Congreſs of the United States.

HOUSE OF REPRESENTATIVES.

Monday, November 21.

The bill fixing the ſalaries of certain officers therein mentioned was read the third time, and on the queſtion "ſhall the bill paſs?" a debate enſued.

Meſſrs. Taggart and Haſtings oppoſed the paſſage of the bill, and Meſſrs. Varnum and Elliot ſupported it.

When Mr. Holland moved its recommitment for the purpoſe of limiting its duration; on which motion a wide field of debate was opened, partly on the expediency of limiting the duration of the bill, but chiefly on its merits.

The motion to recommit was ſupported by Meſſrs. Holland, Haſtings, Lyon and Bedinger, and oppoſed by Meſſrs. Randolph, Smilie, Skinner, Euſtis, J. Clay, Sanford and S. L. Mitchill.

The queſtion on recommitment was then taken and loſt—Ayes 13.

Mr. Goddard ſpoke againſt, and Mr. Randolph in favor of the paſſage of the bill; when the queſtion was taken at four o'clock, by yeas and nays, and carried in the affirmative, Yeas 76—Nays 35.

Tueſday, November 22.

A meſſage was received from the ſenate, informing the houſe that they had paſſed the bill authoriſing hoſtilities againſt Morocco.

Mr. Newton called for the order of the day on a reſolution, laid by him on the table, for repealing the Bankrupt Law.

Mr. J. Clay moved a poſtponement till the 2d of February, 1804, in order to allow, in the mean time, an opportunity to enquire into the practicability of ſo amending the law as to render its proviſions juſt, and agreeable to the community.

This motion was ſupported by Meſſrs. J. Clay, Nicholſon and Gregg, and oppoſed by Meſſrs. Newton, Elliot, Smilie and Euſtis.

Mr. Griſwold ſuggeſted the propriety of poſtponing the conſideration of the ſubject to a ſhorter day. Mr. J. Clay acquieſced.

Mr. Nicholſon moved a poſtponement to the 1ſt Monday of January.

This motion was ſupported by Meſſrs. Huger, Dana, Alſton and Goddard; and oppoſed by Meſſrs. Newton, Dawſon, Rodney, Smilie and Randolph.

When the queſtion on poſtponement was taken, and loſt—Ayes 19.

The houſe then went into a committee of the whole, Mr. Dawſon in the chair, on Mr. Newton's reſolution for repealing the Bankrupt Law.

Mr. Newton advocated a repeal, and Meſſrs. Jackſon, Early and Smilie oppoſed it; when the committee roſe and aſked leave to ſit again.

DEBATE IN THE SENATE ON THE LOUISIANA TREATY.

THURSDAY, November 3.

[*Continued from Tueſday's Gazette.*]

