

AND

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No. 213

"Ours are the Plans of fair delightful Peace, Unwar'd by Party Rage, to live like Brothers."

VOL. V.

LOUISIANA TREATY.

In the late debate on Mr. Grifwold's motion calling for certain papers relative to the Louisiana Treaty, throws considerable light on that subject, and exhibits a fair view of the different opinions held respecting the cession, we shall give it at considerable length.

Mr. Grifwold, said that by advertising to the message of the President respecting the treaty and conventions lately concluded between the United States and the French government, he found that the President, speaking on the subject observes "as permanent arrangements for this object 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." He recommends to the immediate attention of Congress the passage of some temporary laws. This being the case, and the subject being about to be brought before the House, it became important that they should know distinctly what they had obtained by the Treaty; and whether there were any territory belonging to the United States to take possession of, or any new subjects to govern. Inasmuch as if no new territory or subjects were required, it was idle to pass even temporary laws for the occupation of the one, or the government of the other. He believed it would be admitted that by the express terms of the treaty the United States had neither acquired new territory or new subjects. The part of the Treaty, having relation to this point, is thus expressed:

"Whereas, by article the third of the treaty concluded at St. Ildefonso, the 9th Vendemiaire, an. 9 (1st October 1800) between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows:

"His Catholic Majesty, promises and engages on his part, to cede to the French Republic six months after the full and entire execution of the conditions and stipulations herein, relative to his Royal Highness the Duke of Parma, the colony or province of Louisiana, with the same extent that it now has 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." And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory. The First Consul of the French Republic desiring to give to the United States a strong proof of his friendship, doth hereby cede to the said United States in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as full and in the same manner as they have been acquired by the French Republic, in virtue of the above mentioned treaty, concluded with his catholic majesty."

By this article it appears that in a treaty between Spain France, Spain stipulated to cede to France upon certain conditions, the province of Louisiana. The treaty between the United States and the French government does not ascertain whether these terms have been complied with by France, or whether the cession has actually been made by Spain to France. All that appears is a promise made by Spain to cede. If the terms stipulated by France have not been complied with, and Spain has not delivered the province to France, then it results that France had no title, and of consequence that the United States has acquired no title from France. If this be correct, the consequence will be that we have acquired no new territory or new subjects, and that it is perfectly idle to spend time in passing laws for possessing the territory and governing the people. In the treaty lately concluded with France, the treaty between France and Spain is referred to; only a part of it is copied. The treaty referred to must be a public treaty. In the nature of things it must be the title deed for the province of Louisiana. The government must have a copy of it.

As there is but a part recited, it is evidently imperfect. It becomes, therefore, necessary to be furnished with the whole, in order to ascertain the conditions relative to the Duke of Parma; it also becomes necessary to get the deed of cession; for the promise to cede is no cession. This deed of cession, Mr. G. also presumed was in the possession of government. It was also important to know under what circumstances it is to be taken possession of, and whether with the consent of Spain, as she still is in possession of it. If it is to be taken possession of with her consent, the possession will be peaceable, and one kind of provision will be necessary; but if it is to be taken possession of, in opposition to Spain, a different provision may be necessary. From these considerations he thought it proper in the House to call upon the Executive for information on this point. Other important documents may, perhaps, likewise be in the hands of the President. Hence he considered it his duty, before the House went into a consideration of the resolution laid on the table, to submit the following resolution:

[Here follows the resolution which has already been given.]

Mr. Randolph hoped the resolution would not be agreed to. He was well apprized of the aspect which it was in the power of ingenuity to give to a refusal, on the part of that House, to require any information which gentlemen might think fit to demand of the Executive, however remotely connected with subjects before them. But the dread of imputations which he knew to be groundless should never induce him to swerve from that line of conduct which his most sober judgment approved. Did he indeed conceive that the nation, or the House, entertained a doubt of our having acquired new territory and people to govern; could he for a moment believe that even a minority, respectable as to numbers required any other evidence of this fact than the extract from the treaty which had just been read, he would readily concur with the gentleman from Connecticut in asking of the Executive whether indeed we had a new accession of territory and of citizens, or, as that gentleman had pleased to express himself, subjects to govern. He hoped the gentleman would excuse a small variation from his own phraseology, since notwithstanding the predilection which some governments and some gentlemen manifested for this form, Mr. R. asked for himself the use of such as were more familiar to American ears and American constitutions.

