whole. But he was averse to referring it to a secret committee; as he did not perceive its connection with any subject that required secrecy. The discussion on it ought, in his opinion, to be public. It was not necessary for him to repeat that it was of a pressing nature. It respected the obtaining information on a subject, he would say, of greater importance than any which could come before Congress that session. One third of the session was gone, and yet the legislature had no information before them. He hoped there was no disposition entertained by gentlemen to embarrass this proposition with points unconnected with it. The proposition was extremely simple. Called upon by the President to legislate on the subject of the cession of Louisiana, we do not know the precise state of that cession. To legislate correctly, we want to be informed of all the circumstances. If gentlemen are disposed to deny us this information, let the denial be public. Do not let them refer this motion to a secret committee, where they may deny us the information we ask, on reasons which we cannot divulge. Mr. G. concluded by calling for the yeas and nays.

Mr. S. Smith asked if this were not the precise motion decided yesterday by the House? He thought it had been referred to a committee of the whole. He had considered it as having taken that course. When we go into committee the gentlemen will see whether we shall refuse them the information. Perhaps we shall see that it is of such a nature as we ought to possess. He did not himself know how that was; nor did he mean to commit himself by any remarks which he had made. He trusted gentlemen would remember their vote yesterday, and not suffer themselves to be put out of their course by this extraordinary mode of conducting business.

Mr. Lowndes demanded whether, even if the motion were the same, there was any impropriety in putting it again today; and whether it were not perfectly consistent with the rules of order to go into a committee, and take up the resolution. If there ever were a resolution offered to that house which ought to obtain an unanimous vote, it was that of his honorable friend from Connecticut; which proposes simply the calling for such information as the President might see fit to give on a most important subject, that had excited the sensibility of the whole nation. The President himself, in his message, alludes to the subject as one which may require legislative interposition, and gentlemen persist in refusing us this information. It was a most extraordinary circumstance in the annals of the United States that notwithstanding the magnitude of the cession of Louisiana, the length of time since it was made, and the necessary consequence of having a new and powerful neighbour on our frontier, we had yet no official information on the subject. The President, in his message, really tells us nothing. He says "the cession of the Spanish province of Louisiana to France, which took place in the course of the late war"—This we had been told long before by the public prints, and in a discussion before the British Parliament—But he goes on and says—"will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the legislature connected with that subject."—To this the understanding of every school boy is competent. It was really surprising that gentlemen should wish to reject such a call as this. It was not probable that the President had been so unmindful of his duty, as not to have demanded an explanation through our ministers at the court of Spain, or at Paris. If he has this information, and it is of a nature proper to be known to us, we ought immediately to obtain it, that we may not be slumbering at our posts on an infraction of our rights.

Mr. Lowndes suspected gentlemen had not correctly attended to the resolution. It only requests the President to lay such information before the House as he may think proper. Are gentlemen then afraid to trust to the discretion of the President? Are they apprehensive least he should communicate that which is improper? He hoped they had more confidence in the executive. He thought this call should precede any resolutions. He could not disconnect the shutting of the port of New Orleans from the cession of Louisiana. There appeared to be a natural connection between these two events. He was afraid that the shutting the port was ominous of the disposition of Spain to cede the province to France independently of any incumbrances she may have imposed upon herself. He was afraid France in this transaction would consult her interest and convenience, and not our rights. We well knew the grounds on which that nation interpreted treaties, and we had no reason from that knowledge to repress our fears. An observation of the gentleman from Virginia had given him great uneasiness. That gentleman had told us, if Spain had ceded Louisiana to France, she had a right to cede it. This Mr. Lowndes was not prepared to say. He did not think Spain had a right to give to America what she pleased; much less to give her a new neighbor, under circumstances different from those by which she held the province. He was not, however, then disposed to discuss the abstract question involved in this subject. He trusted the resolution, calling for information, would be agreed to. The House need not fear that in asking this information, they would not speak the sense of the people; and if other measures were necessary, they would also in adopting them speak the sense of the nation.