Mr. Wright. Mr. Preſident, I preſumed from the obſervations of the honorable gentleman from Delaware (Mr. Wells,) that he had not minutely attended to the proviſions of this bill, on which the tranſfer of this ſtock is made expreſsly to depend. The treaty has in the moſt guarded manner ſecured us in the *profeſſion* of the ceded territory, as a *condition precedent* the payment of the purchaſe money, and this bill has expreſsly provided that no part of the ſtock ſhall be tranſferred till the *poſſeſſion ſtipulated by the treaty* ſhall have been obtained—Not ſuch a poſſeſſion as the gentleman has ſaid the preſident *may* be ſatisfied with—"The delivery of a twig and turf or the knocker of a door." The treaty has defined the poſſeſſion intended, it is the poſſeſſion of Louiſiana, the iſland and city of New-Orleans, with the forts and arſenals, the troops having been withdrawn from thence. But, ſir, from his remarks, it would ſeem that his objections to this bill had been predicated on his want of confidence in the executive, as he has expreſſed his fears that the ſtock would be tranſferred, before the pre-requiſite conditions had been performed. He ſays, *we* ought to be ſatisfied that the poſſeſſion ſtipulated by the treaty ſhall have been delivered up before we paſs this bill. Has he forgot that by the conſtitution the preſident is to ſuperintend the execution of the law? Or has he forgot that treaties are the ſupreme law of the land? Or why, while he *profeſſes* to reſpect this conſtitution, does he oppoſe the commiſſion of the execution of this law, to that organ of the government to which it has been aſſigned by the conſtitution? Why, I aſk, does he diſtruſt the preſident? Has he not been throughout the whole of this buſineſs very much alive to the *peaceful* acquiſition of this immenſe territory, and the invaluable waters of the Miſſiſippi? A property, which, but the other day, we were told was all-important, and ſo neceſſary to our political exiſtence, that if it was not obtained, the Weſtern people would ſever themſelves from the union. This property, for which countleſs millions were then propoſed to be expended, and the beſt blood of our citizens to be ſhed, and which then was to be had at all hazard, *per fas aut per nefas*, ſeems now to have loſt its worth, and it would ſeem as if ſome gentlemen could not be ſatisfied with the purchaſe, becauſe our title was not recorded in the blood of its inhabitants; but that this is not the wiſh of the American people, has been unequivocally declared by their immediate repreſentatives in congreſs, as well as by this houſe, who had each expreſſed their approbation of the *peaceful* title we had acquired, by majorities, I thought not to be miſunderſtood—and the gentleman, although he voted for the ratification of the treaty, now again calls on us to inveſtigate the title, it is certainly too late. But I aſk, if *he* was not poſſeſſed of the moſt ſatisfactory evidence of the title, why he conſented to the ratification of the treaty? Does he not know that France, the original proprietor, ceded it to Spain? Does he not know that Spain retroceded it to France, in exchange for Tuſcany, which is now held as the kingdom of Etruria, by the king of Etruria, the relative of his Catholic majeſty, by virtue of that exchange—does he not know that Spain diſclaims all title to it, and has iſſued the royal order for delivering it to France under its original limits, and that that order was lately in the poſſeſſion of the miniſter of the French republic, near the United States. That the treaties had been ratified and exchanged for the ſale of Louiſiana to the United States, and that the miniſter of the firſt conſul had concerted with our government, ſuch meaſures as were deemed neceſſary to put us in poſſeſſion of the ceded territory, agreeably to the treaty. How correct then, it may be to inveſtigate the title after we have ratified the treaty, and become thereby the purchaſers, or how prudent to queſtion that title, when claiming under it, are queſtions the gentleman's own feelings will beſt decide! But of this I am ſure, that we can have no juſt cauſe of complaint againſt the French republic, until an eviction under a pre-exiſting title paramount, which Spain herſelf diſclaims. But if after we ſhall be in poſſeſſion, under this peaceful, this legitimate title, any power on earth ſhall attempt to diſturb our poſſeſſion, I truſt we can obtain injunctions from our ſecretaries of war, and of the navy, and ſecure our title in the way it was wiſhed by ſome gentlemen to have been originally obtained. The gentleman tells us he underſtands we are to be oppoſed by the ſubjects of his Catholic majeſty, in taking poſſeſſion of the ceded territory, or why ſend ſo many troops to take poſſeſſion. I cannot tell where the gentleman got his information, either as to the oppoſition intended, or the number of troops to be ſent. I have never heard there was to be any oppoſition, but the reverſe. I have never heard the number of troops that are intended to take poſſeſſion—but I hope and truſt a number ſufficient to preſerve the forts in good order, and to defend them againſt any power that may preſume to inveſt them. This, I have no doubt, will be done, as it is committed to the preſident, under his high reſponſibility, aided by the heads of the departments, to which it belongs, who will be poſſeſſed of all neceſſary information, and who will, I truſt, do their duty in preſerving and defending theſe important poſts.

Can it be ſuppoſed that the Louiſianians, who ſo lately gave ſo demonſtrative proof of their loyalty in their anſwer to the addreſs to the prefect of France, will be leſs diſpoſed to loyalty to the United States, when they recollect that we have treated them as our children, and ourſelves by ſecuring them in their property and in their civil and religious liberty, agreeably to the principles of our own conſtitution? Can they be ſo unwiſe as to prefer being the coloniſts of a diſtant European power, to being members of this immenſe empire with all the privileges of American citizens? Can any gentleman ſeriouſly entertain ſuch an unauthoriſed opinion that that people whom we have ſeen ſo lately with ſo much reſpect to their late king, ſubmit cheerfully to be citizens of the French republic, will now in direct violation of the royal order, refuſe to obey it, and treaſonably take up arms to reſiſt its execution—it is as cruel as it is unfounded? But ſhould an infatuation, ſo treaſonable, beget in them inſurgeant principles of reſiſtance. I hope and truſt that our troops on the ſpot may be permitted to aid the officers of his Catholic majeſty to reduce them to reaſon and ſubmiſſion to the royal order of their king, that they may be delivered up to be brought to condign puniſhment; and that their treaſonable project may be nipped in the bud.

