sir, six months ago, and with one sixth of fifteen millions of dollars, when they had wantonly violated the sacred obligations of a treaty, had insulted our government, and prostrated all the commerce of our western country—Then we had indeed a just cause for chastising them; the laws of nations and of honor authorised it, and all the world would have applauded our conduct. And it is well known, that if France had been so disposed, she could not have brought a single man or ship to their relief; before the news could have reached Europe, she was blockaded in her own ports by the British fleets. But that time was permitted to go by unimproved, and instead of regretting the past, let us provide for the future.

Admitting then, Mr. President, that his Catholic Majesty is hostile to the cession of this territory to the United States, and no honorable gentleman will deny it, what reasons have we to suppose that the French prefect, provided the Spaniards should interfere, can give to us peaceable possession of the country; he is acknowledged there in no public character, is cloathed with no authority, nor has he a single soldier to inforce his orders. I speak now, sir, from mere probabilities. I wish not to be understood as predicting that the French will not cede to us the actual and quiet possession of the territory. I hope to God they may, for possession of it we must have. I mean of New-Orleans, and of such other positions on the Missisippi as may be necessary to secure to us forever the complete, and uninterrupted navigation of that river. This I have ever been in favour of, I think it essential to the peace of the Union, and to the prosperity of our western country. But as to Louisiana, this new, immense, unbounded world, if it should ever be incorporated into this Union, which I have no idea can be done but by altering the constitution, I believe it will be the greatest curse that could at present befall us, it may be productive of innumerable evils, and especially of one that I fear even to look upon. Gentlemen on all sides, with very few exceptions, agree that the settlement of this country will be highly injurious and dangerous to the United States; but as to what has been suggested of removing the Creeks and other nations of Indians, from the eastern to the western banks of the Missisippi, and of making the fertile regions of Louisiana a howling wilderness, never to be trodden by the foot of civilized man, it is impracticable. The gentleman from Tennessee (Mr. Cocke) has shewn his usual candour on this subject, and I believe with him, to use his strong language, that you had as well pretend to inhibit the fish from swimming in the sea as to prevent the population of that country after its sovereignty shall become ours. To every man acquainted with the adventurous, roving, and enterprising temper of our people, and with the manner in which our western country has been settled such an idea must be chemical. The inducements will be so strong that it will be impossible to restrain our citizens from crossing the river. Louisiana must and will become settled, if we hold it; and with the very population that would otherwise occupy part of our present territory. Thus our citizens will be removed to the immense distance of two or three thousand miles from the capital of the Union, where they will scarcely ever feel the rays of the general government—their affections will become alienated—they will gradually begin to view us as strangers—they will form other commercial connexions, and our interests will become distinct.

These, with other causes, that human wisdom may not now foresee, will in time effect a separation, and I fear our bounds will be fixed nearer to our houses than the waters of the Missisippi. We have already territory enough, and when I contemplate the evils that may arise to these states, from this intended incorporation of Louisiana into the union, I would rather see it given to France, to Spain or to any other nation of the earth, upon the mere condition, that no citizen of the United States should ever settle within its limits, than to see the territory sold for an hundred millions of dollars, and we retain the sovereignty.—But however dangerous the possession of Louisiana might prove to us; I do not presume to say that the retention of it would not have been very convenient to France, and we know that at the time of the mission of Mr. Monroe, our administration had never thought of the purchase of Louisiana, and that nothing short of the fullest conviction on the part of the First Consul that he was on the very eve of a war with England—that this being the most defenceless point of his possessions, if such they could be called, was the one at which the British would first strike, and that it must inevitably fall into their hands, could ever have induced his pride and ambition to make the sale. He judged wisely, that he had better sell it for as much as he could get, than lose it entirely—And I do say that under existing circumstances, even supposing that this extent of territory was a desirable acquisition, fifteen millions of dollars was a most enormous sum to give.—Our commissioners were negociating in Paris, they must have known the relative situation of France and England, they must have known at the moment that a war was unavoidable between the two countries, and they knew the pecuniary necessities of France and the naval power of Great Britain—These imperious circumstances should have been turned to our advantage, and if we were to purchase, should have lessened the consideration. Viewing, Mr. President, this subject in any point of light—either as it regards the territory purchased, the high consideration to be given, the contract itself, or any of the circumstances attending it, I see no necessity for precipitating the passage of this bill; and if this motion for postponement should fail, and the question on the final passage of the bill be taken now, I shall certainly vote against it.

General Jackson rose, and was replying at length to Mr. White, when he was called to order by the Chair, as having departed from the question of postponement, in which decision, notwithstanding Mr. White had also departed, and some members expressed a wish that the General should proceed, he immediately acquiesced, and sat down. We therefore, (and as some of the ground the General took was touched on again in his reply to Mr. Wells,) decline inserting what was then delivered.

