The Executive informs us that this instrument has received the sanction of the Senate, and yet the scepticism of gentlemen is so extreme, that they cannot argue from the fact, but put the case hypothetically. Do they suppose the ratification to have been informal and incomplete?

Mr. *Griswold* explained. He said he would merely inform the gentleman what he had thought and intended to express, viz. that if the treaty be constitutionally made and ratified, that House was bound to carry it into effect.

Mr. RANDOLPH continued.—"If it be constitutionally *made* and ratified." Really, Sir, this is the age of ingenious distinction. Unfortunately I am too dull to comprehend how a treaty can be constitutionally ratified, which is not constitutionally made. If, however, it be constitutionally made and ratified, the gentleman acknowledges himself bound to carry it into effect;—and yet he wants documents. To prove, what?—That the treaty is constitutional?—to clear up doubts of this nature?—Not at all—not to decide whether we have a treaty which contravenes the provisions of the constitution, but to determine whether we have any treaty at all. We must first see whether we have acquired territory and inhabitants to govern before we can pass the necessary laws giving effect to the treaty,—although by the gentleman's own shewing, we must pass the laws for carrying the treaty into effect, (provided they do not violate the constitution) even if it should be found that we have acquired neither territory nor inhabitants. According to the gentleman's doctrine, we must make good the stipulations into which the Executive may have entered, in the name of the nation, whether we have acquired any thing in return or not. To what purpose then is this enquiry made? But we are told that enquiry is necessary to enable us to ascertain the proper mode of effecting the desired end;—to determine us whether (as a gentleman from Massachusetts, Mr. Thatcher, has said) we shall march a body of soldiers, or civilians, to take possession of Louisiana. But was it necessary to determine the mode of taking possession, before they would resolve to take possession at all? If the House would previously decide this question,—if they would come to a resolution that it was expedient to take possession, that resolution would be referred to a select committee to prepare a bill in conformity to it, and when that bill should be under their consideration, it would be proper to determine whether we would send soldiers, or civilians, to New Orleans. From the zeal which that gentleman and his friends had manifested on this subject, Mr. R. entertained no doubt of their willingness to serve in either capacity.

Gentlemen allow that they are bound to carry the treaty into effect, if consistent with the constitution, but they say, that there may be, and are, dubious points, which must be cleared up, in order to enable them to understand how to carry it into effect. It would be strange indeed if there were not dubious expressions in this, as in almost all other treaties. For to what purpose are treaties generally made, but to define and settle the doubts of prior treaties, furnishing themselves matter for other negociations, in an uninterrupted succession of cause and effect. Thus subsequent treaties have been made to settle the construction of the treaty of Paris of 1783—and yet later conventions endeavor to destroy the ambiguity of these explanations. There never was a convention between nations to which this objection would not be urged. The treaty of 1783 was so deficient in respect to the limits assigned the United States, that it could not be carried into execution, unless two straight lines can enclose space. This was the natural result of our then ignorance of the extent and direction of the great rivers and lakes, on the north-western frontier. The treaty now before us may be presumed to be equally or more indefinite, as to boundaries, than that of Paris—since the geography of the United States, at that time, was better understood, than that of Louisiana is at this. But a new discovery is made. That whatever doubts may arise under the treaty in question, it belongs to the Executive to clear them up, and for that purpose this application is proposed to be made. Mr. R. said that he had always, understood, till now, that doubts arising on any compact between independent powers were the proper subject of negociation between those powers. That in this way alone they could be resolved, and not by one of the parties undertaking to put his own construction on the question. To what purpose then apply to the Executive for a solution of doubts to which both the parties interested alone are competent, and which it belongs not to one of them to decide.

