an opportunity of sounding the dispositions of the inhabitants and of the Indians in the vicinity, in order to judge what effect the change will have upon them. These are wise precautions which our government, I presume, would take, even if they could be most certain that the delivery would be voluntary and peaceable on the part of Spain, and therefore afford no color for the presumption that they expect or intend to use violence. The bill before us is drawn up in terms which are at the same time consistent with our late treaty, and perfectly well calculated to secure our interests, for it does not authorise payment of the Stocks until after complete possession of the territory. Timely arrangements, which a law only can warrant, ought to be made for preparing the forms of certificates and for creating the stock, that every thing depending on us may be ready; and where can the discretionary power of transferring it in payment be so well vested, as with the President, who will certainly be the first to know when we have received the valuable consideration for it, viz. actual possession. When this event happens, Congress, who the honorable gentleman thinks, should be the only judge and sole depositary of this power, may possibly not be in session, and in this case upon his plan, our plighted faith would be violated, our acquisition of the country jeopardized, and our right to it lost.—If we thus seasonably take all the preliminary steps for complying with our stipulations, and obstacles should nevertheless exist to the attainment of our object, it will be seen and known that they are not of our creation, but that we stand ready to fulfil all the engagements on our part, as I trust we shall be to compel it, if there be need, on the part of others.

Mr. TAYLOR. There have been, Mr. President, two objections made against the treaty; one that the United States cannot constitutionally acquire territory; the other, that the treaty stipulates for the admission of a new state into the union; a stipulation, which the treaty making power is unable to comply with. To these objections I shall endeavor to give answers not heretofore urged.

Before a confederation, each state in the union possessed a right, as attached to sovereignty, of acquiring territory, by war, purchase or treaty. This right must be either still possessed, or forbidden both to each state and to the general government, or transferred to the general government. It is not possessed by the states separately; because war and compacts with foreign powers and with each other, are prohibited to a separate state; and no other means of acquiring territory exist. By depriving every state of the means of exercising the right of acquiring territory, the constitution has deprived each separate state, of the right itself. Neither the means or the right of acquiring territory are forbidden to the United States; on the contrary, in the fourth article of the constitution, Congress are empowered "to dispose of and regulate the territory belonging to the United States." This recognizes the right of the United States to hold territory. The means of acquiring territory consist of war and compact; both are expressly surrendered to Congress and forbidden to the several states; and no right in a separate state to hold territory without its limits, is recognised by the constitution, nor any mode of effecting it possible, consistent with it. The means of acquiring and the right of holding territory, being both given to the United States, and prohibited to each state, it follows that these attributes of sovereignty, once held by each state, are thus transferred to the United States; and that if the means of acquiring and the right of holding, are equivalent to the right of acquiring territory, then this right merged from the separate states to the United States, as indispensibly annexed to the treaty making power, and the power of making war; or indeed is literally given to the general government by the constitution.

Having proved, Sir, that the United States may constitutionally acquire, hold, dispose of and regulate territory, the other objection to be considered is, whether the third article of the treaty does stipulate, that Louisiana shall be erected into a state. It is conceded that the treaty making power, cannot by treaty erect a new state, however they may stipulate for it. I premise, that in the construction of this article, it is proper to recollect, that the negociators must be supposed to have understood our constitution; it became very particularly their duty to do so, because in this article itself, they have recited "the principles of the constitution" as their guide; hence it is obvious, that they did not intend to infringe, but to adhere to those principles; and therefore if the article will admit of a construction, consistent with this presumable knowledge and intention of the negociators, the probability of its accuracy will be greater, than one formed in a supposition, that the negociators were either ignorant of that, which they ought to have known; or that they fraudulently professed a purpose, which they really intended to defeat. The following construction is reconcileable with what the negociators ought to have known, and with what they professed to intend.

Recollect, Sir, that it has been proved, that the United States may acquire territory. Territory so acquired, becomes from the acquisition itself a portion of the territories of the United States, or may be united with their territories, without being erected into a state. An union of territory is one thing; of states another. Both are exemplified by an actual existence. The United States possess territory, comprised in the union of territory, and not in the union of states. Congress are empowered to regulate or dispose of territorial sections of the union, and have exercised the power; but they are not empowered to regulate or dispose of state sections of the union. The citizens of these territorial sections, are citizens of the United States, and they have all the rights of citizens of the United States; but such rights do not include those political rights arising from state compacts or governments, which are dissimilar in different states. Supposing the general government or treaty making power, have no right to add or unite states and state citizens to the union, yet they have a power of adding or uniting to it territory, and territorial citizens of the United States.