After Gen. Jackson sat down an adjournment took place to the next day.

Thursday, November 3.

Mr. Wells. Mr. President, Having always held to the opinion that, when a treaty was duly made under the constituted authorities of the United States, Congress was bound to pass the laws necessary to carry it into effect; and as the vote which I am about to give may not at first seem to conform itself to this opinion, I feel an obligation imposed upon me to state, in as concise a manner as I can, the reasons why I withhold my assent from the passage of this bill.

There are two acts necessary to be performed to carry the present treaty into effect; one by the French government, the other by our own. They are to deliver us a fair and effectual possession of the ceded territory; and then, and not till then, are we to pay the purchase money. We have already authorised the President to receive possession. This co-operation on our part was requisite to enable the French to comply with the stipulation they had made; they could not deliver unless somebody was appointed to receive. In this view of the subject, the question which presents itself to my mind is, who shall judge whether the French government does, or does not, faithfully comply with the previous condition. The bill on your table gives to the President this power: I am for our retaining and exercising it ourselves. I may be asked, why not delegate this power to the President? Sir, I answer by enquiring why we should delegate it? To us it properly belongs; and, unless some advantage will be derived to the United States, it shall not be transferred with my consent. Congress will be in session at the time that the delivery of the ceded territory takes place; and if we should then be satisfied that the French have executed with fidelity that part of the treaty which is incumbent upon them first to perform, I pledge myself to vote for the payment of the purchase money. This appears to me, arguing upon general principles, to be the course which ought to be pursued, even supposing that there were attending this case no particular difficulties. But in this special case are there not among the archives of the Senate sufficient documents, and which have been withheld from the House of Representatives, to justify an apprehension, that the French government was not invested with the capacity to convey this property to us; and that we shall not receive that kind of possession which is stipulated for by the treaty? I am not permitted, by the order of this body, to make any other than this general reference to those documents.—Suffice it to say that they have strongly impressed me with an opinion that if even possession is rendered to us, the territory will come into our hands without any title to justify our holding it. Is there not on the face of this instrument itself some marks of suspicion? You find in the treaty not a single word relating to any substantial consideration to be paid by the United States. It says that 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 appertenances, as fully 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." It is true you perceive in the ninth article of the treaty a general reference to two conventions, signed at the same time with the treaty, which respect the payment of money by the United States to France, and which we regard as the only consideration for the territory ceded to us. Let us attend to the words of this article. "The particular convention signed this day by the respective ministers, having for its object to provide for the payment of debts due to the citizens of the United States by the French Republic prior to the 30th September 1800, is approved, and to have its execution in the same manner as if it had been inserted in this present treaty, and it shall be ratified in the same form and in the same time, so that the one shall not be ratified distinct from the other.

"Another particular convention signed at the same time as the present treaty, relative to a definitive rule between the contracting parties, is in the like manner approved, and will be ratified in the same form, and in the same time, and jointly."

It is to be observed that the latter part of this article refers to that convention which stipulates for the payment of money to the French government. But who, I ask, could understand it in this way? The convention here referred to is said to be "*relative to a definitive rule between the contracting parties.*" Why these dark, obscure and unintelligible expressions? Is a consideration a "*definitive rule?*" The first article speaks of the cession as being made, "from a desire to give to the United States a strong proof of the friendship of the First Consul," and when you turn to the convention which is said to establish the "*definitive rule,*" you find a provision binding the United States to the payment of money to the French Republic, but not a word is said about its being the consideration of the cession. Suspicion hangs over the whole of this business. If the territory is beyond all doubt to be put quietly and peaceably into our hands, whence the necessity of sending down to receive it, an imposing force? Admit that a nominal possession of the territory has been given by the Spaniards to the French, the latter, it is well known, have not a single soldier at any of the posts. Suppose upon the arrival of our troops the Spanish forces should refuse to obey the orders of the French prefect, who then can only give you possession by the twig of a tree or the knob of a door: your army left to possess itself of the fortifications as it can, is half destroyed ere resistance by the Spaniards is overcome. In that case shall we be willing to pay the whole amount of the fifteen millions of dollars? I trust not. If, however, we pass this bill, we shall have no controul over the subject. We have already strong reasons for doubting the validity of the French title to the territory in question; suppose our doubts should be confirmed before the payment of this money, will you then consent to pay any part of it for what you will not be able to hold? I conceive, therefore, that I am fully justified in withholding my assent from the passage of this bill, seeing that no advantage can result from delegating this power to the President; that it may be without inconvenience exercised by ourselves, as we shall remain for some time in session; that even in common cases the unnecessary delegation of power is not to be justified; and that in this particular instance, circumstances exist of a very extraordinary nature which render it peculiarly improper.