It is said that the treaty of St. Ildefonso would enable us to ascertain whether France had complied with the stipulations, in consideration of which, Louisiana was ceded to her by Spain, and that probably it defines the boundaries of that country. With respect to the first object, even if it were in the power of the executive to furnish us with a copy of that instrument, we should only learn, what we already know, that France engaged to raise a younger son of the Spanish branch of the house of Bourbon to the Etrurian throne. Suppose, Sir, we were officially apprized of this fact. Will that satisfy the gentleman from Connecticut? By no means. Whilst there is a possibility of doubt he has told us, honestly, he does not mean to be satisfied. No, Sir—you must summon a venire—to establish the fact that the Duke of Parma has been elevated to the rank of Tuscan King, and obtain a verdict in his favor, before you prevail on the cautious jealousy of that gentleman to assent to the proposition. In regard to the limits of the country in question, it is well known that neither in that of St. Ildefonso, nor any other treaty have they been accurately defined. Nor ought this to be a matter of surprize since neither the treaty of Paris in 1783, nor that of London in 1794, had fixed the boundaries of the United States, and in consequence, our north western line was still unclosed. If gentlemen wanted information on this subject, instead of sending this resolution on to the President, they should send their door keeper into the library for Du Pratz, and Chalmers and Jenkinson. They will find more concerning the extent of Louisiana in Louis XIV's grant to Crozat than in the treaty which they require or in any other. By the treaty of St. Ildefonso, Spain "cedes to France the 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." The only article then, of this treaty which concerns us is quoted in that which is now in our possession. To establish what was the extent of the country when France possessed it, will undoubtedly form, perhaps now forms, the subject of negotiation with Spain. If then the precision which the gentleman requires be insisted on, the assent of this House may be refused to the laws for carrying the treaty into effect, until a complete adjustment of our boundary shall have taken place with Spain—And inasmuch as this can never be effected, until these laws are passed, and possession thereby taken of the country, the gentleman will obtain a perpetual virtual adjournment of this question. Availing himself of this newly discovered distinction, whilst he acknowledges an indispensible political obligation, to carry treaties into effect, he may refuse his sanction to any particular treaty. It is only to discover some real, or apparent obscurity, should no constitutional objections offer themselves, and the business is done. The gentleman thus surmounts, or gets around his own doctrine, and opposes a treaty as effectively as if he had never supported the position that this House was bound to execute them. But it requires all the intrepidity of the gentleman from Connecticut to assert his consistency. What do we now propose—only to submit to the House the bare abstract proposition that it is expedient to pass the laws for carrying this treaty into effect—we propose no particular measure—no matter of detail is before us—we are not debating whether we shall employ soldiers or civilians—and yet the gentleman, whilst he acknowledges an obligation to carry treaties, constitutionally made, into effect, whilst he urges no constitutional objection in this case, refuses his assent to the general position of the expediency of passing the laws, necessary to give effect to the treaty in question, on the ground of difficulty or hazard to the United States—in other words, on the ground of inexpediency. The House will perceive how greatly the gentleman must be embarrassed, when he is driven to such glaring inconsistency; when he is compelled to confound the question whether the treaty ought to be carried into effect, with one entirely different—the manner in which that effect is to be attained?

