depths of the Mediterranean, would it be unconstitutional to take possession of them! So far from it, there would on the other hand be a duty in the government to assume the dominion of all adjacent islands. Again—suppose for a moment that our present limits were *full* of people, would it be unconstitutional to purchase additional territory for them to settle upon? Must the hive always contain its present numbers, and no swarm ever go forth? At this rate we should, before a great lapse of time, arrive at a *plenum* of inhabitants, and if no new settlement could be obtained for them, the Chinese custom of infanticide must be tolerated to get rid of those tender little beings for whom food enough could not be procured, to rear them to manhood. And thus, when this *maximum* of population shall have arrived, there would be no constitutional power, to purchase and possess any of the waste lands on this or the other side of the Mississippi, for them to spread and thrive upon. A doctrine against which, he confessed, that his understanding revolted.

Our government having in this manner the right of acquiring additional territory, had very often exercised that right by actual purchases and by possessions and settlements afterwards. The whole of the recent state of Ohio and of the Indiana territory, was obtained and peopled in this manner. And in the settlement of limits both on the side of Florida and Nova Scotia, the principle had again and again been acted upon; and strange to tell nobody, until this eventful time, had possessed acuteness enough to find out the error.

But the gentleman from Connecticut, Mr. Chairman, (Mr. R. Griswold) contends that even if we had a right to purchase soil, we have no business with the *inhabitants*. His words however are very select; for he said and often repeated it, that the treaty-making power did not extend to the admission of foreign nations into this confederacy. To this it may be replied that the President and Senate have not attempted to admit *foreign nations* into our confederacy.—They have bought a tract of land, out of their regard to the good of our people and their welfare. And this land, Congress are called upon to pay for.—Unfortunately for the bargain, this region contains civilized and christian inhabitants; and their existence there, it is alledged, nullifies the treaty. The gentleman construes the constitution of the United States very differently from the manner in which Mr. M. himself did. By the 3d section of the 3d article of that instrument, it is declared, that Congress shall have power to dispose of and make all needful rules and regulations respecting the territory and other property of the United States, and nothing therein contained shall be construed so as to prejudice any claims of the United States or of any particular state.

In the case of Louisiana no injury is done either to the nation or to any state belonging to that great body politic.—There was nothing compulsory upon the inhabitants of Louisiana to make them stay and submit to our government.—But if they chose to remain, it had been most kindly and wisely provided, that until they should be admitted to the rights, advantages and immunities of citizens of the United States, they shall be maintained and protected in the enjoyment of their liberty, property and the religion which they profess. What would the gentleman propose that we shall do with them? Send them away to the Spanish provinces, or turn them loose in the wilderness? No, Sir, it is our purpose to pursue a much more dignified system of measures. It is intended, *first* to extend to this newly acquired people, the blessings of law, and social order. To protect them from rapacity, violence and anarchy. To make them secure in their lives, limbs, property, reputation and civil privileges. To make them safe in the rights of conscience. In this way they are to be trained up in a knowledge of our own laws and institutions. They are thus to serve an apprenticeship to liberty; they are to be taught the lessons of freedom; and by degrees they are to be raised to the enjoyment and practice of Independence. All this is to be done as soon as possible; that is, as soon as the nature of the case will permit; and according to the *principles of the federal constitution*. Strange! that proceedings declared on the face of them to be constitutional, should be inveighed against as violations of the constitution! Secondly, after they shall have been a sufficient length of time in this probationary condition, they shall as soon as the principles of the constitution permit, and conformably thereto, be declared citizens of the United States, Congress will judge of the time, manner and expediency of this. The act we are now about to perform will not confer on them this elevated character. They will thereby gain no admission into this House, nor into the other House of Congress. There will be no alien influence thereby introduced into our councils. By degrees, however, they will pass on from the childhood of republicanism, through the improving period of youth, & arrive at the mature experience of manhood. And then, they may be admitted to the full privileges which their merit and station will entitle them to. At that time a general law of naturalization may be passed. For I do not venture to affirm that by the mere act of cession, the inhabitants of a ceded country become of course citizens of the country to which they are annexed. It seems not to be the case unless specially provided for. By the 3d article it is stipulated, that the inhabitants of Louisiana shall *hereafter* be made citizens; *ergo* they are not made citizens of the United States by mere operation of treaty. In confirmation of this construction, I will mention the 2d article of the treaty of amity, commerce and navigation between the United States and his Britannic majesty, concluded in 1794. It is therein stipulated that all British subjects who shall continue within the evacuated posts and precincts, should be considered, if they remained there longer than one year, to have abandoned all allegiance to the crown of Britain, and to have made their election to become citizens of the United States: after which by taking the oath of allegiance, they became instantly, by act of treaty, and by force of statute, citizens of the United States. I therefore consider the point already adjudged, when the treaty of 1794 was decided on, that without an act of Congress, aliens can be converted into citizens by the provisions of a treaty duly ratified by the President and Senate. In the treaty respecting Louisiana, there is happily no cause for alarm.—This power of making citizens has not been exercised by the President and Senate; but at a future day may be used by Congress.