The territory is ceded by the first article of the treaty; it will no longer be denied that the United States may constitutionally acquire territory. The third article declares that "the inhabitants of the ceded territory shall be incorporated in the union of the United States." And these words are said to require the territory to be erected into a state. This they do not express, and the words are literally satisfied, by incorporating them into the union as a territory, and not as a state. The constitution recognizes, and the practice warrants, an incorporation of a territory and its inhabitants into the union, without admitting either as a state. And this construction of the first member of the article, is necessary to shield its two other members, from a charge of surplusage, and even of absurdity. For if the words "the inhabitants of the ceded territory shall be incorporated in the union of the United States" intended that Louisiana and its inhabitants should become a state in the union of states, there existed no reason for proceeding to stipulate, that these same inhabitants should be made "citizens as soon as possible, according to the principles of the federal constitution." Their admission into the union of states, would have made them citizens of the United States. Is it not then absurd to suppose, that the first member of this third article, intended to admit Louisiana into the union, as a state, which would instantly entitle the inhabitants to the benefit of the article of the constitution, declaring, that "the citizens of each state shall be entitled to all privileges and immunities of citizens in the several states," and yet to have gone on to stipulate for citizenship, under the limitation "as soon as possible, according to the principles of the federal constitution" after it had been bestowed without limitation? Again; the concluding member of the article is to bestow "protection in the mean time;" incorporating this stipulation, and the stipulation for citizenship, with the construction which accuses the treaty of unconstitutionality, the article altogether must be understood thus, "the inhabitants of the ceded territory shall be taken into the union of states, which will instantly give them all the rights of citizenship; after which they shall be made citizens as soon as possible; and after they are taken into the union of states, they shall be protected in the interim between becoming a state in the union, and being made citizens, in their liberty, property and religion."

By supposing the first member of the article to require that the inabitants and their territory shall be incorporated in the union, in the known and recognized political character of a territory, these inconsistencies are avoided, and the article reconciled to the constitution as understood by the opposers of the bill; the stipulation also for citizenship "as soon as possible" according to the principles of the constitution, and the delay meditated by these words, and the subsequent words "in the mean time" so utterly inconsistent with the instantaneous citizenship, which would follow an admission into the union as a state; are both fully explained. Being incorporated in the union as a territory, and not as a state, a stipulation for citizenship became necessary; whereas it would have been unnecessary, had the inhabitants been incorporated as a state, and not as a territory. And as they were not to be invested with citizenship by becoming a state, the delay which would occur between the incorporation of the territory into the union, and the arrival of the inhabitants to citizenship according to the principles of the constitution, under some uniform rule of naturalization, exhibited an interim, which demanded the concluding stipulation, for "protection in the mean time for liberty, property and religion." As a state of the union, they would not have needed a stipulation for the safety of their "liberty, property and religion;" as a territory, this stipulation would govern and restrain the undefined power of Congress to make "rules and regulations for territories."

If my construction is correct, all objections to the treaty and to this bill for fulfilling it, on the ground of unconstitutionality, are unfounded. The three distinct members of the third article, will be each separately and distinctly complied with; first, by an incorporation of the territory and its inhabitants in the union, as a territory. Secondly, by admitting them to all the rights of citizens of the United States, under some uniform rule of naturalization—and thirdly, by protecting their liberty, property and religion, by "rules and regulations" to be "in the mean time" enacted by congress under a constitutional power extending to territories, but not to states.

To prove the treaty unconstitutional, a member from Massachusetts, (Mr. Pickering) has quoted from the 6th article of the constitution these words: "This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land;" and he has reasoned upon the ground, that the words "in pursuance thereof" referred to treaties, as well as to laws. But the difference between the phraseology in relation to laws and to treaties is plain and remarkable; laws were to be made "in pursuance of the constitution;" treaties "under the authority of the United States." This difference probably arises from the following consideration. The objects of the legislative power could be foreseen and defined; therefore laws are limited to be made "in pursuance of" the definitions of the objects of legislative power in the constitution. But the objects of the treaty making power could not be foreseen, and are not defined; by confining the treaty making power to a definition of its objects in the constitution, it can never be exercised, if no such definition exists; and by misapplying to the treaty making power, the definitions of legislative power, every right possessed by the latter, would be opened to the former. But if the words "under the authority of the United States" are considered as having been applied to treaties, in place of these—"in pursuance of the constitution," which are applied to laws; because the objects of treaties are not defined; then the treaty making power retains all the political attributes belonging to it, not inconsistent with the principle of agency or subordination, interwoven with our policy in all its parts. Among these, is the right or attribute of acquiring territory. And it was probably the absence of a definition as to the objects of the treaty making power, which suggested the precaution, of checking it by two-thirds of the Senate; thus subjecting it in this body, to the same restraint imposed upon amendments to the constitution.—Whether these observations in relation to the quotation, upon which the gentleman from Massachusetts relied, do or do not prove, that the objects of the treaty making power are undefined by the constitution, and that it is incorrect to condemn this treaty, by applying to it definitions made for legislative power; is immaterial; if the construction I have given of the third article of the treaty is correct; because that construction proves its constitutionality upon the principles contended for by the gentleman himself; and if so, his reasoning founded upon a construction of the constitution, forbidding the erection of new states to the treaty making power, whether right or wrong, vanishes into smoke, as the third article requires no such thing.

