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CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, OCT. 24.

IMPORTANT DEBATE

On Mr. R. Griswold's resolution for calling on the president for the evidences of title to the province of Louisiana.

(CONCLUDED.)

Mr. Goddard. As I had no right to demand, I had no reason to expect a compliment from the gentleman from Virginia (Mr. Randolph.) But although the gentleman is not willing to allow, to the remarks which I had the honor to submit to the house, when I was first up on this question, the credit of ingenuity, yet as he has seen fit to bestow no small attention to them, I trust the house will indulge me a few moments, while I reply. The gentleman has been pleased to enquire after the hostile spirit, which actuated me and my political friends on a former occasion—when this subject was under consideration. To what does the gentleman allude? Was there ever a proposition before this house to acquire Louisiana by force? Is it in the recollection of any gentleman that this country was deemed so important to the United States, that any members of this house proposed to go to war to acquire it? Was there ever indeed a proposition to acquire it in any manner?

I answer there was not—Look at the report of the secret committee made last session and now published—Does it intimate that it would be desirable to annex the immense country of Louisiana to the United States? No, the project to do this is to me novel—But Sir, I do recollect at the last session of Congress, that I saw the rights of the United States on the banks of the Mississippi, invaded—her honor insulted—a most solemn treaty infringed—the deliberate wrongs and insults which were offered to the United States, I then was, and trust I always shall be, ready to redress, whether they arise upon the banks of the Mississippi, or in any other quarter of the union—judging from the little information which was then afforded us, I should have been willing to this end to have taken possession of the Island of Orleans, until our rights were restored, although no proposition of that kind was before us—But for this, is a wish to involve the country in war to be ascribed to me? And that for the purpose of acquiring territory not our own? No Sir, I repeat it, no disposition to my knowledge, was ever entertained of acquiring the Territory now ceded to the United States by force, as the gentleman seems to insinuate—The war-whoop has been raised and a disposition to plunge the United States into war, and acquire this country, *per fas aut nefas*, ascribed to us; but I did not expect to have seen countenance given to it here—I then felt and now feel the imputation to be unjust, at the same time I am ready to acknowledge the existence of a disposition to redress the wrongs of my country—But I admit the navigation of the river Mississippi to be vastly important, that great sacrifices ought to be made to secure it to the United States—and suppose I admit for argument sake, that we were disposed to go to war to secure it—What follows? A different course has been pursued—A Treaty is now presented to us, by which it is said Louisiana is ceded to the United States, are we precluded from enquiring whether any title has been acquired to the ceded country? Are we not to be permitted to enquire, whether the seeds of future war are not sown by this cession? Are we, Sir, to pay fifteen millions of dollars for the purchase and still go to war with Spain for the possession of the country? May we not desire, gentlemen, to give us, war or peace? If the country must be had, let us either acquire it by force, or if we purchase it, let us have the peaceable possession. We request documents, if any there are, which will prove to us that France, of whom we have purchased, had any title—The Treaty does not shew this, but the reverse—A gentleman from Virginia (Mr. Randolph) has said, that France has declared to us in the treaty, that she has an incontestible title to the domain and possession of the ceded country. That it is the business of France to see to it, that