I had for myſelf, however, ſuppoſed that from the time of the addreſs of the French prefect he had been in poſſeſſion of and in the diſcharge of the civil functions of the government, and that the Spaniſh troops in the forts held the poſſeſſion of them to preſerve and protect them till the French troops ſhould arrive under his direction; but I never did ſuppoſe that after the firſt conſul conſented to ſell that country, that he would ſend over his troops to take poſſeſſion of it, but to ſurrender it; nor did I ever entertain a ſingle doubt that after the king of Spain had ſold that property to France, and *ſecured* and *held* the property in exchange, of which his royal order for the delivery of the poſſeſſion was full proof, that if it was not in his power to induce the firſt conſul to keep it, that he he would commit that integrity hitherto unſullied, by any meaſures violative of the faith of his treaty.

Mr. Pickering ſaid, if he entertained the opinion juſt now expreſſed by the gentleman from Delaware, (Mr. Wells) of the binding force of all treaties made by the preſident and ſenate, he ſhould think it to be his duty to vote for the bill now under conſideration. "The conſtitution, and the laws of the United States made in purſuance thereof, and all treaties made or which ſhall be made under the authority of the United States, ſhall be the ſupreme law of the land." But a treaty, to be thus obligatory, muſt not contravene the conſtitution, nor contain any ſtipulations which tranſcend the powers therein given to the preſident and ſenate. The treaty between the U. States & the French republic, profeſſing to cede Louiſiana to the U. States, appeared to him to contain ſuch an exceptionable ſtipulation—a ſtipulation which cannot be executed by any authority now exiſting. It is declared in the third article, that "the inhabitants of the ceded territory ſhall be incorporated in the union of the United States." But neither the preſident and ſenate, nor the preſident and congreſs, are competent to ſuch an act of incorporation. He believed that our adminiſtration admitted that this incorporation could not be effected without an amendment of the conſtitution. And he conceived that this neceſſary amendment could not be made in the ordinary mode, by the concurrence of two-thirds of both houſes of congreſs, and the ratification by the legiſlatures of three fourths of the ſeveral ſtates. He believed the aſſent of each individual ſtate to be neceſſary for the admiſſion of a foreign country as an aſſociate in the union: in like manner as in a commercial houſe the conſent of each member would be neceſſary to admit a new partner into the company. And whether the aſſent of every ſtate to ſuch an indiſpenſible amendment were attainable, was uncertain. But the articles of a treaty were neceſſarily related to each other; the ſtipulation in one article being the conſideration for another. If, therefore, in reſpect to the Louiſiana treaty, the United States fail to execute, and within a reaſonable time, the engagement in the third article (to incorporate that territory into the union) the French government will have a right to declare the whole treaty void. We muſt then abandon the country, or go to war to maintain our poſſeſſion. But it was *to prevent* war that the pacific meaſures of the laſt winter were adopted—they were to "lay the foundation for future peace."

Mr. Pickering had never doubted the right of the United States to acquire new territory, either by purchaſe or by conqueſt—and to govern the territory ſo acquired, as a dependent province. And in this way might Louiſiana have become a territory of the United States, and have received a form of government infinitely preferable to that to which its inhabitants are now ſubject.

