



AND

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Congress.

House of Representatives.

Monday, Oct. 24.

Continued from our last.

Mr. Smilie remembered that a subject of this nature had been brought before the House, in the first session of the fourth Congress. He thought it proper to recur to the proceedings on that occasion to learn the sentiments entertained at that day. At that day it had been argued by certain gentlemen, that the right of passing or not passing the necessary laws for carrying a treaty into effect did not belong to that House: but that they were under an absolute obligation to pass them: This was a doctrine which he did not believe true. He then believed that they possessed the same right, and still entertained the same opinion. To shew the sentiments entertained in the case of the British treaty Mr. Smilie recurred to the journals of the House, where the President refuses a compliance with the request. After reading the message of the President at length, he concluded by saying he perceived no necessity for the papers desired by gentlemen, and should therefore, vote against the motion. Mr. Randolph said if the gentleman from Connecticut, would confine his motion to the Treaty of Ildefonso, he should be ready to acquiesce in it, though he did not believe that the instrument would throw any new light on the subject.

Mr. Gregg said that his wish was that the resolution should be divided; and that the treaty of St. Ildefonso only should be requested. It had been conceded that it might be of some use in ascertaining the limits of the cession: To the other members of the resolution he was opposed. He, therefore, moved a division of the question.

Mr. Gritwold remarked, that it would be more orderly to move the striking out the last paragraph.

Mr. Sanford thought the call was altogether unnecessary. It appeared to be a fact well understood in the United States, that Louisiana did, before the late Convention, belong to France. The fact was recognized in the treaty. If this fact be acknowledged, what remains for us to do, but to pass the necessary laws for carrying into operation the convention concluded on the 30th of April. Though there might be no official information to that effect, he was correct in saying possession of the country had been given by France to Spain. What then can be necessary on our part to obtain possession other than the passage of the necessary laws to carry the treaty into effect?

Mr. Elliot was opposed to every part of the call on the Executive for papers. He had a variety of objections to this request, with the mention of all of which he should not however trouble the House. His great objection was that the call was premature, and this objection, in his opinion, clearly appeared even from the shewing of the hon. gentleman from Connecticut (Mr. Gritwold) and his honorable colleague (Mr. Goddard).

Mr. E. produced arguments to shew that this was the case. He acknowledged that the 11th article of the treaty was only an assertion by France of her incontestible title, and an assurance that on certain terms she will convey this title to the United States. But according to the treaty and convention, an agent is to be appointed by France, who is to deliver up the possession before we pay the fifteen millions; but say gentlemen, though this may be done, Spain may not abandon her title to the province. No such consequence, however, can result. The convention that follows the treaty contains a stipulation, that the stock created shall not be delivered until "after Louisiana shall be taken possession of in the name of the government of the United States." So that taking the treaty and the convention together there can result none of the inconveniences apprehended. A treaty has been made between the First

Consul and the United States, by which the First Consul has transferred to us the domain and jurisdiction of Louisiana. In this treaty it is stipulated that a commissary shall be sent to receive the country from the court of Madrid and to give us possession. If these two articles be carried into effect, and they must be, to make the treaty binding, we must obtain not only the actual but also the legal possession. It is incumbent, therefore, on us to do every thing, necessary on our part to realize the possession.

Mr. Thatcher said, though the gentleman, who had just set down, had acquitted himself handsomely, he had neither convinced him that the resolution of the gentleman from Connecticut was ill-founded or unnecessary. As they were in the capacity of a legislative body, called upon to pass laws for a new territory and new citizens, it was, according to his understanding, necessary, in the first instance, to learn that they had acquired new territory and new citizen. The title to Louisiana, as derived to France from Spain, was stated in the first article of the treaty. By this it appears that another treaty had been formed between France and Spain. It was admitted that the province had belonged to Spain; and to her it must still belong, unless France has performed certain stipulations agreed to as the price of the cession. The object of the mover is to obtain this treaty, and to learn whether France has performed these stipulations. Gentlemen objecting to this resolution, have taken different grounds. Some oppose it as inconsistent with the sentiments that prevailed in the case of the British treaty, others, because it is premature, and others, because it is unnecessary. He did not expect the first objection from any number on that floor; much less did he expect it from the quarter in which it originated. The advocates of the motion were charged with inconsistency. He was not a member of the House at the time of the British treaty: but on referring to the journal, it would be perceived that the object of gentlemen who then called for papers was to go into the merits of the British treaty. It would not be denied that the ground then taken by gentlemen on the other side was that the House had a right to examine the merits of the treaty, and to the assertion of that right, it was that the President answered. We now say that it is not necessary for us to act in our legislative capacity, intending, if it shall appear to be necessary, not to withhold acting. Mr. T. therefore conceived that they exhibited no inconsistency, as they did not purpose at this time to go into the merits of the treaty, and as they acknowledge the treaty, if constitutionally made, to be binding. But they wanted information on subjects of legislation. It has been said that the newspapers inform us of the order of Spain to deliver Louisiana to France. But they were not to be guided by newspaper accounts. We desire to know from an authentic source whether the stipulations entered into by France have been executed. By the first article of the treaty it appears that "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." This article goes to say to Spain may have altered the boundaries of Louisiana differently from what they were when France before possessed it. And for what we know, she has done so. Hence the importance of seeing the papers asked for. If we obtain the bare possession, it is one thing, the legal possession is another thing. It is one thing to govern the colony with a corps of civilians, and another and a different thing to govern it with an army. The president may perhaps, have considered it a good bargain to obtain, for the payment

of fifteen millions, the mere quit claim of France to the province. At any rate it is proper that we should act with our eyes open; and therefore, the importance of having a copy of the treaty entered into between the government of Spain and France, or evidence that Spain has acquiesced in the cession to the United States.