(To be continued.)

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES.

FRIDAY, November 4.

A petition of sundry inhabitants of the counties of Albany, Green and Ulster, in the state of New-York, was read, praying that a post-road may be established from the city of New-York, by the way of the towns and villages of Goshen, Kingston, Loonenburg, and Coxsakie, to the city of Albany.

Also, a representation of sundry inhabitants of Eman's and Miller's town, and their vicinity, in the county of Northampton, Pennsylvania, praying an alteration of the present post-road from Lancaster to Bethlehem, so that the same may pass through Eman's and Miller's town, aforesaid.

Ordered, That the said petition and representation be referred to the Post Office Committee.

MONDAY, November 7.

A petition of sundry inhabitants of the state of New-York, was read, stating certain grievances and losses to which a number of the citizens of the said state have been and are now subjected, in consequence of the unjust and oppressive practices committed by collectors appointed under an act intituled "An act to lay and collect a direct tax within the United States;" and submitted to the consideration of Congress sundry propositions for redress therein, which they pray may be adopted; or that such other relief may be offered in the premises as may be best calculated to remedy the evils of which the petitioners complain.

Referred to the Committee of Ways and Means.

Mr Samuel L. Mitchill, from the committee of Commerce and Manufactures, to whom was referred on the first instant, the petition of John Taggart, of the city of Philadelphia, made a report thereon, which was read and considered: Whereupon,

Resolved, That this House doth concur with the Committee of Commerce and Manufactures, in their opinion, that it would be improper to repay the duties on the sugar and molasses specified in the said petition, to the petitioner.

TUESDAY, November 8.

Mr. THOMAS said, he wished to call the attention of the House to a subject in which a portion of our citizens were interested, he alluded to the sugar refiners.

He said, on all loaf sugar imported into the United States, a duty of nine cents per pound was paid, and on all brown sugar two and a half cents—and if either of those articles were re-exported, the re-exporter is entitled to a drawback of the duties—but if the brown sugar was refined in this country and exported in that state, there was no law allowing a drawback of duty.

As there is large quantities of sugar refined by our citizens in the United States, he said, and a considerable part of which would probably be exported, provided the exporter was entitled to a drawback of duty equal to what he had paid on the raw material—and believing a law for this purpose proper, and as a bill did pass that House during the last session of Congress, but which he believed was lost in the Senate, owing to the pressure of business. In order to bring that subject before the House, he begged leave to move the following resolution:

Resolved, That the Committee of Commerce and Manufactures be directed to enquire and report, by bill, or otherwise, whether a drawback of duties ought to be allowed on sugar refined in the United States, and exported to foreign ports or places.

A memorial of sundry inhabitants of the two western counties of the Indiana territory of the United States, whose names are thereunto subscribed, to the same effect with the petitions of other inhabitants of the said two western counties, presented the twenty sixth ultimo, was presented to the House and read.

Ordered, That the said memorial be refered to Mr. Lucas, Mr. Morrow, Mr. Chittenden, Mr. Lyon and Mr. Claggetet.

WEDNESDAY, November 9.

A petition of the mayor, alderman, and assistants of the city of Natchez, in the Mississippi territory of the United States, in Common Council assembled, was read, praying that Congress will confirm to the petitioners, the title of such lots and land, for the use of the said city, as may be found vacant within the present limits thereof.

Referred to Mr. Lattimore, Mr. Alston, and Mr. Stedman.

A petition of John Hunter, of the county of Fairfax, Virginia, was read praying the liquidation and settlement of a claim for seven months rent of a house the property of the petitioner, to John Fitzgerald, naval officer of the customs for the district and port of Alexandria, in the year one thousand seven hundred and ninety nine; the said Fitzgerald having died insolvent, in debt to the United States, and his property seized and taken for their use.

Referred to the Committee of Claims.

Ordered, That the representation of William M'Auley and John M'Jimsey, in behalf of the ministers and elders of the associate reformed church in North America, presented the twenty second of February last, be referred to the Committee of Commerce and Manufactures.