There was another ſerious objection to this treaty. It purported to contain a ceſſion of Louiſiana to the U. S. The 1ſt article had often been read and commented upon; yet he begged leave to refer to it once more. It was therein ſtated, that by the 3d article of the treaty of St. Ildefonſo, made the firſt of October, 1800, the king of Spain *promiſed* and *engaged* on *certain conditions*, "to cede to the French republic the colony or province of Louiſiana, with the ſame extent that it then had in the hands of Spain, and that it had when France poſſeſſed it, and ſuch as it ſhould be after the treaties ſubſequently entered into between Spain and other ſtates." Now, under this *mere conditional promiſe* of Spain, the firſt conſul (declaring that the French republic had thereby an inconteſtible title to the country) undertakes to cede Louiſiana to the United States: And how does he cede it?—"in the ſame manner as it had been acquired by the French republic, in virtue of the above mentioned treaty with Spain." That is, by that treaty, France acquired a right to *demand* an *actual ceſſion* of the territory, provided ſhe fulfilled *all the conditions* on which Spain promiſed to cede. But we know Spain declares that thoſe conditions have not been fully performed; and by her remonſtrances warns the United States not to touch Louiſiana. Now we, ſtanding (as ſome gentlemen have expreſſed themſelves) in the ſhoes of France, can have only the ſame right relative to the ſubject in queſtion: We can aſk of Spain an actual ceſſion, or a *confirmation* of the claim we have purchaſed of the French republic, provided we will and can fulfil the conditions of the treaty of St. Ildefonſo. And *what are theſe conditions?* We cannot tell. Mr. P. believed our executive knew not what they were; and he believed, too, that even our envoys who negociated the treaty for Louiſiana, were alike uninformed: He believed that they never ſaw (for they had not intimated that they had ever ſeen) any other part of the treaty of St. Ildefonſo, than what is recited in the firſt article of our treaty with France. And this defect has not been ſupplied by any guarantee of the territory on the part of France. She has not ſtipulated, nor is under any obligation, to procure the aſſent of Spain, as a confirmation of the ceſſion to the United States.

Such is the nature of our title to Louiſiana. We had, indeed, been told of a publication, long ſince made at New-Orleans, of the king of Spain's order to his officers there, to deliver poſſeſſion of the province to the French republic. Mr. P. alſo would take the liberty of mentioning what he had heard, & from good authority that the Prince of Peace, more than a year ſubſequent to the treaty of St. Ildefonſo, declared, *that the king of Spain, (his maſter) had not ceded Louiſiana to France.*

Another honorable gentleman had entertained us with an account of the animating addreſs of the French prefect to the inhabitants of Louiſiana, the largeſt portion of whom are French; and of the cordiality with which they received, and echoed in their anſwer, the ſentiments of the prefect. But what were the feelings and conduct of the Spaniſh officers, on ſeeing theſe French proceedings? Mr. P. had heard from an honorable member in his eye (Mr. Dayton). They ſent for the printer, and forbade all further promulgation of the addreſs and anſwer, on pain of his being ſent to the dungeon, or to the mines, for life. Thus tenacious was Spain of her right to Louiſiana, and thus ſevere in her prohibition of whatever might diſparage her title.

But gentlemen rely on the royal order, now in the hands of the French agent here, for the delivery of the poſſeſſion of Louiſiana to the French republic: They ſeem to conſider it as full evidence of the ceſſion of that territory to France; and as ſupplying all apparent defect of title under the treaty of St. Ildefonſo. That order (ſaid Mr. P.) is a year old. Before that time France had concluded a peace with Great-Britain; and whatever the French government ſhould demand of Spain would be given.

It is likewiſe ſuppoſed that the Spaniſh officers in Louiſiana will not dare to refuſe obedience to that order: and one gentleman has expreſſed his opinion, in caſe ſuch refuſal ſhould happen, that the American troops, whom the preſident ſhould ſend thither, would be juſtified in compelling them to obey. But what if a ſubſequent royal order has been iſſued, requiring thoſe officers *not to deliver up Louiſiana to France, or to the United States?* We have ſome reaſon to think that ſuch is the fact. And reſiſtance, he preſumed, was apprehended. Why, elſe, all this parade of war? Why had the preſident been authoriſed to employ the army and navy of the United States, and to call forth any portion of eighty thouſand militia? Honorable gentlemen, he knew, held cheap the power of Spain; they have ſpoken plainly their opinion of her feebleneſs and inability to withſtand the force of the United States: And have ſeemed to reſt the ſecurity of our title (as he remarked on a former occaſion) rather on that feebleneſs and inability, than on the validity of the ceſſion from the French republic. And one honorable gentleman has ſaid, that Spain will be left alone—that the French republic is *bound in honor* not to give her any aid. The FRENCH REPUBLIC bound in *honor?* For ten or fifteen years paſt, we had known too well what were the *honor* and the *juſtice* of the government of that republic.

