently large, and its population sufficiently numerous, your discretion ceases, and the obligation becomes imperious, that you forthwith admit. For I hold that, according to the spirit of the constitution, the people thus circumstanced are entitled to the privilege of self-government.

Have we not a right to contend, that, if the Convention had intended to give to Congress the power of admitting on conditions, it would have said so ? The constitution has not authorized the exercise of such a power directly, and there is nothing to justify the exercise of such a power by implication, if implication were allowable.

If, then, it be true, that your discretion, even as to admission, is limited, as I have endeavored to show, and in the present case all the constituent qualifications exist on the part of the people of Missouri for self-government, you are bound to say that she shall be admitted as a state into this Union. If she be admitted as a state, all the attributes of the old states instantly devolve on her, and the most prominent of those attributes is the right to fashion her government according to the will and pleasure of the good people of that state : whereas your restriction deprives her of that privilege forever ; and your restriction applies to a species of property that most peculiarly belongs to the jurisdiction of the state government. For, can it be believed, that the states holding slaves could ever have intended to impart to non-slave-holding states an authority over a property in which they had no common interest ; a property, in relation to which, so far from the necessity of surrendering the power to control it to the general government, self-preservation required that it should be left exclusively to the state-governments.

To all this it is replied, that the uniform course of the government, since the ordinance of '87, amounts to a precedent not now to be canvassed.

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