Mr. Bacon said it was not uncommon to hear of extraordinary occurrences in that House. One mode of reasoning yesterday had great weight, that asserted a connection between the resolution and the subject of New-Orleans, which had been taken up and referred to a committee with closed doors. One subject appeared to him to be not only nearly connected, but to form an essential part of the other. For what purpose this resolution should be separated from the general subject, he could not conceive. Why do we want information, but that we may have a more clear view of the general subject? He could not see any detached purpose for which it was required. Why then divide it into little detached parts? Until he could hear reasons for such a division, he should be against the reference.

Mr. Hemphill observed that the gentleman was mistaken in what passed yesterday. The gentleman from Maryland had first stated the subjects as similar, that ground was afterwards abandoned; and they were considered as distinct. There were only two points connected with the subject before the house in which documents could be required or secrecy necessary. The one related to the cession of Louisiana; the other to the shutting the port of New-Orleans. The former, though not referred to a committee, was as important as the latter, which had been referred. In the last case we deemed it important to have and to request papers. The resolution before them related to the first point; it had been deemed of sufficient importance to refer it to a committee, and this afforded good reasons for calling for papers respecting the cession. He begged leave to refer to the Message, which says the cession "will, *if carried into effect*, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the legislature connected with that subject." The House will perceive that the language of the Message is hypothetical—the words are "if carried into effect"—How then can we deliberate on this subject, unless we know the degree of probability there is that it will be carried into effect? A knowledge of the circumstances necessary to ascertain this, appeared to be absolutely indispensable.

If likely to be carried into effect, the next question is as to the time when it will be carried into effect. When these two enquiries were solved, another naturally offered itself—Is France to take the province subject to existing Treaties? or as she shall receive it at the time of delivery—All these circumstances it was necessary for Congress to know before they could act correctly.

What necessity there was for secrecy in the discussion of this resolution, Mr. Hemphill could not conceive. All the information we have on the subject is contained in the President's Message, which every person in the United States knows as well as we do. It appeared to him that when their deliberations turned on facts which every body knew they ought to be public. His ideas of secrecy were these; that policy might require certain facts to be kept secret for a time; but when made known, their arguments on them ought not to be secret. In this opinion he was strengthened by the rule of the House. [Mr. Hemphill here read the rule on that point which prescribes that the galleries shall be cleared whenever a confidential communication shall be received from the President, or whenever the Speaker, or any other member shall inform the House that he has communications to make which he conceives ought to be kept secret] Mr. Hemphill asked on which branch of this rule could the arguments of gentlemen be predicated—The President had not sent them a confidential communication, nor had any member said he had communications to make which he conceived ought to be kept secret. The information referred to in the rule meant facts, and not arguments drawn from facts. He concluded by saying he saw no occasion whatever for discussing this proposition with closed doors.

Mr. Dawson. The gentleman from South Carolina (Mr. Lowndes) says there is a material connection between the shutting the port of New Orleans and the cession of Louisiana. After then that part of the discussion which related to New Orleans had been ordered to be conducted with shut doors, how proper was it in him to introduce into debate a subject intimately connected with it? His opposition to the present motion did not arise from an indisposition fully to discuss the subject to which it referred; but from an indisposition to delay the discussion of the motion offered by his colleague. Against the present motion he should vote, because it promised nothing useful, and might be mischievous. We have been told this subject is important and pressing. That it was important he felt; but he did not believe it was pressing. He could say, if the time should ever arrive when it became that House to act, this was not the time. When the time did arrive, he was prepared to act. Gentlemen were very anxious on this subject. He rejoiced to witness their anxiety. But he and his friends were not now to hear who were the friends of the western country. The people of that country doubted not the protection of the government. They were warmly attached to the government, and knew that every thing would be done, that ought to be done, to protect and defend their rights.

Mr. Bacon said if he understood the gentleman from Pennsylvania (Mr. Hemphill) he perfectly agreed with him in opinion, that this resolution was connected with the subject of New Orleans. He agreed with him as to their inseparable connection. But the only difference was that they inferred opposite consequences from the same premises. He (Mr. Bacon) contended that the resolution made a part of the general subject, and ought not to be divided from it. They say it ought to be divided.

Mr. Hemphill replied that he had spoken as plainly as he could. He had said the subjects were distinct.