Perhaps Spain may not reſiſt at the preſent moment; ſhe may wait till France gets the war with Britain off her hands. Then pretences will be eaſily found to reclaim Louiſiana; and Spain, once engaged to wreſt it from us by force, will receive from France, her ally, all neceſſary aid. Mr. P. believed that this whole tranſaction had purpoſely been wrapt in obſcurity by the French government. The boundary of Louiſiana, for inſtance, on the ſide of Florida, was, in the treaty, really unintelligible; and yet nothing was more eaſy to define. The French government, however, would find no difficulty in the conſtruction. And an honorable member from New-Jerſey (Mr. Dayton) had informed us, that the French prefect at N. Orleans, told him, that as ſoon as general Victor ſhould arrive with the French troops, he ſhould extend Louiſiana far into Weſt-Florida.

Mr. P. ſaid, that which ever way he turned his eyes, war was in proſpect, as the final reſult of our pacific meaſures; meaſures deemed ſo wiſe as to have been aſcribed to divine inſpiration! He wiſhed they might merit that high character: but feared, in the end, the would bear the ſtamp of indiſcretion, perhaps of folly.

[*Debate to be continued.*]

LEGISLATURE OF MARYLAND.

MONDAY, November 21.

A memorial from ſundry inhabitants of the city of Baltimore, praying an act may paſs to prevent the inhuman traffic of exporting free men of color and others, who are to be free at certain periods, out of the ſtate, was preſented, read and referred to the committee appointed on the memorial of friends in the city of Baltimore.

The bill to lay out and ſtraighten a certain road in Baltimore county, was read the ſecond time, paſſed, and ſent to the ſenate by the clerk.

Mr. Ridgely from the committee, delivered to the ſpeaker a bill, entitled, "An act authoriſing a lottery to raiſe a ſum of money to finiſh the Baptiſt frame meeting-houſe, in Baltimore county," which was read the firſt and ſecond time, by eſpecial order, paſſed, and ſent to the ſenate by the clerk.

On motion, ordered, that the bill for the valuation of real and perſonal property, within this ſtate, have a ſecond reading on Thurſday next.

The bill relative to loſt land-warrants, was read the ſecond time, paſſed, and ſent to the ſenate by the clerk.

Mr. Dickſon, from the committee, delivered to the ſpeaker a bill, entitled, "A ſupplement to the act, entitled, "An act to authoriſe the building of a Proteſtant Epiſcopal church within the city of Baltimore, by the name of Saint Peter's church, and for other purpoſes, paſſed at November ſeſſion, 1802," which was read the firſt time and ordered to lie on the table.

The clerk of the ſenate delivered a bill, entitled, "An act to alter and repeal ſuch parts of the conſtitution and form of government of this ſtate, as relate to the diviſion of Frederick county into election diſtricts," endorſed by the ſenate, November 18, 1803. Read the firſt time and ordered to lie on the table.

By order,
J. B. DUCKETT, Clerk.

By the ſenate, November 21, 1803. Read the ſecond time and will paſs.

By order,
J. B. DUCKETT, Clerk.

Which was read the firſt time and ordered to lie on the table.

Mr. Ridgely, from the committee, delivered to the ſpeaker a bill, entitled, "An act for opening and eſtabliſhing a road in Baltimore county, therein mentioned," which was read the firſt time and ordered to lie on the table.

WASHINGTON, November 23.

IN SENATE.

On Friday laſt Dr. Logan propoſed the following reſolution to the conſideration of the ſenate:

Reſolved, That the preſident of the U. States be requeſted to cauſe to be laid before the ſenate, ſuch information as may have been received relative to the violation of the flag of the United States, or to the impreſſment of any ſeamen, in the ſervice of the United States, by the agents of any foreign nation.

On this occaſion, Dr. L. obſerved, that whilſt we were taking meaſures to protect the citizens of the United States in their territorial rights, we ſhould not neglect their maritime rights, to the moſt perfect freedom of navigating the common ocean with ſafety. The Doctor referred to the meſſage of the Preſident, delivered to congreſs at the commencement of the preſent ſeſſion, in which he calls the attention of congreſs to this important ſubject "To exact from every nation the obſervance towards our veſſels and citizens, of thoſe principles and practices, which all civilized people acknowledge: to merit the character of a juſt nation, and maintain that of an independent one, preferring every conſequence to inſult and habitual wrong. Congreſs will conſider whether the exiſting laws enable us efficaciouſly to maintain this courſe with our citizens in all places, and with others, while within the limits of our juriſdiction: and will give them the modifications neceſſary for theſe objects. Some contraventions of right, have already taken place, both within our juriſdictional limits, and on the high ſeas."