The Executive has laid before this House an instrument which he tells us has been duly ratified, conveying to the United States the country known under the appellation of Louisiana. The first article affirms the right of France to the sovereignty of this territory to be derived under the treaty of St. Ildefonso, which it quotes.—The third article makes provision for the future government, by the United States, of its inhabitants.—And the fourth provides the manner in which this territory and these inhabitants are to be transferred by France to us. There has then been negotiated a convention, between us and the French Republic, stating, in the most unequivocal terms, that there does exist on her part a right to the country in question, which is supported by the strongest possible evidence, and pledging herself to put us in possession of that right, as soon as we shall have performed those stipulations, on our parts, in consideration of which, France has conveyed to us her sovereignty over this country and people. From the nature of our government, these stipulations can only be fulfilled by laws—the passing of which the legislature alone is competent. And when these laws are about to be passed, endeavors are made to impede, or frustrate, the measure, by letting on foot enquiries which mean nothing, or are unconnected with the subject, and this is done by those, who have always contended that there was no discretion vested in this House by the Constitution, as to carrying treaties into effect. If, Sir, gentlemen believe that we must eventually do that

which rests with us, towards effecting this object, to what purpose is this enquiry? Mr. R. begged the House not to impute to him any disposition to countenance this monstrous doctrine whose advocates now found it so difficult to practice. On the contrary, he held in the highest veneration the principle established in the case of the British treaty, and the men by whom it was established that, in all matters requiring legislative aid, it was the right and duty of this House, to deliberate, and upon such deliberation, to afford, or refuse, that aid, as in their judgments the public good might require.

And he held it equally to be the right of the House to demand such information from the Executive, as to them appeared necessary to enable them to form a sound conclusion on subjects submitted by that department, to their consideration. But those who then contended that this House possessed no discretion on the subject, that they were bound implicitly to conform to the stipulations, are now instituting enquiries to serve as the basis of deliberation, (for we are not to deliberate upon the result, why institute any enquiry at all?) enquiries, which are in their very nature deliberation itself. Information on subjects of the nature of that which they were then discussing, might be required for two objects, to enable the House to determine whether it were expedient to approve a measure which on the face of it carried proof of its impolicy; or to punish ministers who may have departed from their instructions: who may have betrayed the interests confided by the nation to their care.

To illustrate this remark, let us advert to the case of the Treaty of London, generally known as Mr. Jay's treaty. That instrument had excited the public attention. The objections to carrying it into effect were believed insuperable. This sentiment pervaded the House of Representatives, and when they demanded information from the executive, they virtually held this language: "Sir, we detest your treaty—we feel an almost invincible repugnance to giving it our sanction, but if, by the exhibition of any information in possession of the Executive, we can be convinced that the interests of the United States have been supported to the utmost extent—that wretched as this instrument is, the terms are as good as attainable, and that bad as those terms are, it is politic under existing circumstances to accept them, we will reluctantly pass the laws for carrying it into effect. The present base, if he understood any thing of the general sentiment, was happily, of a different nature. The treaty which they were then called upon to sanction, had been hailed by the acclamations of the nation. It was not difficult to foresee, from the opinion manifested in every quarter, that it would receive the cordial approbation of a triumphant majority of that house. If such be the general opinion—if we are not barely satisfied with the terms of this treaty, but left in astonishment at the all important benefits which we have so cheaply acquired, to what purpose do we ask information respecting the detail of the negotiation? Has any one ventured to hint disapprobation of the conduct of the Ministers who have effected this negotiation? Has any one insinuated that our interests have been betrayed? If then we are satisfied as to the terms of treaty, and with the conduct of our ministers abroad, let us pass the laws necessary for carrying it into effect. To refuse—to delay, upon a plea now offered, is to jeopardise the best interests of the union, shall we take exception to our own title? Shall we refuse the offered possession? Shall this refusal proceed from those who so lately affirmed that we ought to pursue this very object at every national hazard? Shall we rather to oppose the eagerness of gentlemen would be ready to usurp the forms of law in making themselves matters of this country than that, now when it is offered to our grasp, they should display an unwillingness, or at least an indifference, for that which so lately

