Congress of the United States.

MONDAY, October 24, 1803.

Call for papers.

[*Concluded.*]

Mr. Goddard observed that though the gentleman from Virginia (Mr. Randolph) had not pleased to compliment him on the score of ingenuity, yet he had replied copiously to his remarks; and this, he presumed, he would have spared himself the trouble of doing, had he not considered those remarks entitled to his notice. The gentleman asks what has become of the hostile sentiments of his political friends. Mr. G did not understand exactly to what he alluded. He, and his political friends, had seen the time when they thought the essential rights of their country invaded.—Then it was that they were disposed by vigorous measures to assert them, and to them it was indifferent whether those rights were violated in Virginia or on the banks of the Mississippi. But where will it appear that they proposed to acquire Louisiana by force? Was it proposed during the last session, to acquire this country by warlike measures? The project of acquiring that extensive territory by force or by other means was entirely novel. Did we then ever hear of passing the banks of the Mississippi? Did we then hear a proposition to acquire this vast territory by war? No gentleman had ever heard this. It may have been said, if our rights are invaded, it is our duty to put ourselves in a situation to defend them. But was that war? Let me then, said Mr. Goddard, ask with what justice gentlemen charge us with having had a disposition to go to war with France or Spain? The war-whoop has been sounded, and we have been charged with a wish to embroil our country in war. But the charge is injurious. Then, and now, we feel disposed to repel the unjust aggressions of Spain and France on our rights. We then were in favor of vigorous measures to repel them; and we are still in favor of the same measures, should our rights be again invaded. But because we were for exerting proper and efficient means for securing those rights invaded at New-Orleans, are we to be told that it is our duty *par fas et nefas* to take it. If so, let us have it one way or the other; either by war or purchase: and if in the latter way, do not let us obtain it in such a manner as shall compel us to resort to war. The object is certainly of great importance, and we ought to make great sacrifices to obtain it by peaceable means, but when acquired by these means at a great sacrifice of treasure, let us avoid laying the foundation for future wars.

The gentlemen have resorted to peculiar grounds to shew our right to this territory—they have resorted to verbal information; the gentleman says the cession to France is well known to all Europe. Suppose I say I am not willing to rely on such general information, and that not being so learned as they, I have not obtained this information. But the gentleman from Virginia, refers to the treaty of St. Ildefonso; and he informs us that that treaty will not afford us the information we wish. The gentleman may have access to the cabinet; but I belong to a humble and unlearned minority. The majority of this house, who may be acquainted with its contents, may say to us, "you must act in the dark, it is sufficient that we have seen it." For my part although disposed to pay great deference to the learning of the gentlemen from New York and Virginia; yet as a representative of the American people, called upon to legislate on objects of vast interest, I consider myself entitled to correct information, and that I ought not, instead of receiving this information, to be referred to newspaper statements.

But, say gentlemen, it is unnecessary to be acquainted with the facts we ask for, as the gentleman from Virginia has referred to my observation, that though Spain may not now oppose the execution of our treaty with France, yet the time may arrive when she will call upon us to prove the validity of our title. All I meant was that if Spain considers herself entitled to Louisiana, though she may not under the pressure of present circumstances, oppose our taking possession of it, yet if by a revolution in European politics, she shall retrieve her national character, and demand of us by what right we hold this territory, what answer shall we make? We may say it is ours by treaty with France; but suppose it shall then appear that the possession by France was mere usurpation, would we under such circumstances enter into a contest with Spain for it? She might have yielded under the pressure of imperious circumstances, to the giving it up without any injustice in the measure. I would wish to avoid in this business all seeds of war: and is it, in this point of light, of no importance to learn whether or not France has a good title? Are we to be satisfied with the mere declaration of France to this effect. Suppose we pay France the fifteen millions, and Spain afterwards demands the territory, and we call on France to refund the money—France will assuredly say, you made the purchase with your eyes open, we recited to you the title under which we ceded the territory, and you accepted it at your peril. I apprehend, therefore, that it becomes important to enquire, not whether the treaty has been made according to the forms of the constitution, but whether Spain has actually ceded Louisiana to France, and whether Spain assents or dissents from the cession. If she assents it may be inferred that France has perfected her engagements; and if she does not assent, that she has failed to comply with them.