NORFOLK, November 17.

Arrived, the brig Rebecca, captain Dryſdale, 30 days from Grenada.

Arrived, the ſhip Antelope, captain Corran, 46 days from Dunkirk.

Arrived the Britiſh armed lettter-of-marque ſhip Mary, captain Bruce, from Alicant, laſt from Gibraltar, 80 days.

The ſhip Alexander, King, 50 days from Liverpool; and a ſhip from London, are reported to have arrived in the roads.

Entered, ſhip Paragon, Woodend, Briſtol; Seine, Nichols, Amſterdam; Helena, Stewart, Liverpool; brig Favorite, Fryer, Barbados; ſchooner Lady Waſhington, Griffin, St. Thomas; Rebecca, Dryſdale, Grenada.

Cleared, ſhip United States, Reid, Savannah; Thomas, Bouſh, Dunkirk; brig Lion, Lawrence, Teneriffe; Daſher, Taylor, Bermuda; Flora, Bayton, Weſt-Indies; Thomas, Vickery, Liſbon; ſchr. Dameron, Mantor, Malaga; Kitty, Drummond, Charleſton; Siſters, Johnſton, N. York.

NEW YORK, Nov. 22.

Affairs between *France* and *Denmark* are very far from being pacific. The *Paris Moniteur* has lately indulged itſelf in ſeveral contemptuous remarks on the inſignificance of *Denmark*, and march of a body of troops into *Holſtein*, to watch the movements of the French freebooters in *Hanover*, has been conſidered by the ſatraps of Bonaparte as metter deſerving high reproof, if not puniſhment. The Daniſh miniſter at *Paris*, has reſented the inſult on his king and country; and at the laſt dates, the diſputes had not been accommodated.—We make no queſtion, if *France* feels herſelf powerful enough ſhe will invade *Denmark*.

BY THIS DAY MAIL.

NEW-YORK, November 23.

Extract of a letter from an American Captain in Dunkirk, to his owner in Newburyport, dated September 18, 1803.

There are only three Americans in this place at preſent, one of which (ſhip Experiment, of New-York, Hayes, maſter) is ſtopped in conſequence of having concealed on board ſome Engliſh paſſengers; cauſed by an information lodged by one of his ſailors. The captain and all hands are priſoners on board and no one is permitted to go on board or come on ſhore.

"I wiſh to write more particularly, but dare not, as every letter is ſtrictly ſearched."

Staten-Iſland, Woodbridge, Piſcataway, September 27th, 1803.

About 9 o'clock, P. M. an earthquake was heard and felt in theſe parts. The ſound ſeemed to proceed from the Weſt or North Weſt, and to paſs off to the Eaſt or South-Eaſt; it very ſenſibly ſhook the houſes for the ſpace of half a minute or more. Although this earthquake does not appear to have been very extenſive, yet, from the ſcarcity of rain the laſt ſummer and preſent autumn, and the prevalence of yellow, ſcarlet and other fevers in this country, at the ſame time, the ſubject is conſidered of ſome importance.

R. Gardiner, eſq. conſul for the United States at Sweden, arrived at Boſton on Wedneſday laſt, in the brig Neutrality, from Gottenburg.

Nine hundred American veſſels, from 30 to 200 tons, and having upwards of 9000 perſons on board, were engaged in the Labrador fiſhery the preſent year, which proves uncommonly abundant!!!!

[*Repertory.*]

Manumiſſion of ſlaves. The conſideration of the bill introduced into the legiſlature of New-Jerſey, for the gradual abolition of Slavery, has been poſtponed until the next ſeſſion, the bill, as amended, is publiſhed and is in its proviſion not diſſimilar to the law of this ſtate on that ſubject.

Arrived yeſterday, ſloop Mary-Ann, Caroline, Vail, from Richmond. Met, going up to Norfolk a large light ſhip.—The ſchooner Eliza, of Harwich, from Richmond for Boſton, loſt her boat and water in the gale on Wedneſday laſt, and put into Norfolk to replace them. In the ſame gale, a number of veſſels which lay