was all important to them. After the message which the President has sent us, to demand if indeed we have acquired any new subjects, as the gentleman expresses it, which renders the exercise of our legislative functions necessary, would he nothing less than a mockery of him, of this solemn business and of ourselves. Cautionary provisions may be introduced into the laws for securing us against every hazard, altho' from the nature of our stipulations, we are exposed to none. We retain in our own hands the consideration money even after we have possession.

Mr. R. expressed himself averse to demand the Spanish correspondence. The reasons must be obvious to all.—The possession of Louisiana by us, will necessarily give rise to negotiations between the U. States and Spain, relative to its boundaries. These have probably commenced and are now pending. He hoped therefore the House would go into a committee on the message of the President, and after resolving to pass the requisite laws, if further information shall be wanting in relation to the mode of taking possession, or any other object of detail, the Executive might be called upon to furnish it.

Mr. Lyon, spoke against the resolution.

Mr. Goddard asked whether the conclusion followed that France had an incontestable title to Louisiana. There was no such evidence. If in virtue of his treaty we purchase a promise on the part of his Catholic Majesty to cede, and not an incontestable title, he would ask if the promise constituted a title. France only says, we cede all our title. This, and this only, is the language of the instrument. If this is the case, is it not proper to enquire whether there are other acts by which Spain has ceded Louisiana to France? Such acts may exist. Certain stipulations were made by France to Spain, on which the cession depended. Do we not then wish to know whether these stipulations have been fulfilled and whether they are binding, or whether Spain has waived them. Are there in existence any documents to this effect? It has been hinted that such documents exist in the newspapers; but are we in an affair of this magnitude to be referred to the dictum of a newspaper? He apprehended that this was a novel mode of legislation.

The gentleman from Virginia says that the 4th article of the treaty stipulates for the delivery of the country. That article is to this effect:

"There shall be sent by the general agent of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his Catholic Majesty the said country and its dependencies in the name of the French Republic, if it has not already been done, as to transmit it in the name of the French Republic to the commissary agent of the United States."

Now what is the commissary to do? He is, in the first instance, to receive the province from Spain. Can he transmit it to the U. States, before he receives it from Spain? We require to know if Spain refuses to deliver Louisiana to France, can France transmit it to us? We desire to know whether there is any prospect of a refusal on the part of Spain.

Suppose we receive the colony from France under the dictation of the First Consul to Spain, without experiencing any opposition from her. May not the time arrive, on a revolution in the affairs of Europe, when she will enquire by what title we hold it. Is it not proper then for us to obtain papers, by which our title may be fully understood.

One singular argument is used by the gentleman from Virginia. This he says is hailed by the acclamations of the country. But Mr. G. would ask if the public had an opportunity of examining it, and being fully acquainted with its principles and probable operation. It had been public only within a few days. What evidence of popular affection for it can there yet have been manifested? Will the people hail it with acclamation

when they shall learn that it gives fifteen millions of dollars for a mere promise? At any rate, as all will agree in the importance of the subject, and as we are called upon to legislate upon it, is it not proper to obtain all the necessary information that is to be had? The resolution goes this far, and no farther, and if gentlemen claim our confidence, ought they not to furnish us with information?  
(To be continued in our next.)

ADVERTISEMENTS.  
THE Subscriber informs his friends and the Public in general, that he has a general Assortment of Dry Goods, Books, Groceries, Salt, &c. Likewise on Commission, Stills from 30 to 130 Gallons, large Gilt and Mahogany Frame Looking-Glasses. Produce at Cash taken in Payment.  
Peter Perry.  
Fayetteville, Sept. 1, 1803.