But says another gentleman from the same quarter of the union, to whose reputation for ingenuity, although it has been supported by a gentleman from Vermont, Mr. R. could not subscribe, Spain may have a right which she dare not *now* assert, since she trembles at the nod of the First Consul, but which, hereafter, she may reclaim—and, unless you procure her formal relinquishment of that right, you cannot stand on safe ground. Twenty years hence she may demand Louisiana at your hands, and wrest it from you as it has been wrested from her, by force. Mr. Randolph said that with some variation of terms this was the same monstrous opinion which had been urged against every proposition for peace between England and France. Because at some undefined future period, events may take place which are beyond the control of human prudence, we are now called upon to act, not upon the existing state of things, but upon a possible future state of existence, which speculative minds have chosen to imagine. But how are we to reconcile this reluctant caution to the doctrine of forcible possession, so lately inculcated by gentlemen. At one time it was necessary to possess ourselves of the key of the Mississippi, on any terms, and in any way. There was no waiting to examine into the title of other nations, or scarcely into our own. The Mississippi must be had at every hazard, and in any mode. Now that it was offered to us, gentlemen can devise no mode of getting it. They are so embarrassed with forms, which some time past were held as nothing, that the value of the Mississippi, which was held as every thing, has sunk in their estimation. That Mississippi, for whose acquisition the nation was to be precipitated at once into war, is now of so little consequence, that the most trivial form outweighs it in their estimation. Mr. R. said, that he expected to have seen those gentlemen foremost in zeal for taking possession of the country in question—and so far from throwing impediments in the way, that, in case Spain manifested any opposition to the step, they would have been the first to originate measures for compelling her assent. This would have been consistent. He treated the idea of future reclamation by Spain as futile in the extreme. If, however, gentlemen were disposed to examine into the question of the extent of Louisiana, instead of the treaty of St. Ildefonso, they must look elsewhere for its history—from the first settlements of La Sall to its surrender, in 1763, to Spain and Great-Britain. The only clause of the treaty of St. Ildefonso which affects this subject, is now in the possession of the House. With them it rests to determine whether we will accept it, as there described, and upon the conditions stipulated. After we shall have resolved to accept it, it will be incumbent on every gentleman to devise the best means for securing our possession. At that stage of the subject, it will be proper for gentlemen to descant upon the state of our relations with Spain, to demonstrate the danger of opposition from that quarter, and to devise the means of surmounting it. But on the plain abstract question, whether we would accept the country or not, all these observations were premature. He hoped, therefore, that having acquired Louisiana, as possessed by Spain, and as it was held by France, the House would pass the laws for enabling the executive to give effect to the contract, and he should vote against the resolution, as tending to embarrass a question which he wished to see decided, and as lengthening a discussion which he hoped would be terminated before they rose.

Mr. GODDARD observed that though the gentleman from Virginia (Mr. Randolph) had not pleased to compliment him on the score of ingenuity, yet he had replied copiously to his remarks; and this, he presumed he would have spared himself the trouble of doing, had he not considered those remarks entitled to his notice. The gentleman asks what has become of the hostile sentiments of his political friends. Mr. G. did not understand exactly to what he alluded. He, and his political friends had seen the time when they thought the essential rights of their country invaded. Then it was that they were disposed by vigorous measures to assert them, and to them it was indifferent whether those rights were violated in Virginia or on the banks of the Mississippi. But where will it appear that they proposed to acquire Louisiana by force? Was it proposed during the last session, to acquire this country by warlike measures? The project of acquiring that extensive territory by force or by other means was entirely novel. Did we then ever hear of passing the banks of the Mississippi? Did we then hear a proposition to acquire this vast territory by war. No gentleman had ever heard this. It may have been said, if our rights are invaded, it is our duty, to put ourselves in a situation to defend them. But was that war? Let me then, said Mr. Goddard, ask with what justice gentlemen charge us with having had a disposition to go to war with France or Spain? The war-whoop has been sounded, and we have been charged with wishing to embroil our country in war. But the charge is injurious. Then, and now, we feel disposed to repel the unjust aggressions of Spain and France on our rights. We then were in favor of vigorous measures to repel them; and we are still in favor of the same measures, should our rights be again invaded. But because we were for exerting proper and efficient means for securing those rights invaded at New Orleans, are we to be told that it is our duty *per fas et nefas* to take it. If so let us have it one way or the other: either by war or purchase; and if in the latter way, do not let us obtain it in such a manner as shall compel us to resort to war. The object is certainly of great importance, and we ought to make great sacrifices to obtain it by peaceable means, but when acquired by these means at a great sacrifice of treasure, let us avoid laying the foundation for future wars.

