



**PRESIDENT'S SECRET MESSAGE.**

*Decius's Essay, concluded from our last.*

The Chairman said, "that he was as sensible of the importance of Florida to the United States, and as willing to acquire it honorably as any man, but he would never consent to proceed in this way; that the most scrupulous care had been taken to cover the reputation of the administration, while congress were expected to act as if they had no character to lose; that whilst the official language of the executive was consistent and dignified; while the president warned us of the "determination of Spain to advance upon our possessions until she should be repressed by an opposing force," and pronounced "that the protection of our citizens, as well as the spirit & honour of our country, rendered the interposition of that force necessary," declaring at the same time "his determination to pursue the course which the wisdom of Congress should prescribe;" congress was privily required to take upon itself all the odium of shrinking from the national honor and national defence, and of delivering the public purse to the first cut-throat that demanded it. From the official communications, from the face of the record, it would appear that the executive had discharged his duty in recommending manly and vigorous measures which he had been obliged to abandon, and compelled by congress to pursue an opposite course, when in fact, congress itself had been acting all the while at executive instigation." The chairman further observed, "that he did not understand this double set of opinions and principles: the one ostensible, to go upon the journals and before the public; the other efficient, and the real motives to action: that he held true wisdom and cunning to be utterly incompatible in the conduct of great affairs; that he had strong objections to the measure in itself; but in the shape in which it was presented, his repugnance to it was insuperable." And in a subsequent conversation with the president himself, in which those objections were recapitulated, he declared "that he too had a character to support, and principles to maintain, and avowed his determined opposition to the whole scheme".

The committee now assembled, and instructed their chairman to write to the secretary of war for his opinion as to the force which it would be requisite to raise for the defence of the southern frontier, and requesting, at the same time, to be informed what number of troops were stationed in that quarter. In his answer, the minister stated the force which the United States had on the Mississippi and its branches, ready to descend the river at a short notice, to be somewhat less than a thousand men: that he had intelligence that Spain was collecting an army on the frontiers of New-Mexico, and transporting troops from the Havana to Pensacola, and that the force requisite on our part, would depend upon that which would be opposed to us, which he estimated (vaguely) to be superior to our own.

About this period the news of the sea-fight off Trafalgar reached America, the event of which alarming the Spanish ministry for the safety of their West-India colonies, forbade the weakening of the important post of the Havana, and suspended the hostile movements on the part of Spain against the U. States. And to this circumstance we have been probably indebted for the undisturbed possession of New-Orleans and its dependencies.

When the Secretary of War's letter was laid before the committee, Mr. Bidwell moved the same proposition which the Secre-

tary of the Treasury had some days before put into the hands of the Chairman, and which he (Mr. B.) afterwards introduced into the house, viz, a vote of two millions & a continuance of the duties, the proceeds of which constituted the Mediterranean fund. It was rejected and the chairman directed to draft the report which has been printed with the secret journal, and published in all the newspapers. The committee saw, in the multiplied aggressions of Spain, ample cause of war, on the part of a government with which the welfare of its citizens was not paramount to every other consideration. But conceiving that the true interests of the American people (which alone it behoved them to consult) required peace, they forebore to recommend offensive measures. They believed it to be our policy to reap the neutral harvest, and seize the favorable occasion of extinguishing the public debt, at once the price of our liberties, & the badge of our ancient servitude. So long as this debt remains unpaid, we can scarcely be considered as a truly independent people. The sense of the committee was, neither to make war, nor purchase peace, but to provide for the defence of our actual territory, which the highest authority had announced to have been violated and to be menaced with fresh invasion. On this point, they conceive there could be but one sentiment, whatever difference of opinion might exist as to the wisdom of pledging the nation to protect its flag in remote seas, or its ability to afford such protection. A poor attempt has been made to reproach the committee with a want of reliance on the militia, and a preference for the standing army. When it is considered that all the protection then and since extended to the country in question consists of regular troops, and that the nearest states from which the militia could be marched for its defence, are separated from it by many hundred miles of intervening Indian country (not to mention that the estates themselves are amongst the weakest in the union) the incompetency of the militia to the service in question, must become manifest to all. Besides, the president had no occasion to apply to congress for power to call out the militia to repel invasion, that force being, under such circumstances, already at his disposal; and it is worthy of remark, that the far greater number of these would be partizans of the militia, refused to adopt the measures recommended by the executive, (or indeed any other) for giving efficient operation to that great constitutional defence.