we have the quiet and peaceable possession, and that this ought to satisfy us—Had this Treaty left the matter in a simple declaration on the part of France, that her title to the ceded territory was incontestible, it would have been a very different thing; but she is careful to explain this declaration, and state to us clearly, what that title is, and Sir, let any person read the third article of the Treaty of Art. 1, 1800, between France and Spain, and they will see, that no title is thereby acquired by France—It is true, that his catholic Majesty, promises to cede the country to France—But when, Six months after the full and entire execution of certain conditions and stipulations relative to the Duke of Parma—And France cedes her right, acquired in virtue of that article, to the United States, which is in other words, her right to the King of Spain's conditional promise—To know whether this promise is binding in Spain, we ask to be informed, what is this treaty? Has France ever performed them? Is Spain satisfied on this subject, and has Spain made the proposed cession? If not, has she waved their performance? In either case France may have acquired a good title—But if they have not been fulfilled, or waved she had none—If none, none could be conveyed to us, and the consequence is, that we buy a conditional promise made by Spain to France, to cede the territory in question and the conditions not fulfilled—But it has been answered that we do not pay our money until we get possession—I admit it, but suppose as I have before said, that Spain yielding to imperious circumstances, does not at present resist our taking possession, is it of no importance to us to see to it, that right and title are on our side?—When the politics of Europe shall assume a different aspect, Spain may re-assert her right, and lay to us, this was mere usurpation on the part of France—we never did cede this country to her; a promise to be sure was made to cede on conditions; those conditions were never fulfilled; you bought with your eyes open; your title is unground, & you knew it at the time of the purchase; restore to us a country, of which we have been unjustly deprived; ought we not to see to it, that Spain can have no such claim upon us, before we purchase? And should we not, in case of a future contest with Spain on this subject, proceed with much more confidence, if we know that the title as well as the possession is in us?—But suppose Spain should wrest it from us, and application should be made to France for indemnity—Would not the also say, you bought with full notice of what our title was. Look at your Treaty—it says we had only a conditional promise from Spain to cede to us; such title as we had, in virtue of that promise, we gave to you and you paid us for nothing more, settle that matter with Spain; such would be the language of France—Suppose, Sir, we had purchased the Island of Malta of Great Britain; she told us that her title was derived from the Treaty of Amiens, and she called it an incontestible title, and offered to deliver to us the possession; should we be satisfied with this, or should we not call for that treaty, and see what were its conditions and stipulations? I trust we should; and what difference is there between the two cases? In this case therefore, I contend it is highly proper that we should see the documents, if any there are, which prove that France had any title to the ceded territory;—Gentlemen have taken various methods to get rid of this claim; one gentleman refers us to newspaper information; the learned gentleman from New-York has referred us to what is well known throughout all Europe; suppose with all due humility, we acknowledge our ignorance of what is so well known in Europe; what follows? Why, that we have more need of the information we now seek, to enable us to form correct opinions on the subject before us; this gentleman and his friend from Virginia, have also undertaken to tell us about this Treaty, which we wish to see, and I should have regretted that the word *boundaries* had been made use of had it not given the two learned gentlemen an opportunity to display their information on this subject—altho', I must confess it is but a small base, on which to rest so large a superstructure, as they have erected;

but although this information may be very useful, yet as the representatives of a free people, we ought to be satisfied with nothing short of information that is official. Indeed if gentlemen who are more favored than we, have had access to these documents, if a majority of this house have information enough to guide them, ought they not to be willing to give to a minority, such information as may enable them also to form correct opinions? But Sir, it is said, that this claim for information, militates against the principles avowed on a former occasion, by those for whose political opinions, I have the highest respect; I should be very unwilling to impugn the doctrine then advanced; but even if it should, let me say to gentlemen who now resist the claim, that if the doctrine that this house had a right to documents to judge of a treaty, before they vote to carry it into effect was then correct, it is now correct, and that case forms a precedent. But our claim now is not at variance with the doctrine then held. The President has sent us this treaty by Message, in which we are called upon to take the necessary measures for taking possession of, and preserving order and tranquility, in the ceded country—Before we do this, we wish to know whether it is in truth ours—Spain is in possession—it did belong to her—we ask whether she consents to our exercising jurisdiction over it; if she does one course may be proper, if not and we mean to have the possession and to exercise jurisdiction, a very different course will become necessary; I will suppose Sir, that this Treaty had stipulated that Spain should continue in possession of Louisiana for ten years and in the mean time, every other stipulation of the treaty had been fulfilled, at the end of that time, the President calls on us to make laws to take possession of, and govern the country—We then enquire, does Spain consent, or does she refuse to give up the possession? Is not such inquiry proper and necessary, and may it not be made without trenching on the Treaty making power, which belongs to the President and Senate? I conceive it may—But the gentleman from Maryland, Mr. Nicholson, has said that it is only a question about a little time which may be spent in enacting the necessary laws, and if we never get possession, it can do no hurt; but I conceive we should make a ridiculous figure in enacting laws for a foreign country, and governing people who have no connection with us. As to the specific motion of the gentleman from New-York (Mr. Mitchell) to postpone the further consideration of this question until May next, it is singular indeed. We call for information which we deem necessary to enable us to act with understanding on this subject; the gentleman is good enough to say to us, act first & then you shall have the information; a singular favour this; I trust this motion will not prevail, but that the original resolution offered by my colleague will be agreed to.