The gentlemen have resorted to peculiar grounds to shew our right to this territory:—they have resorted to verbal information; the gentlemen says the cession to France is well known to all Europe. Suppose I say I am not willing to rely on such general information, and that not being so learned as they, I have not obtained this information. But the gentleman from Virginia refers to the treaty of St. Ildefonso; and he informs us that that treaty will not afford us the information we wish—The gentleman may have access to the cabinet; but I belong to a humble and unlearned minority. The majority of this House, who may be acquainted with its contents, may say to us "you must act in the dark, it is sufficient that we have seen it." For my part although disposed to pay great deference to the learning of the gentlemen from New-York and Virginia; yet as a representative of the American people, called upon to legislate on objects of vast interest, I consider myself entitled to correct information, and that I ought not, instead of receiving this information, to be referred to newspaper statements.

But, say gentlemen, it is unnecessary to be acquainted with the facts we ask for, and the gentlemen from Virginia has referred to my observation, that though Spain may not now oppose the execution of our treaty with France, yet the time may arise when she will call upon us to prove the validity of our title. All I meant was that if Spain considers herself entitled to Louisiana, though she may not, under the pressure of present circumstances, oppose our taking possession of it, yet, if, by a revolution in European politics, she shall retrieve her national character, and demand of us by what right we hold this territory, what answer shall we make? We may say it is ours by treaty with France; but suppose it shall then appear that the possession by France was mere usurpation, would we under such circumstances enter into a contest with Spain for it? She might have yielded under the pressure of imperious circumstances, to the giving it up without any justice in the measure. I would wish to avoid in this business all seeds of war: and is it, in this point of light, of no importance to learn whether, or not, France has a good title? Are we to be satisfied with the mere declaration of France to this effect. Suppose we pay France the fifteen millions, and Spain afterwards demands the territory, and we call on France to refund the money—France will assuredly, say, you made the purchase with your eyes open, we recited to you the title under which we ceded the territory, and you accepted it at your peril. I apprehend, therefore, that it becomes important to enquire, not whether the treaty has been made according to the forms of the constitution, but whether Spain has actually ceded Louisiana, to France, and whether Spain assents or dissents from the cession. If she assents, it may be inferred that France has perfected her engagements; and if she does not assent, that she has failed to comply with them.

With regard to the precedent in the case of the British treay, appealed to on the other side, we may say if correct on that occasion, it is likewise correct on this occasion. You called for papers then, and we call for them now. But I conceive there is no analogy between the cases. For how does our call affect or impugn the treaty making power of the President and Senate?

I apprehend that to postone this motion is to negative it. We call for information. Gentlemen say act first, and we will then give it you. Need gentlemen be again told that we do not make the demand through a blind curiosity, but because we deem it absolutely necessary to know whether the title is in us before we pass the laws to carry the treaty into effect.

Mr. ELLIOT. Mr. Speaker.—As I have not spoken on the question of postponement, and although my views of the subject are almost exactly the same with those of the gentleman from New-York, who made the motion, yet as I shall vote against the motion, and as I wish to appear consistent in my conduct, I am under the necessity of again asking the indulgence of the House for a few moments; it shall be but for a few moments only. When I was up before, I mentioned that I had other objections to the resolution than merely its prematurity, but that I did not think it necessary to state them. Those objections, in part, have since fallen from a gentleman from Kentucky (Mr. Lyon) they apply to the form of the resolution, to be propriety and decorousness of its expression. It struck me at first, it still strikes me, as improper, and indecorous towards the President. I have no idea that such was the intention of the gentleman from Connecticut, for I know, at least I believe, that he is a gentleman of honorable feelings, and utterly incapable of any thing of that nature; but such was the impression on my mind, and I cannot remove it. I am therefore for an absolute rejection of every part of the resolution; I cannot vote even for a postponement.