The report of the committee, although in strict unison with the official recommendation of the Executive, was rejected by 72 to 58 votes; and the proposition to appropriate — dollars for the purpose of defraying any extraordinary expenses of foreign intercourse, which had been previously laid on the table by a member of that committee, before their report was made to the house, was immediately taken up. The avowed object of this measure was to enable the president to open a negotiation for the purchase of Florida. A motion was then made by Mr. J. Randolph to confine the appropriation to that object, and agreed to, yeas 78, nays 58. Another motion was made by the same gentleman to render the debt which was proposed to be incurred, redeemable at the pleasure of the U. States. This was carried without a division. But afterwards, when the bill was brought in, the house rescinded its vote for a specific appropriation, & the money was left applicable at the discretion of the Executive, to any extraordinary

purpose of foreign intercourse whatsoever. Mr. J. Randolph also moved to limit the amount which the government might stipulate to pay for the territory in question; upon the ground, that if congress were disposed to acquire Florida by purchase, they should fix the extent to which they were willing to go, and thereby furnish our ministers with a safeguard against the rapacity of France; that there was no probability of our obtaining the country for less, but every reason to believe, that, without such a precaution on our part, she would extort more. This motion was overruled. When the bill came under discussion, various objections were urged against it by the same gentleman: Among others that it was in direct opposition to the views of the Executive, as expressed in the official communication, (it was on this occasion that General Varnum declared the measure to be consonant to the secret wishes of the executive,) that it was a prostration of the national honor at the feet of our adversary: that a concession so humiliating would paralyse our efforts against Great-Britain, in case the negotiation then and now pending between that government and ours should prove abortive: that a partial appropriation towards the purchase of Florida without limiting the president to some specific amount, would give a previous sanction to any expense which he might incur for that object, and which congress would be pledged to make good; that, if the executive, acting entirely upon its own responsibility, and exercising its acknowledged constitutional powers, should negotiate for the purchase of Florida, the house of Representatives would in that case, be left free to ratify or annul the contract: but that the course which was proposed to be pursued, (and which eventually was pursued) would reduce the discretion of the legislature to a mere shadow: that at its ensuing session, congress would find itself, in relation to this subject, a deliberative body but in name: that it could not, without a manifest dereliction of its own principles, and perhaps without a violation of public faith, refuse to sanction any treaty entered into by the Executive under the auspices of the legislature, and with powers so unlimited: that, however great his confidence in the chief magistrate, he would never consent to give any president so dangerous a proof of it: that his duties as a member of that house, as the independent representative of an independent people, were paramount to every other consideration; and that he would never preclude himself by any previous sanction, from the unbiassed exercise of his judgment on measures which the matter were to come before him: that the house had no official recommendation from the Executive for the step which they proposed to take, on the contrary, it was in direct opposition to its sentiments as expressed in the confidential message, that the responsibility would be exclusively their own: that if the president deemed it advisable to purchase foreign territory, he was free to enter into stipulations; or that if he thought proper to ask for an appropriation for that object, the responsibility of the measure would rest upon him: but when the legislature undertook "to prescribe the course which he should pursue, and which he had pledged himself to pursue," the case was entirely changed: that that house could have no channel thro' which it could be made acquainted with the opinions of the executive, but such as was official, responsible, and known to the constitution; and that it was a prostration of its high and solemn functions to act upon an unconstitutional suggestion of the private wishes

of the Executive, irresponsibly announced by an irresponsible individual, and in direct hostility to his avowed opinions.

To every objection, the "Louisiana precedent," as it was called, formed the only answer, although in the latter stages of the discussion, no reply was attempted. The doors were closed, and the minority whose motives were impeached, and whose persons were almost denounced, were voted down without debate. In reply to the case of Louisiana, it was said that it was no precedent at all; that every argument drawn from that source was utterly inconclusive in the present instance; that no two cases were more dissimilar: that except the parties being the same, there was no point of resemblance; that, when Spain withheld from us the right of deposit at New-Orleans, Congress had acted on its own instigation alone; they had not been apprized by the executive of any hostile movement on the part of Spain; the territory of the United States had not been insulted, nor the persons of our citizens within our own jurisdiction, violated: It had not been officially announced to Congress "that their protection, as well as the spirit and honor of our country, rendered the interposition of the national force indispensable." The chief magistrate of the union had not officially declared that the act of aggression in question was committed by persons acting by the orders and under the sanction of the court of Madrid: on the contrary, the house of representatives had expressed by a formal resolution, their belief, that the wrong in question had proceeded from the unauthorised misconduct of a certain Spanish officer, and declared their determination, in case it should be sanctioned by their government, to redress the injuries, and vindicate the rights of our citizens. On that occasion, congress avowed, that they resorted in the first instance to an amicable explanation with the Spanish court; on this, the fair experiment of negotiation had been tried, and "after five months of fruitless endeavour, on our part, to bring them to some definite and satisfactory result, had entirely failed." And it must be remembered, that the acquisition of Louisiana, which put a stop to these aggressions of Spain, (for which no satisfaction had as yet been rendered) was made, not from the party by whom those offences had been offered, but from one in no wise connected with them.