But I proceed to the second objection to the treaty. This is derived from an alleged unconstitutionality in the 7th article. By this, it is agreed that French ships coming directly from France, or any of her colonies, loaded only with the produce or manufactures of France or her said Colonies shall be admitted for twelve years into New Orleans and the other legal ports of entry in Louisiana, without being subject to any greater duty on merchandize or tonnage than is paid by our own citizens. The like covenant exists with regard to the ships, ports and colonies of Spain. This, they say, is a violation of a declaration contained in the ninth section of the first article of the constitution, which declares that no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another.

In my view of this subject, Mr. Chairman, this prohibitory clause of the constitution is meant as a check to the legislative power of Congress only—and by no means, as a restraint upon the treaty making power of the President and Senate. The constitution leaves this, very broad and with great wisdom; it being improper and impossible to limit the negociations which it might be expedient for this government to make with other governments. From the silence of the constitution on the matter and extent of treaties, it has been argued with great appearance of truth & fairness, that there is no constitutional boundary to the treaty-making authority. Hence, according to this mode of reasoning, the treaty-making privilege, being so vast and unlimited, is unfettered by constitutional impediments, and like that great charter of freedom itself, originates from its own source, supreme laws of the land. A treaty therefore can scarcely be conceived to be unconstitutional; except in the case of outraging all common principles, rights and feelings. On this ground, the commercial regulations of the 7th article are secured against all charges of unconstitutionality.

But, even if the treaty-making power was not so extensive and mighty, there would be no violation of any of its directions by granting the favors to Spain and France which the treaty stipulates. For the preference forbidden by the constitution applies to states in the union and equal members thereof. The domain we are about to acquire is not a state; for that is a sovereign and independent republic. Nor is it a province; this being an inhabited country subdued by force of arms. Nor is it a colony; which is a sprout or scion, as it were of the parent trunk. In its relation to us, it is a territory, a word signifying a peculiar and mingled idea of a country and inhabitants in *the inchoate or initial* condition of a republic. By the treaty therefore there is no preference given to one state over another, in any commercial regulations. The port of New Orleans is not a part of any state in the union. The abolition of the discriminating duties in favor of the two European nations is confined absolutely to the ports of Louisiana. They have no preference in the ports of any of the states. Nor is there given to one any advantage over the other.—In right construction, these indulgencies are, in fact, a part of the purchase money; and on account of this valuable consideration, Congress will have less money to appropriate and the nation thereby be saved from several millions of additional debt. Our constituents have certainly great reason to rejoice at this. I therefore conclude that the apprehension and alarm expressed by the two gentlemen from Virginia (Mr. J. Lewis and Mr. Griffin) were wholly unfounded. There is no breach of the constitution.

Notwithstanding all this, one gentleman says, the adoption of this 7th article will give "a death wound to the northern commerce of the United States:" and another declares, "that under it, France and Spain will gain a monopoly of the commerce and navigation of Louisiana, and the adjacent country." Mr. M. said he could not conceive how this should happen. Ever since the ratification of the treaty of *St. Lorenzo el Real*, there had been a great resort of American vessels to the Mississippi. From New-York in particular, there had been large and frequent commercial intercourse, almost ever since that time. This had been rapidly increasing, and promised to be more and more important—and all this under a foreign jurisdiction, and while Louisiana belonged to Spain. Now that province was about to be changed into a territory of the United States. What an augmentation of tonnage and navigation might we not expect, when our own Mississippi should be whitened with our canvass? How eagerly would the eastern and middle states engage in a carrying trade, now rendered easy and free from impediment. It appeared to him that the transportation of the vast and valuable productions of both banks of that river, would increase the demand for vessels. Greater capital will be called for to carry on the Louisiana commerce, and greater profits would result. Ship building, and all the attendant arts would be promoted. The number of seamen would be augmented—who trained up to maritime discipline in merchant vessels, might on any appearance of danger be transferred to the navy, and serve as the bulwark and safe-guard of the nation. Valuing most highly as he did, the commercial prosperity of the United States, he considered that a new spring would be given to all its enterprize, by the acquisition of Louisiana. Our skill in commerce and dispatch in navigation would over match and bear down all the competition of the French and Spaniards. A more cordial union would be promoted between the western and eastern states; who would then be connected by the strong ties of commerce and interest, as well as of law and policy; and the jealousies, by which attempts had been made to divide them, and which had been raised to a mountainous magnitude, would be entirely levelled and done away. He was confident that all the Atlantic seaports; and beyond all, the great commercial city which he represented, would participate largely of the benefits flowing from our complete sovereignty of the Mississippi and all its waters.