I hope I shall not be considered as guilty of very great vanity in observing that my objections to the resolution as being premature, have not been directly answered by gentlemen on the other side of the House. It is said the treaty may not have been constitutionally made. This must be determined from the face of the treaty itself, and not from any of those extraneous considerations, which gentlemen are labouring to connect with it. The view taken of the subject by the gentleman from Virginia is certainly the only correct one; let us first decide whether we will impart our constitutional agency to carry the treaty into operation, and when we consider ourselves as having acquired the territory and its inhabitants, proceed to legislate accordingly. I shall not deny that, presuming upon the good faith of the French government, and of course that we shall obtain the possession according to the laws of nations we may immediately proceed to pass such laws, as may be necessary in that event. But of this subject the President and ourselves have the same views.

He speaks of "ulterior provisions," and of "temporary provisions." With reference to these *provisions* alone the gentleman from Connecticut moves his resolution, and on this subject alone wishes for information. The President says—"As permanent arrangements for this object may 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." And he tells us that such information on the subject as he has been able to collect, shall be laid before us in a few days, or as soon as the subject shall be in a state for our consideration. I am willing to take him at his word, and when we arrive at such a stage of the business as to render that information desirable, if the President is forgetful of us, I shall be ready to call upon him for a fulfilment of his promise.

Mr. MITCHELL withdrew his motion of postponement. He had made it, he said, to save time, but as the time he hoped to have saved was already consumed, he would wave it. The gentleman from Connecticut declares his disposition to carry the treaty into effect by all necessary measures, without delay. To accommodate him he would withdraw his motion.

Mr. GRISWOLD but for one idea thrown out, should not again ask the indulgence of the House. The gentleman from Virginia (Mr. Randolph) observes that when we shall go into committee of the whole, we shall have but one resolution before us, to wit:

Resolved, That provision ought to be made for carrying into effect the treaty and conventions concluded at Paris on the 13th of April 1803, between the United States of America and the French Republic.

And that in debating on this resolution there will be no necessity for the documents, which it is the object of the resolution to obtain. There would be weight in this observation, but for the circumstance that it is competent for any gentleman in committee to move any resolution connected with the subject. It was competent to move that this or that article should be carried into effect; for the provision of a military force to take possession of New-Orleans; for the appointment by the President of governor or judges. The gentleman has admitted that these documents may be useful when we go into the details of the subject. If so, they certainly will be useful when we shall be in committee of the whole. Besides, if it be proper to agree to the general resolution, it would be absurd to agree to it, unless previously satisfied that some laws are necessary. If the United States have no right to govern the province, it is absurd to say that it is expedient to make provision by law for governing it. And unless gentlemen can shew this or that law to be necessary, we ought not to agree to the general proposition. The argument, therefore, of the gentleman from Virginia, is entitled to no weight.

Mr. RANDOLPH would not have trespassed further on the patience of the House, had he not been called on, personally, by the gentleman from Connecticut, (Mr. Goddard). He was sorry that whilst bearing testimony to the ingenuity of the gentleman's colleague on his left (Mr. Griswold) he had been unable to include the gentleman himself in the description—on all other subjects he should be ready to acknowledge the gentleman's ingenuity, but on this he must be excused from subscribing to the opinion of the gentleman from Vermont. Candor forbade it. He regretted that the gentleman from Connecticut had felt this exclusion so deeply and could he have foreseen it, Mr. R would have endeavored to conceal the impression which the gentleman's display had made upon him.

The gentleman asks when did he, or his friends, evince a disposition to acquire territory west of the Mississippi—Mr. R. said he must have been misunderstood if his position had been taken with such latitude:—but the gentleman immediately corrects himself, by asking when was a disposition for hostility with Spain, manifested by any description of persons in that House. If his memory did not deceive him gentlemen had that day declared that the interruption of the navigation of the Mississippi justified warlike measures on our part. If then to acquire the navigation of the river, with the bare right of deposit, would have justified hostility, surely the acquisition of the island of New-Orleans and both banks of the river giving a perfect