SCHOOL BOOKS.  
To be had at J. GALE'S Store, An Assortment of the best Authors in the Greek, Latin, French and English Languages, including Arithmetical and Mathematical Treatises, Dictionaries, &c.  
MAPS & PRINTS.  
Large four-sheet Maps of the four Quarters of the Globe, and of the Globe itself, completely fitted up on Canvas and Rollers. Also two sheet Maps of the same kind, and of several single Countries. And a great variety of Prints; some of them, particularly scripture Pieces, finely coloured. Nov. 5.

STOLEN.  
On the Night of the 17th Instant, from the Stable of the Subscriber,  
A Likely Gelding, about 14 Hands and 1 inch high, bright black, about ten Years old, very hollow-backed, of handsome Carriage in Harness and under the Saddle, well-gaited, and carried a full Swell Tail to Advantage. The Mark of Harness was visible on his Breast when taken away, chiefly towards the off Shoulder, as was also a Lump or Saddle-Gall on the Middle of his Back.  
A Reward of Ten Dollars and reasonable Expenses are offered for the Horse and Fifty Dollars for the Horse and such Discovery of the Thief as shall be effectual to convict him.  
WM RICHARDSON.  
Elizabethtown, N. C. Oct. 20.

DAVID GLASS,  
Silversmith & Jeweller,  
Respectfully informs the Public, that he has resumed the above Business in Raleigh, and will carry them on as heretofore, in the Shop formerly occupied by his Father and himself near the Market House and will be glad to receive Orders in either of the said Branches, which he pledges himself shall be carefully and expeditiously executed, and on reasonable Terms.  
Nov. 5.

A List of Letters  
In the Post-Office at Mount Tirzah, October 1, 1803.  
Major James Cochran, John Gateley, Thomas Heggie, Esq. Charles S. Hurst, Jas. Mercer, Esq. Buckner Sims.  
THO. MOORE, P. M.

WILL BE SOLD.  
At the Court-House in Germanton, on the 12th Day of November next,  
THE following Tracts of Land, or so much thereof as will satisfy the Taxes due thereon for the Years 1801 and 1802, with the contingent Charges:—  
186 Acres, given in by William Gordon, lying on the Waters of Muddy Creek.  
610 Acres, given in by Jacob Hinds, on the Waters of Muddy Creek.  
93 do. given in by John Linbeck, in Capt. Woodford's District.  
115 do. given in by Robert Bailey, on Blues Creek.  
287 do. given in by Benjamin Fuel, on Huguenot's Creek.  
100 do. given in by John Sapp, on Blues or Lick Creek.  
250 do. given in by William Stephens, in Captain Mager's District.  
76 do. given in by Richard Pratt, on Muddy Creek.  
100 do. given in by John Villiam.  
320 do. given in by Thomas James, in Mager's District.  
1500 do. given in by Christopher Taylor, in Markland's District.  
100 do. given in by John Shoub, in Vest's District.  
100 do. by John Murray, on Lick Creek.  
300 do. by Daniel Murray, in Markland's District.  
150 do. not given in, on the Waters of the Little Yadkin, said to be the Property of Christian Farrow.  
200 Acres, not given in, on the Waters of Beaver Island, said to be the Property of Thomas Bryant.  
68 Acres, belonging to the Heirs of Elisha Dobson, on the Waters of Gau River.  
200 do. given in by John Bient, in Dillard's District.  
300 Acres, given in by Isham East, on the Little Yadkin.  
150 Acres, given in by Henry Aaron, in Dillard's District.  
100 Acres, given in by Robert New, on Flat Shoal.  
100 Acres, given in by Jesse Mankins, on Little Yadkin.  
200 Acres, given in by George Buris, on Peter's Creek.  
50 Acres, given in by Israel Grifwold, Peter's Creek.  
ISAAC NEI  
Sep. 28. Sheriff of