Mr. M. then applauded the mild and dignified conduct of an administration, which had accomplished these great events by peaceful means, rather than war; and concluded, that if in the course of his observations he had not been successful in convincing the understandings of the gentlemen who thought differently from him, he had at least expressed some of the reasons which governed his judgment and would guide his vote on the proposition then depending. He hoped the resolution would be agreed to, for making immediate preparatory provision to take possession of Louisiana, according to the stipulations of the treaty.

Mr. J. RANDOLPH said that a sense of duty alone could have induced him to rise at that late hour. He wished to call the attention of the committee to a stipulation in the treaty of London. Here Mr. R. read an extract from the 3d article of that treaty, whereby the United States are pledged not to impose on imports in British vessels from their territories in America, adjacent to the United States, any higher duties than would be paid upon such imports, if brought into our Atlantic ports in American bottoms. In this case, he said, gentlemen could not avail themselves of the distinction taken by his friend from Maryland (Mr. Nicholson) between a territory and a state, even if they were so disposed,—since the ports in question were *ports of a state*. The ports of New York, on the lakes, were as much ports of that state, as the city of New York itself—They had their custom house officers, were governed by the same regulations, as other ports,—duties were exacted at them—and yet, under the article of the British treaty which had been just read, British bottoms could & did enter them subject to no higher duties than were paid by American bottoms in the Atlantic ports. Mr. R. said that he did not mean to affirm that this exemption made by the treaty of London was constitutional, so long as a distinction prevailed between American and British bottoms in other ports. He had never given a vote to carry that treaty into effect—but he hoped the gentlemen from Connecticut both of whom he believed had done so;—one of whom, at least, he knew had been a conspicuous advocate of that treaty— hoped that gentleman (Mr. [illegible]) would inform the committee [illegible] over the constitutional objection [illegible] article of the treaty of London, which he had endeavoured to urge against that under discussion. How could the gentleman, with the opinion which he now holds, agree to admit British bottoms into certain ports, on the same terms on which American bottoms were admitted into American ports, generally? Thereby making that very difference,—giving that very preference to these particular ports of certain states, which he tells us cannot constitutionally be given to the port of New Orleans—although that port is not within any state, and if his (Mr. Griswold's) doctrine be correct, not even within the United States.

The gentleman from Connecticut professed a wish that this important discussion should be conducted with moderation and candor. In this sentiment he concurred—he was therefore altogether unprepared, after this preamble, to hear the gentleman from Connecticut represent the treaty in question as conceding the most valuable commercial privileges to France and Spain, and thereby sapping the very foundation of our own carrying trade. In the spirit of candor, the stipulations in question would be viewed, not as conceding advantages in trade to those nations, but as securing them to ourselves. The article in question did indeed profess to grant, for a limited time, to French and Spanish vessels, laden with the products of their respective countries, admission into the ports of the ceded territory, on equal terms with our own ships. But although, nominally an advantage has been conceded to these nations, substantially their situation was changed for the worse, and the benefit in fact conferred on us. For what were our rights in these ports, and what were theirs, setting aside the treaty? The treaty then had rendered our situation more eligible and theirs less so. How then could gentlemen declare that it was calculated to injure our carrying trade? When by it our trade was put on the footing of absolute security—whilst that of France and Spain was admitted under considerable restrictions, enjoying in but one particular, and for twelve years only an equality with ours. Their trade, before on so superior a footing, had descended from its pre-eminence in privilege, and given way to ours. And yet gentlemen warn us of the destruction of our carrying trade, and commercial prosperity, from the very source which has enlarged and secured both. The enemies of the treaty, therefore, are the advocates of the trade of France and Spain, and the enemies, so far, of our own. Since by retaining things in their present posture, they would continue to those nations the superior advantages which they now enjoy in the ports of Louisiana, they would continue the restrictions which heretofore have fettered our commerce to that country, and they would refuse to put our trade on a footing superior to that of France and Spain.

But whilst gentlemen endeavor to alarm us with the idea of this formidable competition, I cannot, Sir, (said Mr. R.) feel a moment's apprehension from this quarter. Exclusive of the limitation of twelve years, and the restriction that their cargoes shall be of French or Spanish growth or manufacture, who, that considered the present condition and future prospects of those countries could regard them as formidable commercial competitors? Was there not infinitely greater probability that the 3d article of the treaty of London, which had no limitation as to time, and embraced our whole frontier on the side of Canada, would enable Great-Britain to supply that frontier on terms as cheap, or cheaper, than we ourselves could?