Mr. Nicholson was extremely glad to find that gentlemen on the other side of the House had at length abandoned the ground which they had taken some years ago. He was rejoiced that they were now willing to acknowledge, what they had heretofore most strenuously denied, that the House of Representatives had a constitutional right, not only to call for papers, but to use their discretion in carrying any treaty into effect. Why else do they call for papers, why enquire into our title to the province of Louisiana? If the doctrine of a former day was still to be adhered to, why urge this enquiry? If gentlemen are consistent with themselves, if they have not forgot the lessons which they inculcated upon the ratification of the British treaty, this House has no right to call for papers, no right to make enquiry, no right to deliberate, but must carry this treaty into effect, be it good or bad; must vote for all the necessary measures, whether they are calculated to promote the interests of the United States or not.

The doctrines of old times, however, are now given up, the ground formerly taken abandoned. We shall no longer hear that the Executive is omnipotent, and that the representatives of the people are bound to vote blindfolded for carrying into effect all treaties which the President and the Senate may think fit to make and ratify. He thanked the gentlemen for the admission, and hoped that this country would profit by it hereafter. He was happy to say, that this was not now, nor ever was the doctrine of himself and his friends. They meant to deliberate, they meant to use their discretion in voting away the Treasure of the nation. He agreed with the gentleman, that if a majority of the House entertained any doubt as to the validity of the title we have acquired, they ought to call for papers, and he had no doubt, if there was any dissatisfaction, they would call. He himself should have no objection to vote for the resolution, if it was confined to proper objects, nor indeed to satisfy himself, for he was already fully satisfied, but to satisfy the wishes of other gentlemen; to satisfy the American people, that the insinuations thrown out against the title, are wholly without foundation. The resolution in its present shape, however, was highly improper—it looked to extrinsic circumstances, and contemplated an enquiry into subjects totally unconnected with the treaty with France. What, said Mr. N. has Spain to do in this business? Gentlemen ask if she has acquiesced in our purchase, and call for her correspondence with our government. What is the acquiescence of Spain to us? If the House is satisfied from the information laid on the table, that Spain had ceded Louisiana to France, and that France had since ceded it to the United States; what more do they require? Are we not an independent nation? Have we not a right to make treaties for ourselves, without asking leave of Spain? What is it to us whether she acquiesces or not? She is no party to the treaty of cession, she has no claim to the ceded territory. Are we to pause till Spain thinks proper to consent, or are we to enquire, whether, like a cross child, she has thrown away her rattle, and cries for it afterwards? The treaty itself, he said, and the conventions attached to it, furnished all the necessary information. By reference to the treaty, it would be found, that Louisiana is ceded to the United States with the same boundaries that it had before been ceded with by Spain to France, and that France had obliged herself to send a commissary to New-Orleans, to receive the possession from Spain, and transfer it to us. For this the United States were to pay fifteen millions of dollars to the French government. But how,

and when? Not immediately; nor till we had actually acquired the possession. And if France shall fail to put us into actual possession, the United States are not bound to pay a single dollar. So that the call for papers can be of no possible use. Suppose these papers should shew that Spain had not acquiesced, what is this to us? Is her pleasure to be a law to the United States? With regard to the treaty of St. Ildefonso, Mr. N. said, he should have no objection to its being laid before the House, if it was in possession of the Executive: In all probability, however, this was not the case, as it was known to be a secret treaty on other subjects of great importance between France and Spain. As to the deed of cession spoken of, he really did not understand what was meant, for he imagined it was not expected a formal deed of bargain and sale had, been executed between two civilized nations, who negotiated by means of ambassadors. If there were any other papers that could give gentlemen more information, he had no objection either, that these should be laid before them. One very important paper he knew from high authority, was certainly in existence, and possibly might be in the power of the Executive. This was a formal order under the royal signature of Spain, commanding the Spanish officers at Orleans to deliver the province to the French prefect, which he considered equal, perhaps superior, to any deed of cession; for it was equal to an express recognition on the part of Spain, that France had performed all the conditions referred to in the treaty of St. Ildefonso. It was an acknowledgement that Spain had no further claims on Louisiana, and would shew that any interference on her part ought to have no influence on the American government.