With regard to the precedent in the case of the British treaty, appealed to on the other side, we may say, if correct on that occasion, it is likewise correct on this occasion. You called for papers then, and we call for them now. But I conceive there is no analogy between the cases. For how does our call affect or impugn the treaty making power of the president and senate?

I apprehend that to postpone this motion is to negative it. We call for information. Gentlemen say act first, and we will then give it you. Need gentlemen be again told that we do not make the demand through a blind curiosity, but because we deem it absolutely necessary to know whether the title is in us before we pass the laws to carry the treaty into effect.

Mr. Elliot. Mr. Speaker. As I have not spoken on the question of postponement, and although my views of the subject are almost exactly the same with those of the gentleman from New York, who made the motion, yet as I shall vote against the motion, and as I wish to appear consistent in my conduct, I am under the necessity of again asking the indulgence of the house for a few moments; it shall be but for a few moments only. When I was up before, I mentioned that I had other objections to the resolution than merely its prematurity, but that I did not think it necessary to state them. Those objections, in part, have since fallen from a gentleman from Kentucky (Mr. Lyon) they apply to the form of the resolution, to the propriety and decorousness of its expression. It struck me at first, it still strikes me, as improper, and indecorous towards the president. I have no idea that such was the intention of the gentleman from Connecticut, for I know, at least I believe, that he is a gentleman of honorable feelings, and utterly incapable of any thing of that nature; but such was the impression on my mind, and I cannot remove it. I am therefore for an absolute rejection of every part of the resolution; I cannot vote even for a postponement.

I hope I shall not be considered as guilty of very great vanity in observing that my objections to the resolution as being premature, have not been directly answered by gentlemen on the other side of the house. It is said the treaty may not have been constitutionally made. This must be determined from the face of the treaty itself, and not from any of those extraneous considerations, which gentlemen are laboring to connect with it. The view taken of the subject by the gentleman from Virginia is certainly the only correct one; let us first decide whether we will impart our constitutional agency to carry the treaty into operation, and when we consider ourselves as having acquired the territory and its inhabitants, proceed to legislate accordingly. I shall not deny that, presuming upon the good faith of the French government, and of course that we shall obtain the possession according to the laws of nations we may immediately proceed to pass such laws, as may be necessary in that event. But of this subject the president and ourselves have the same views.

He speaks of "ulterior provisions," and of "temporary provisions." With reference to these *provisions* alone the gentleman from Connecticut moves his resolution, and on this subject alone wishes for information. The President says—"As permanent arrangements for this object may require time and deliberation, it is for your consideration whether you will not forthwith make such temporary provisions for the preservation in the mean while of order and tranquility in the country, as the case may require." And he tells us that such information on the subject as he has been able to collect, shall be laid before us in a few days, or as soon as the subject shall be in a state for our consideration. I am willing to take him at his word, and when we arrive at such a state of the business as to render that information desirable, if the president is forgetful of us, I shall be ready to call upon him for a fulfilment of his promise.

Mr. Mitchill withdrew his motion of postponement. He had made it, he said, to save time, but as the time he hoped to have saved was already consumed, he would wave it. The gentleman from Connecticut declares his disposition to carry the treaty into effect by all necessary measures, without delay. To accommodate him he would withdraw his motion.

Mr. Griswold but for one idea thrown out, should not again ask the indulgence of the House. The gentleman from Virginia (Mr. Randolph) observes that when we shall go into committee of the whole, we shall have but one resolution before us, to wit:

Resolved, That provision ought to be made for carrying into effect the treaty and conventions concluded at Paris on the 30th of April 1803, between the United States of America and the French Republic.

And that in debating on this resolution there will be no necessity for the documents, which it is the object of the resolution to obtain. There would be weight in this observation, but for the circumstance that it is competent for any gentleman in committee to move any resolution connected with the subject. It was competent to move that this or that article should be carried into effect; for the provision of a military force to take possession of New-Orleans; for the appointment by the president of governor or judges. The gentleman has admitted that these documents may be useful when we go into the details of the subject. If so, they certainly will be useful when we shall be in committee of the whole. Besides, if it be proper to agree to the general resolution, it would be absurd to agree to it, unless previously satisfied that some laws are necessary. If the United States have no right to govern the province, it is absurd to say that it is expedient to make provision by law for governing it. And unless gentlemen can shew this or that law to be necessary, we ought not to agree to the general proposition. The argument, therefore, of the gentleman from Virginia, is entitled to no weight.