The Speaker laid before the House, sundry depositions and other papers transmitted from the counties of Botetourt and Amherst, in the state of Virginia, relative to the contested election of Thomas Lewis and Thomas M. Randolph, two of the members returned to serve in this House for the said state, which were ordered to be referred to the Committee of Elections.

THURSDAY, November 10.

A petition of David Valenzin, a citizen of Venice, and a subject of the emperor of Germany, merchant, was read, praying compensation for losses and injuries sustained in his person and property in consequence of the capture of an imperial polacre near the port of Valletta, by the United States schooner Enterprise commanded by lieutenant Sterrett, some time in the year one thousand eight hundred and two.

Ordered, That the said petition, together with the petition of Peter Charles L'Enfant, presented the nineteenth of February, 1801, and two reports of the Committee of Claims thereon, made the 15th of April 1802, and 17th of February 1803, as also, the petition of Shandy Yard, a free negro, presented the second of March last, be referred to the Committee of Claims.

A petition of sundry inhabitants of Hallowell, Augusta and the neighbouring towns in the county of Kennebec, Massachusetts, was read, praying that a post road may be established from the town of Brunswick in the county of Cumberland, to pass through the towns of Topsham, Bowdoin, Litchfield, Gardiner and Hallowell to the town of Augusta, in the said state.

Also a petition of sundry citizens of the county of York, Pennsylvania, praying that no alteration may be made in the post road at present established by law from the city of Philadelphia by the way of Lancaster, Columbia, Yorktown, Carlisle, &c. to Pittsburgh, in the said state.

Refrered to the Post Office Committee.

A memorial of Thomas Ketland, of Philadelphia, was read, praying to be allowed a drawback of the duties on a quantity of sugar and coffee, imported from Batavia, in the East Indies, in the ship Washington, the property of the memorialist and other citizens of the United States therein named, some time in the month of June, 1801, and since exported from the port of Philadelphia, in other vessels to Europe; which drawback of duties has been hitherto refused in consequence of a construction given, by the officers of the customs at the said port of Philadelphia, to an act of Congress passed on the thirteenth of May 1800.

Ordered, That the said memorial, together with the petitions of sundry inhabitants within the district of Waldoborough, in the state of Massachusetts, and of sundry inhabitants residing on the westerly bank of Dammariscotta river, in the said state, presented the 24th of December, 1802, and 21st of February last, be referred to the Committee of Commerce and Manufactures.

Mr. John Cotton Smith, from the Committee of Claims, to whom was referred, on the ninth inst. the petition of John Hunter, made a report thereon, which was read and ordered to be referred to a committee of the whole House, on Monday next.

Resolved, That the Committee of Commerce and Manufactures be directed to enquire into the expediency of exempting pilots from paying hospital money for their apprentices; and that they have power to report by bill or otherwise.

FRIDAY, November 11.

A petition of sundry inhabitants of the town of New-Shoreham, Rhode Island, was read, praying that the bounty allowed by law to vessels carrying on the cod fishery of the United States, may be extended, under such regulations as to the wisdom of Congress shall seem meet, to certain open boats under the burthen of ten tons, the property of the petitioners, and employed by them in taking cod fish on the waters near Block Island, in the said state.

Referred to the committee of Commerce and Manufactures.

MONDAY November 14.

Mr. Samuel L. Mitchill, from the committee of commerce and manufactures, to whom was referred on the 9th inst. the petition and representation of William M'Auley and John M'Jimsey, in behalf of the ministers and elders of the associate reformed church in North America, presented the 22d of February last, made a report thereon, which was read and considered: Whereupon,

Resolved, That the petitioners have leave to withdraw their said petition and representation.

A memorial of sundry inhabitants of the counties of Ulster, Greene and Albany, New York, was read, praying that a post road may be established from the town of Kingston, to pass through the towns or villages of Sagerties, West-Camp, Athens, Esparanza, Coxsackie landing, Baltimore and Coeyman's, to the city of Albany, in the said state.

Referred to the post office committee.

A petition of Andrew Moore, of Virginia, was read, complaining of an undue election and return of Thomas Lewis, to serve as a member in this House, for the district composed of the counties of Greenbrier, Kanawha, Monroe, Botetourt and Rockbridge, in the said state.

Referred to the Committee of Elections.

A petition of John Edgar, of the county of Randolph, in the Indiana territory, was read, praying that Congress will consider and ultimately decide in such manner as to their wisdom shall appear equitable and proper, on his petition presented the eighth of February last, in the case of a claim for the reimbursement of a certain sum of money to the petitioner, for the amount of sundry articles of merchandize furnished by him for the safety of the settlements between Kaskaskias and Kahokia, from the hostile incursions of several tribes of Indians:

Ordered, That the said petition, together with the petition of John Whitney,