Mr. Jackson—Mr. President, in answering the honorable gentleman who has just set down, I shall take the liberty of commencing with repeating what I said yesterday, in answer to another honorable gentleman from Delaware, (Mr. White) that every argument they have made use of would better have applied at the time the treaty was on its passage, for ratification, or at the time of the passage of the bill for taking possession of Louisiana; and it appears extraordinary now, after voting, if not for the treaty, for that bill, to see those gentlemen rise to oppose the conditions to be performed on our part, when France has issued the necessary orders to comply on her part. The delay of the passage of the bill before you may have the most fatal consequences, and if, as some gentlemen have hinted on former occasions, the French are sick of their bargain, will give them an opportunity to break it altogether, or create such jealousies between the two nations, as may render the ceded territory, and its inhabitants, of little value to us. In my opinion policy as well as justice requires, that we should comply with the stipulations on our part promptly and with good faith, and leave no opening for complaint with the other party. We shall then stand justified in the eyes of the world, and to ourselves, not only to take, but keep possession of this immense country, let what nation will oppose it.

But the honorable gentleman (Mr. Wells) has said that the French have no title, and having no title herself, we can derive none from her. Is not, I ask, the king of Spain's proclamation, declaring the cession of Louisiana to France, and his orders to his governor and officers to deliver it to France, a title? Do nations give any other? I believe the honorable gentleman can find no solitary instance of feofment or conveyance between states; the treaty of St. Ildefonso was the ground work of the cession, and whatever might have been the terms to be performed by France, the king of Spain's proclamation and orders, have declared to all the world, that they were complied with. The honorable gentleman however insists that there is no consideration expressed in the treaty, and therefore it must be void; if the honorable gentleman will but look attentively at the ninth article, I am persuaded he will perceive one; the conventions are made part of the treaty; they are declared to have execution in the same manner, as if they had been inserted in the treaty; they are to be ratified in the same form, and in the same time, so that the one shall not be distinct from the other. What inference can possibly be drawn, but that the payments to be made by them was full consideration for Louisiana? But the honorable gentleman lays stress on that part of the treaty which declares that "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 United States the territory, &c." Inferring from thence that our title rests on the friendship of Bonaparte alone. Sir, let my opinion of the present government of France be what it may, and I confess it is not very favorable, Bonaparte by the consent of the nation, is placed at its head; he is the organ through which the will of the nation is expressed, and is, and must be respected as such by all other powers. No nation has a right to interfere with the rule or police of another. It is enough that the nation wills it, and Bonaparte's act is the act of the whole nation, which cannot recal it, even if Bonaparte should cease to govern, and another form of government be adopted. But, Sir, admitting the objection of the honorable gentleman, in its utmost latitude, as to pecuniary considerations; are there no other considerations among powers and potentates? Does not policy sometimes induce a cession of territory to prevent a larger portion from being sacrificed? Is not the establishment of a monarch's connections, sometimes an object and consideration for a cession? The very instance before us is a convincing proof—the establishment of the King of Etruria in Italy. Honorable gentlemen have, however, whenever the treaty has been the subject of debate, expressed their fears, that the treaty of Ildefonso has not been complied fully with by France, that Spain will keep possession, and that we shall be involved in war with that power. The king of Spain's proclamation fully satisfies me on that head, and I hope, and believe, he will be more prudent than in existing circumstances, to involve himself in war with us. The English nation, after the handsome letter of Lord Hawkesbury to our minister, Mr. King, expressing the approval of his Britannic Majesty of the treaty, cannot in decency interfere; and Bonaparte is bound in honor and good faith, to protect us in the possession of that country; disgrace would cover him and his nation, if he took any part against us. Whom then should we have to contend with? With the bayonets of the intrepid French grenadiers, as the honorable gentleman from Delaware last session told us, or with the enervated, degraded, and emaciated Spaniards? Shall we be told now that we are no match for these emaciated beings. Last session we were impressed with the necessity of taking immediate possession of the Island of New Orleans in the face of two nations, and now we entertain doubts if we can combat the weakest of these powers, and we are further told we are going to sacrifice the immense sum of fifteen millions of dollars, and have to go to war with Spain, for the country afterwards, when last session, war was to take place at all events, and no costs were equal to the object. Gentlemen seem to be displeased because we have procured it peaceably, and at probably ten times less expence than it would have cost us had we taken forcible possession of New-Orleans alone, which I am persuaded would have involved us in a war, which would have saddled us with a debt of from one to two hundred millions, and perhaps have lost New Orleans, and the right of deposit after all. I again repeat, Sir, that I do not believe that Spain will venture war with the United States—I believe she dare not—if she does she will pay the costs. The Floridas will be immediately ours—they will almost take themselves. The inhabitants pant for the blessings of your equal and wise government; they ardently long to become a part of the United States—An officer duly authorised and armed with the bare proclamation of the President, would go near to take them; the inhabitants by hundreds would flock to his standards, the very Spanish force itself would assist in their reduction; it is composed principally of the Irish brigade and Creoles—The former disaffected and the latter the dregs of mankind—With two or three squadrons of dragoons, and the same number of companies of infantry, not a doubt ought to exist of the total conquest of East Florida by any officer of tolerable talents,—Exclusive, however, of the loss of the Floridas, to use the language of a late member of Congress, the road to Mexico is now open to us, which if Spain acts in an amicable way—I wish may, and hope will be shut as respects the United States forever. For these reasons I think, sir, Spain will avoid a war, in which she has nothing to gain, and every thing to lose.—But what possession, say the honorable gentlemen are we to receive, the twig of a tree or the knocker of a door?—No, sir, I reply—but possession of New Orleans, the capital and its defences—By whom, will the honorable gentleman ask? I answer the same men who the honorable gentlemen were so anxious to send forward and take forcible possession the last session, which could not have failed to involve us with the French, for if we had succeeded and taken possession, whose territory should we have violated? Spain was barely the tenant at will of France, and France the real owner—If in private life I were to enter a house the honorable gentleman had purchased, and kick his tenant out, would he not feel aggrieved and seek redress—So would France if we had rashly taken the measures proposed, and what should we have had then to do? Fling ourselves at once into the arms of Britain for protection—Is this what honorable gentlemen wish? It cannot be—I hope, Mr. President, that the citizens of the United States will never see the day when their defence shall depend on a British army or navy, or the army or navy of any other power on earth. We are happily divided from the distractions and tumults of the eastern world by the Atlantic Ocean, and I trust we shall steer clear of entangling alliances, with any of them.