Mr. Randolph would not have trespassed further on the patience of the house, had he not been called on, personally, by the gentleman from Connecticut, (Mr. Goddard.) He was sorry that whilst bearing testimony to the ingenuity of the gentleman's colleague on his left (Mr. Griswold) he had been unable to include the gentleman himself in the description—on all other subjects he should be ready to acknowledge the gentleman's ingenuity, but on this he must be excused from subscribing to the opinion of the gentleman from Vermont. Candor forbade it. He regretted that the gentleman from Connecticut had felt this exclusion so deeply and could he have foreseen it, Mr. R would have endeavored to conceal the impression which the gentleman's display had made upon him.

The gentleman asks when did he, or his friends, evince a disposition to acquire territory west of the Mississippi. Mr. R said he must have been misunderstood if his position had been taken with such latitude: but the gentleman immediately corrects himself, by asking when was a disposition for hostility with Spain, manifested by any description of persons in that house. If his memory did not deceive him gentlemen had that day declared that the interruption of the navigation of the Mississippi justified warlike measures on our part. If then to acquire the navigation of the river, with the bare right of deposit, would have justified the hostility, surely the acquisition of the island of New-Orleans and both banks of the river giving a perfect security to our navigation, and the entire, uninterrupted control of the river, would have justified an appeal to arms. Unless the unlucky ingenuity of the gentleman from Connecticut would undertake to prove that a part was less than the whole—and that although the attaining of a qualified and precarious right to a given object, furnished good cause of war, yet to acquire an unqualified and secure right to the same object, would not justify hostility. Surely it is not meant to insinuate that all which was heard on this subject last winter was mere clamor, and that notwithstanding the war speeches of the day, war was never contemplated by those who delivered them. If then the obtaining of the free navigation of the Mississippi was good cause of war, surely the obtaining that which was essential to the unfettered exercise of this right, (New-Orleans) which, in other words, is the right itself, would have justified hostility—but we have not only obtained the command of the mouth of the Mississippi, but of the Mobile with its widely extended branches, and there is not now a single stream of note, rising within the United States, and falling into the Gulph of Mexico, which is not entirely our own, the Apalachicola excepted. To these acquisitions are added the extensive region west of the Mississippi and north-east of New-Mexico. If the possession of the mere right of deposit there or the island of New-Orleans, a part of this acquisition, would have justified hostility, is the importance of this part lessened by having the whole added to it?

The gentleman had complimented his learned friend from New-York (for so he must insist upon calling him) and had been liberal enough to include him also, on their very great learning, Mr. R. acknowledged himself altogether unworthy of the honor of this association, and lamented his inability to return the compliment but at an expence of sincerity and truth, which even the gentleman from Connecticut he hoped would be unwilling to require. The gentleman says that we must have seen the treaty of St. Ildefonso, because we have undertaken to say what it does not contain. This may be logic in some schools, but surely it does not deserve in this house so respectable an epithet. Might we not declare, without having seen it, that this treaty does not contain the declaration of American independence? It is insinuated that certain gentlemen possess avenues to information, which are closed to another description of members of that house—Although he did not mean to attempt to satisfy the jealous spirit, which had so frequently manifested itself in surmises of this sort, yet, Mr. R. said, he had access to no information but it was in the power of every gentleman to obtain. Without having seen the treaty of St. Ildefonso, (although he had seen as much of it, he believed, as the executive, from whom gentlemen require a copy of the instrument, that is to say, the extract from it contained in our treaty with France), he would undertake to affirm that it did not accu-