With more candor, however, the gentleman has boldly avowed that he was among the number of those who, at the last session of Congress, were for pursuing "vigorous measures," for enforcing our rights in relation to the Mississippi. What those vigorous measures were the House would be at no loss to determine. The gentleman had disdained to deny his principles—he would not now shrink from what he had then advocated, and Mr. R. said he applauded him for it.

Mr. Randolph said the gentleman had laid his premises a great way off, as if from the expectation that they would not be closely examined, and that, therefore, there would be nothing to oppose to the conclusions which he had drawn from them. He had stated a case scarcely supposable, and from it inferred the very principle in question. His whole argument was founded on presuming the very principle to be granted which was in dispute. The United States, says he, cannot incorporate into the union Great-Britain or France; and therefore they cannot unite to themselves the colonies of either nation. If the gentleman meant to prove the impolicy or impracticability of adding France or England to the United States, no one, he believed, was disposed to question the justice of his remark. But the position in contest was, can the United States, constitutionally, extend their limits? And this point in dispute the gentleman takes for granted by saying, that we cannot extend our dominion over England or France, and therefore cannot acquire dominion in any other country. That is, we cannot, because we cannot.

On the subject of expediency, the gentleman had undervalued the country west of the Mississippi, and had declared that he considered the barren province of Florida as more important to us. Mr. R. asked if the country west of the Mississippi were not valuable, according to the gentleman's own statement, since it afforded the means of acquiring Florida, which he prized so highly, from Spain. He had no doubt of the readiness of that power to relinquish Florida, in itself a dead expence to her—only valuable as an out-work to her other possessions, and now insulated by those of the United States, for a very small portion of the country which we claimed in virtue of the treaty under discussion. He said that he stated early in the debate, and had stated truly, that the limits of Louisiana were not accurately defined—but nevertheless, we were not without some light on this interesting subject. Thirty years before the Spaniards made their settlement of the Adais, the French had established themselves on the bay of St. Bernard, or St. Louis: the nearest Spanish colony being then on the river Panuco, 100 leagues to the west. The great river of the north as nearly equi-distant between the Panuco and bay of St. Bernard was, on the principle generally admitted by European nations forming establishments in savage countries, considered by France, as the boundary between French and Spanish America; and accordingly we find it so laid down in many of the old maps. This boundary would embrace within the limits of Louisiana some very valuable dominions of Spain, including the rich mines of St. Barbe, and the city of Santa Fe, the capital of New Mexico. On the other hand, in virtue of her settlement of the Adais, Spain might claim the country as far east as the river Mexicana, and to the highlands dividing the waters of the north river from those of the Mississippi. Beyond them she could have no color of claim. In settling this important barrier there were ample materials for the acquisition of Florida, still retaining to ourselves all the country watered by the Mississippi.

Another gentleman from Connecticut (Mr. Dana) had declared that if the inhabitants of the ceded territory were now, or should hereafter be, admitted into the union, it would be a violation of that clause of the constitution which relates to the establishment of an uniform rule of naturalization, since those people will be converted from foreigners to citizens, not in the mode prescribed by our naturalization law. Mr. Randolph wished to know in what manner the subjects of Great-Britain, settled around our western posts, were admitted to the privilege of citizenship? Whether it was not done by treaty, and not in the mode prescribed by law? How did the people at Natchez become entitled to the rights of citizens? Although born out of our allegiance, the moment our government was established over them, did they not possess, of right, a security for their lives and property? Could they not demand trial by jury in case of criminal prosecution? When he spoke of their acquiring the rights of citizens, (Mr. Randolph said) he did not mean in the full extent in which they were enjoyed by citizens of any one of the particular states; since they possessed not the right of self-government—but those rights of personal liberty, of personal security and of property, which were among the dearest privileges of our citizens. A stipulation to incorporate the ceded country does not imply that we are bound ever to admit them to the unqualified enjoyment of the privileges of citizenship. It is a covenant to incorporate them into our union, not on the footing of the original states, or of states created under the constitution, but to extend to them, according to the principles of the constitution, the rights and immunities of citizens; being those rights and immunities of jury trial, liberty of conscience, &c. which every citizen may challenge, whether he be a citizen of an individual state, or of a territory subordinate to and dependent on those states in their corporate capacity. In the mean time they are to be protected in the enjoyment of their existing rights. There is no stipulation, however, that they shall ever be formed into one or more states.

He denied the correctness of the doctrine advanced by the same gentleman, that the stipulation entered into by France, in time of war, to raise the duke of Parma to the throne of Etruria, bound her to obtain a recognition of that king from every power of Europe. All which concerned us in that treaty had been recited in ours with France. By the treaty of St. Ildefonso his Catholic Majesty stipulates "to redeliver *(retroceder)* 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"—What these stipulations were is certainly known only to the parties themselves, for they never were officially