And admitting at the juncture, the propriety of our making overtures for the purchase of a country, the possession of which, it was conceded on all hands, was highly desirable to us: yet, what measures had we taken, or did we propose to take, for the refusal on the part of Spain, to "ratify her convention with us, signed by her own minister under the eye of his sovereign, pledging her to make compensation for spoliations committed on our commerce during a preceding war; to indemnify our citizens for the renewal of the same practices, already of great amount, during the present war; for the obstruction of the navigation of the Mobile; for refusing to come to any fair and amicable adjustment of the boundaries of Louisiana; and for a daring violation, by persons acting under the authority of Spain, and no doubt apprized of her sentiments and views of our undisputed limits, which she had solemnly recognized by treaty?" — NONE! — The denial of the stipulated compensation for the spoliations of a former war; the reiteration of the same practices during the present; the obstruction of the Mobile; the peremptory refusal to adjust the boundaries of Louisiana; the insults committed on our territory, and

the violation of the property and persons of our citizens within our acknowledged limits: all seemed forgotten, in the zeal to purchase Florida, or thrown with the national purse into the scale.

The bill nevertheless passed by a large majority. A motion was then made to transmit, by a committee, the following message to the Senate:

"By the House of Representatives, Jan. 16th, 1806.

Gentlemen of the Senate,

We transmit you a bill which has passed the House, entitled, "An act making provision for defraying any extraordinary expenses attending the intercourse between the U. States and foreign nations" and to which we require your concurrence. This bill has been passed by us to enable the President of the United States to commence, with more effect, a negotiation for the purchase of the Spanish territories lying on the Atlantic Ocean, and Gulf of Mexico, and eastward of the Mississippi. The nature and importance of the measure contemplated have induced us to act upon the subject with closed doors. You will of consequence, consider this communication as confidential. Mr. John Randolph then moved to strike out the words "river Mississippi," and to insert "Bay of Perdido," upon this ground, that the country between the Mississippi and the Perdido was in dispute between the U. States and Spain, being a part of Louisiana, "such as it was as possessed by France," and conveyed by the treaty of Paris of 30th of April, 1803, to the U. States. The territory in question (embracing the banks of the Mobile, and out of which all our differences with Spain, on the subject of boundary on this side of the Mississippi had grown) the Executive had advanced what they deemed an undoubted claim. Upon this claim Congress had already legislated, having passed a law, erecting the shore and waters of the river Mobile into a collection district, and it was deemed, that the authorising the President to purchase that portion of the country, would not only be a commitment of the national honor, but might fairly be considered as a surrender on our part of all pretensions to the disputed territory. This motion, however, was negatived — Yeas 59 — Nays 68. It is perhaps worthy of remembrance, that, on this, as on most of the other questions arising out of this subject, many of the warmest advocates of the measures eventually pursued were in the minority. (See the secret journal, since published, page 33.) But to the message itself, as well as to the general course of proceeding, this strong, and (as it is presumed) unanswerable objection was taken: That the direction which the House of Representatives had chosen to pursue was to be prescribed, not to the Senate, but to the President: and that it would be impossible for the Executive, even with the ingenuity of Oedipus himself, to divine, from a message to the Senate, what was the real intentions of the Representatives of the people: that this message was not to be announced to him, but to the other branch of the legislature, and that, even if it were, his duty was to execute the laws, which should be enacted, and which could not be enlarged, restrained or modified in any degree whatsoever, by any message from one house of Congress to the other; and the appropriation being for any indefinite purpose of extraordinary foreign intercourse, and not made in consequence of any intimation, or recommendation from the President, he must be presumed to be totally in the dark, "as to the secret wishes" of the Senate & House.