Mr. Elliott. I must again ask the attention of the House toa very few observa-rately define the limits of Louisiana. And the house would perceive that he hazarded little by this assertion. Being apprized that the boundaries of this country were not especially described in any previous convention, whether of a general nature, as the peace of 1783, the treaty of Paris in 1763, of Aix la Chapelle, or any other general pacification of Europe, of an interior date, up to the peace of Ryswick in 1697, which was posterior to the settlement of the country by France—or in any particular convention between France and Spain, that of 1762 conveying Louisiana to this last power,—the family compact, or any other known stipulation between the parties, he could not fail to know that unless an accurate description of the boundaries in question, was contained in the treaty of Saint Ildefonso, it must be sought for in documents of another sort. Now that article of this treaty, which describes the extent and limits of Louisiana, is contained in the treaty before us. Here Mr. R. read the extract—and asked if it were possible that the treaty of St. Ildefonso could contain a description of Louisiana, by certain specific boundaries, when it was described by that treaty in such language. Had certain limits been agreed upon, would not the treaty have described those limits? Would it not have reported those rivers, highlands, parallels of latitude or degrees of longitude, had such been laid down instead of the definition which had been given—"such as it was possessed by France, such as it then was in the possession of Spain, and such as it ought to be in consequence of subsequent treaties?" The treaty between the United States and France, in describing the country ceded to us, having quoted the description of it contained in the treaty of St. Ildefonso, are we not warranted in concluding that the treaty of St. Ildefonso contains no other more definitive description of the country? Is not the inference irresistable, that had it contained such a definition, by that definition it would have been ceded to us? The gentleman from Connecticut would, therefore, perceive that without any information, other than that which is accessible to every man, it was not difficult to ascertain the fact in question. As to the treaty of St. Ildefonso, he professed an entire ignorance of it, the extract in question excepted. He had always understood it to have been a secret treaty. He left the house to judge how far, under these circumstances, he had erred in refusing his sanction to the character of ingenuity and learning with which on this occasion, the gentleman had been complimented, by the member from Vermont.

Gentlemen profess a wish to debate the merits of the treaty, and yet all their arguments go to show that it is an illusive bargain, a ruinous contract—and so far are applicable only to the question, "ought the laws to be passed for carrying it into effect"? The gentleman from Connecticut (Mr. Goddard) relied much on a very singular argument—the future reclamation of this country by Spain. She may indeed truckle now to the will of the first consul, but hereafter she may be in a condition to assert her rights—He was at a loss to know in what language a minister of Spain would demand the possession of a country occupied for years by the United States under a solemn and public treaty with France, to which Spain shall have given her tacit acquiescence, against which she shall have entered no protest or remonstrance—He had not as much difficulty to conceive the answer which would be returned her by some millions of citizens of the United States, seated on and near the lands in question, in case her application carried any thing of hostility along with it.

Whilst he was up, and he would not have risen but for the satisfaction of the gentleman from Connecticut, he would notice an observation of his colleague (Mr. Griswold) that although on the mere abstract question, whether the treaty ought to be carried into effect, information as to the mode of doing it was not necessary, yet, as every gentleman would be free to move, in the committee of the whole, specific propositions, it was proper, to enable the house to judge of those propositions, that this information should be previously possessed by them. But surely the house may believe it expedient to pass these laws, without having any idea of the skeletons of the particular bills—When these specific propositions shall have been made, they will go to particular committees—who will obtain of the proper departments the necessary information, of their committees the gentleman and his friends will be members. So much of the treaty as touches the appropriation of money on our part will go, of course, to the financial committee of which the gentleman has long and deservedly been a member. Other propositions will be submitted to other committees. If the bills which they present are, in the opinion of gentlemen, inefficient, they will have it in their power to shew it—to demonstrate the hostility of Spain and to bring forward other measures better calculated to ensure the desired effect. Mr. Randolph apologised for his long and repeated intrusion on the house, which the personal application of the gentlemen from Connecticut had produced, and he hoped justified, and thanked them for their polite and patient attention.

Mr. Nicholson said he should vote for the first part of the resolution, as well as for that part which related to the order by Spain for the delivery. Though it might not be in the power of the Executive to shew that the stipulations made by France had been complied with, yet it would be in their power to shew an order for the delivery to the French under the sign manual of his Catholic majesty; and this would be conclusive evidence of the title of France. tions. Whatever may be said of newspaper information, there are occasions when we must be governed by it, when we can obtain no other. I am very confident, and I believe that every member of this house believes, that the treaty of St. Ildefonso, of the first of October 1800, between the first consul of the French repnblic, and his Catholic majesty, was a *secret treaty*. I believe it never has been published. If it has been, every editor of a nowspaper in the United States, every person in the habit of reading, may be supposed to have access to it, equally with the president. There is the greatest probability, however, that neither the first consul, nor his Catholic majesty, could at this day publish that treaty, without being guilty of a breach of faith; and that, if the president possesses it, it has been confidentially communicated to him. Whether it be a secret or a public treaty, we have no right to take it for granted, as complained by the resolution, that it is in the possession of the president; and we have no right to require it from him.