The case of the correspondence between the government of Spain and that of the United States, if there was any such, he should not assent to, as it could be of no possible importance. The acquiescence or the refusal of Spain, could have no weight on the question, whether we should have possession or not, any interference on her part would be idle and extravagant. We might as well ask, whether the cession had received the approbation of Great Britain, of Russia, or even of the Dey of Algiers himself, for they each had as good a right to interfere as Spain had, either of them having as good a title to Louisiana. To those parts of the resolution which pointed at the objects he had mentioned, he should have no objection, but he never would consent to call on the Executive to shew, whether Spain, Great Britain, or any other nation was satisfied with a treaty made between the United States and the French government.

SHERIFFS' SALES.

Will be sold at the Court house in Trenton, the first Day of December next,

- THE following Lands, lying and being in the County of Jones, or so much thereof as will satisfy the Taxes due for the Year 1802, and all Charges due thereon:
100 Acres, the Property of Enoch Davison, on Whiteoak.
60 do. property of Samuel Davis, Whiteoak.
300 do. property of Harola Hatchel, do.
100 do. property of Sarah Miller, on do.
300 do. property of B. R. Smith, on do.
334 do. property of Earnest Waton, on do.
100 do. property of Kader Harrel, on Trent
100 do. property of James Houten, on do.
100 do. entered by Benjamin Hatch, for Lemuel Hatch.
275 do. the property of John Hancock.
5000 Acres, entered by Frederick Nath, for the Heirs of Mary Nath.
1630 do. property of Jos. Leach, Esq. of Newbern.
259 1/2 do. property of the Widow of John Barry, deceased.
100 do. property of Sevil Parry, jun.
75 do. the property of William Lavender.
120 do. property of Jacob Blackhire.
77 do. property of Jesse Blackshire.
200 do. property of Needham Bryan.
410 do. the property of William Hargett.
244 do. property of Priscilla Harbet.
478 do. property of William Connelly;
90 Acres, entered by James Gooding for Hardy Gooding.
350 do. property of James Harrison, jun.
500 do. property of the Heirs of Richard Spaight.
D. WILKINSON,
Sep. 28. Late Sheriff.

Just published, Gales's Almanack, for 1804.

This Almanack, besides the Astronomical Calculations, contains the following:
An Essay on the substance of the Sun, moral Maxims at the foot of the Calendar, a topographical and historical Sketch of Louisiana, a general Statistical Table for the United States, a vulgar Error—that an Idle Man is Nobody's Enemy but his own; Spend not too much. A Paper on Agriculture, Character of a good Husbandman, New Inventions and Improvements; among which are, a Method of making Sage from Potatoes, an Oil made from the Sunflower, a Jelly from Oak Bones, a Machine for threshing Clover, to make Cloth water-proof. Recipes—for the Cough and Clostris, or Green-Sickness, for the Bite of a Mad Dog, for the Chalk, Directions for preserving Health, for taking a Film off an Eye, for destroying Mul-titox. Poetry—On War, The Cuckoo's Couple, The Irish Fisherman, The Fly and Spider, The simple Truth most simply told, The conscientious Voter, A new School for Manners, Anecdotes and humorous Pieces, An Interest Table, Table of Foreign Gold Coins, Do. of Federal Money, a Table shewing the value of Continental Money at different periods of the Revolutionary War, the Government of the U. States, the Mint Establishment, A List of the Members of Congress, distinguishing their political Opinions, the Judiciary of the United States, the Time of holding the Federal Courts, Do. of holding the Circuit do. the Commissioners of Loans, the Government of North-Carolina, the Superior Courts of do. the County Courts of do. the Members of the General Assembly, &c.

Orders from the Country will be thankfully received; and the sooner they are sent, the more certainly will attend their Execution. These Almanacks are also sold, by Mr. Peter Perry, Merchant, in Fayetteville, and Mr. R. DAVISON, Printer, in Warrenton, at seven Dollars the Gros, four Dollars the half-Gros, or seven shillings and sixpence the Dozen

ROBERT FLEMING & Co.

Beg Leave to inform their Friends and the Public, that they have just received their Fall Supply of

Dry Goods,

- And an addition to their Stock of
Best West India Rum,
Holland Gin,
Cogniac Brandy,
Whiskey, Wines,
Teas, Coffee & Chocolate,
Loaf & Brown Sugar,
Salt, Iron, and German Steel,
With a complete Assortment of
Queen's Ware;

Which they continue to sell low for Cash or Produce.

These Gentlemen who wish to purchase Liquors, can be accommodated with the Use of Cases or Jugs during the Session.

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 150 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. GALES'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 swab 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-Gait 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.

AVID GLASS,

Silver-smith & 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 Airzah, Oct. 1, 1803.

Major James Cochran, John Gateley, Thomas Heggie, Esq. Charles S. Hunt, Jas. Mercer 2, Buckner Sims. THO. MOORE, P. M.

Just received from London, By the Printer hereof, TRAVELS in Upper and Lower Egypt, during the Campaigns of General Bonaparte, by VIVANT DENON. Translated from the French. To which is prefixed, an Historical Account of the Invasion of Egypt by the French, by E. A. KENNEDY, Esq. Illustrated by Maps, Views, &c. in 2 Volumes.