Mr. President, the honorable gentleman appears to be extremely apprehensive of vesting the powers delegated by the bill now on its passage in the President, and wishes to retain it in the legislature—Is this a legislative or an executive business; assuredly in my mind of the latter nature. The President gave instructions for, and with our consent ratified the treaty—We have given him the power to take possession, which his officers are perhaps at this moment doing, and surely as the ostensible party, the representative of the sovereignty, to whom France will alone look—he ought to possess the power of fulfilling our part of the contract—Gentlemen indeed had doubted on a former occasion the propriety of giving the President the power of taking possession and organizing a temporary government, which every inferior officer, in case of conquest or cession, from the general to the subaltern if commanding, has a right to do; but I little expected these doubts after we had gone so far—For my part, sir, I have none of those fears. I believe the President will be as cautious as ourselves, and the bill is as carefully worded as possible; for the money is not to be paid until after Louisiana shall be placed in our possession.

Sir, it has been observed by a gentleman in debate yesterday (Mr. White) that Louisiana would become a grievance to us, and that we might as well attempt to prevent fish from swimming in water, as to prevent our citizens from going across the Missisippi. The honorable gentleman is not so well acquainted with frontier citizens as I am. I see an honorable gentleman in my view, who knows whether or not what I am going to assert be the fact—He was part of the time high in office (Mr. Pickering) The citizens of the state I represent, scattered along an Indian frontier of from three to four hundred miles, have been restrained, except with one solitary instance, by two or three companies of infantry and a handful of dragoons, from crossing over artificial lines, and water courses, sometimes dry, into the Indian country, after their own cattle—which no human prudence could prevent from crossing to a finer and more luxuriant range, and this too at a time, when the feelings of Georgians were alive to the injuries they had received by the New York treaty, with the Creek Indians—which took Talassee country from them, after even three commissioners appointed by the United States had reported to the President, that it was *bona fide* the property of Georgia and sold under as fair a contract as could be formed by a civilized, with an uncivilized society—If the Georgians under these circumstances were restrained from going on their ground, cannot means be devised to prevent citizens crossing into Louisiana? The frontier people are not the people they are represented—they will listen to reason and respect the laws of their country—It cannot be their wish, it is not their interest to go to Louisiana, or see it settled for years to come—The settlement of it at present would part father and son, brother and brother, and friend and friend, and lessen the value of their lands beyond all calculation—If Spain acts an amicable part, I have no doubt myself but the southern tribes of Indians can be persuaded to go there; it will be advantageous for themselves—they are now hemmed in on every side—their chance of game decreasing daily—ploughs and looms, whatever may be said, have no charms for them—they want a wider field for the chace, and Louisiana presents it—Spain may in such case discard her fears for her Mexican dominions, for half a century at least—and we should