I am disposed to do perfect justice to the pure intentions, the candid views of the gentleman from Maryland, Mr. N. in relation to this subject. He may be able to justify himself for voting in favor of that resolution, but I cannot. I conceive it would be highly improper.

The question was taken on agreeing to the *first* member of the resolution, as follows:

Resolved, That the president of the United States be requested to cause to be laid before this house, a copy of the treaty between the French republic and Spain, of the 1st of October, 1800.

The house divided. Ayes 59; noes 59. The speaker declaring himself in the affirmative, the motion was carried.

Mr. Rodney suggested an alteration in the second member of the resolution so as to read "instrument," instead of "deed."

Mr. Griswold had no objection to the modification.

The second member, so modified, was read as follows:

"Together with a copy of the instrument of cession from Spain, executed in pursuance of the same treaty conveying Louisiana to France (if any such instrument exists.")

Mr. Huger confessed his impressions to be favorable to the treaty; though the arguments urged that day certainly possessed great weight. He was rather of opinion that no such instrument as that referred to in the resolution existed. But if it did exist, its publication would certainly be satisfactory to the people and the house. He declared himself ready to vote for carrying the treaty into effect.

Mr. Nicholson did not know whether his remarks had been correctly understood. He did not know whether the document he alluded to could strictly be called the instrument of cession. He had drawn an amendment to this part of the resolution, which he would purpose, if in order, to wit, to substitute "or other instrument shewing that the Spanish government had ordered the province of Louisiana to be delivered to France."

The speaker said the house having agreed to insert the word "instrument," it was not in order to receive a substitute.

Mr. Huger moved to reconsider the vote of the house in favor of inserting the word "instrument."

Motion lost, ayes 24.

The question was then taken on the *second* member, as above stated, and lost—ayes 34.

The question was then taken on the 3d member, viz. "Also copies of such correspondence between the government of the United States and the government or minister of Spain (if any such correspondence has taken place) as will shew the assent or dissent of Spain to the purchase of Louisiana by the United States."

And lost, ayes 34.

The question was then taken on the last member of tha motion, and lost without a division, viz.

"Together with copies of such other documents as may be in the department of state, or any other department of this government tending to ascertain whether the United States have, in fact, acquired any title to the province of Louisiana by the treaties with France, of the 30th of April, 1803.

The question recurring on the whole of the resolution, as amended,

Mr. Nicholson moved to amend the second member by adding to the end thereof, "together with a copy of any instrument in possession of the executive, shewing that the Spanish government has ordered the province of Louisiana to be delivered to the commissary or other agent of the French government."

Agreed to—Ayes 64.

The question was then taken by Yeas and Nays on the whole of the original motion, amended as follows:

"*Resolved*, That the president of the United States be requested to cause to be laid before the house, a copy of the treaty between the French republic and Spain, on the 1st October 1800, together with a copy of any instrument in possession of the executive, shewing that the Spanish government has ordered the province of Louisiana to be delivered to the commissary or other agent of the French government."

And lost—Yeas 57—Nays 59.

PETERSBURG, (Va.) November 1.

On Thursday night, about 8 o'clock, an altercation took place in this town, between James Fleming and Allen Stone, in which the former discharged a loaded pistol at the latter. The ball missed him, and entered the breast of Nicholas Agin, which put an almost immediate period to his existence.

Notice.

AS the subscriber intends declining business and settling all claims against the estate of Alexander Murray, deceased, and herself, this is to give notice to those who are indebted to either, to make immediate payment; and to those who have any claims to render them for settlement.

ELIZABETH MURRAY,

Who will accommodate three or four genteel Boarders, at No. 70, South Charles-street.

November 3. 2aw4t

The Subscriber

HAS taken the stand of the late Alexander Murray, next door to Mr. Bryden's Fountain Inn, Light-street, where he intends to prosecute the *Tailoring Business* in all its branches, and respectfully solicits the favor of a generous public.

JAMES M'KNIGHT.

November 3. 2aw4t