Mr. Nicholson. I shall vote for one part of the resolution; which goes to ascertain whether the executive is in possession of proof of the consent of Spain. I think they can prove this, and I am anxious that it should be done.

Mr. Elliott. The treaty of Idelfonso, was a secret treaty. I believe neither the consul nor the king of Spain, could disclose it without a breach of faith. If, therefore, as it was a private treaty, the president may have had only private information of the fact, which in such case it might be improper for him to disclose.

A division of the question on the said motion was now called for: Whereupon, The first member thereof, being again read, in the words following to wit:

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 question was taken, that the house do agree to the said first member of the motion,

And resolved in the affirmative—The house being equally divided.

And Mr. Speaker declaring himself with the yeas.

The second member of the said motion being again read, and amended at the Clerk's table in the words following, to wit:

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.)

The question was taken, that the House do agree to the said second member of the motion as so amended, And passed in the negative.

The third member of the said motion being again read, in the words following, to wit:

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 show the assent or dissent of Spain to the purchase of Louisiana by the U. States.

The question was taken, that the house do agree to the said third member of the motion,

And passed in the negative.

The fourth and last member of the said motion being again read, in the words following, to wit:

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 thirtieth of April, one thousand eight hundred and thirteen.

The question was taken, that the house do agree to the said fourth and last member of the motion,

And passed in the negative.

Another motion was then made and seconded to amend the said motion by adding to the end of the first member thereof, as agreed to by the house the words following, to wit:

Together with a copy of any instrument in possession of the Executive, shewing that the Spanish government had ordered the province of Louisiana to be delivered to the Commissary or other agent of the French government.

And the question being taken, that the house do agree to the said amendment to the motion,

It was resolved in the affirmative.

And then, the main question being put, that the house do agree to the said motion, as originally proposed, amended to read as followeth:

Resolved, that the president of the U. States be requested to cause to be laid before this house, a copy of the treaty between the French Republic and Spain, of the first of October, one thousand eight hundred 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.

The yeas and nays being demanded by one fifth of the members present.

Those who voted in favour of the motion are

John Creher, William Blackledge, William Chamberlin, Martin Chittenden, Chilton Clagett, Thomas Claiborne, Matthew Clay, John Clifton, Samuel W. Dana, John Davenport, Thomas Dwight, John Earle, Peter Early, Calvin Goddard, Peterfon Goodwyn, Thomas Griffin, G. Griswold, R. Griswold, Seth Hastings, Daniel Hgister, David Holmes, David Hough, Benjamin Huger, Samuel Hunt, Walter Jones, William Kennedy, Joseph Lewis, junior, Thomas Lewis, Henry W. Livingston, Matthew Lyon, William M'Creery, Nahum Mitchell, Nicholas R. Moore, Joseph H. Nicholson, Thomas Plater, Samuel D. Purviance, Jacob Richards, Caesar A. Rodney, Erasmus Root, Joshua Sands, John Cotton Smith, John Smith of New-York, John Smith of Virginia, William Stedman, James Stephenson, Samuel Taggart, Samuel Tenney, Samuel Thatcher, David Thomas, Philip R. Thompson, John Trigg, Joseph B. Varnum, Peleg Wadsworth, Lemuel Williams, Marmaduke Williams, Joseph Winston and Thomas Wynns. 57.

Those who voted in the negative, are Willis Alston, junior, Nathaniel Alexander, Isaac Anderson, David Bard, George Michael Bedinger, John Boyle, Robert Brown, William Butler, George W. Campbell, Levi Casey, Joseph Clay, Frederick Conard, Jacob Crowning-shield, Richard Cutts, John Dawson.