Mr. Goddard. The gentlemen from Massachusetts yesterday told us the call for information ought to be public, though the information itself should be secret. This reasoning had been satisfactory to him then; he had hoped it would have also proved so to day. But it appears that he is now for sending us to a secret committee. Mr. Goddard said in his opinion, the call ought to be public, whatever the nature of the information might be. This information gentlemen will either deny or grant. They say it is not to be denied. Why then go into a committee. And if granted, why not grant it without assigning reasons as well as with assigning them? Are we to be told by the gentleman from Virginia, there is no occasion for this call; that we have information enough. How does that honorable gentleman get his information? If from the Cabinet, are we, the representatives of the people, to obtain it from him? Surely this will be degrading to our characters. We may believe it a true coming from him, but as representatives, we should spurn at receiving it in such a channel. We want official information. But gentlemen say they want to go into secret on this resolution. What will be the good of this? Though he could not say what was done in secret yesterday, yet he might say what had not been done. They had done nothing; and if they went into secret again, the consequence would be the same.

Mr. Randolph felt extremely reluctant to rise in this stage of the discussion, but he deemed it time to repel insinuations so frequently thrown out as perhaps to gain some credit if they were permitted to pass entirely unnoticed—We are averse to take up the motion of the gentleman from Connecticut, and wherefore? Because, as our opponents would fain have it believed, we are insensible to the vast interest affected by the obstruction of the Mississippi? No, sir, because we are alive to this delicate and momentous subject, because we wish to act upon it; because we wish to go into committee on the confidential message of the executive, because the information required by the motion before you is not necessary to determine us in the course which we ought; and, I trust, will pursue; and because these various preliminary questions, whatever be their object, are, in effect, only calculated to retard and to embarrass the decision of the house on this great question. Sir, I am content that gentlemen should repeat after each other the trite observations which have been so often reiterated of the magnitude of the object in question. I am content that they should make the best possible display of their ardor on this occasion. But wherefore this exhibition of a zeal so inordinate as to arrogate to itself all sensibility to the national welfare? Since gentlemen insist upon it, since they provoke the discussion, I must request to be indulged in some remarks on the history of this subject. And in reply to the gentleman from Connecticut, (Mr. Goddard) I must be permitted to observe that such of my information as may have been derived from the executive is equally accessible to every member of this house, and I believe to every reputable citizen in the union, who chooses to apply for it. That however which I am about to present is derived from a source accessible to the whole world. It is to be found in a document of inestimable value, (the debates of the Virginia convention in 1788,) and might truly be said to be official. It is an account given in his official character of member of Congress and under the old confederation, by that able and eminent man, that faithful and illustrious public servant, the late governor of Virginia, to the convention of that state at their requisition. At his own suggestion the legislature of the state had declined to insist upon it: To the convention it was given (however reluctantly) as to a paramount authority—(here Mr. Randolph read Mr. Monroe's Speech.)

After some desultory conversation, Mr. Monroe spoke as follows: Mr. Chairman—My conduct respecting the transactions of Congress, upon this interesting subject, since my return to the State, has been well known to many worthy Gentlemen here—I have been often called upon before this, in a public line, and particularly in the last Assembly, whilst I was present, for information of these transactions; but have heretofore declined it, and for reasons that were held satisfactory. Being amenable upon the principles of the Federal compact, to the Legislature for my conduct in Congress, it cannot be doubted, if required, it were my duty to obey their directions; but that honorable body thought it best to dispense with such demand—The right in this Assembly is unquestionably more complete, having powers paramount to that;—but even here I could wish it had not been exerted as I understand it to be, by going into committee for that purpose.—Before, however, I enter into this subject, I cannot but observe, it has given me pain to hear it treated by Honorable Gentlemen in a manner that has appeared not altogether free from exception. For they have not gone into it fully, and given a proper view of the transaction in every part, but of those only which preceded and were subsequent to that, which has been the particular object of enquiry; a conduct that has seemed too much calculated to make an impression favorable to their wishes in the present instance. But in making this observation, I owe it to those Gentlemen to declare, that it is my opinion such omission has proceeded not from intention, but their having forgotten facts or to some cause not obvious to me, and which I make no doubt they will readily explain.

The policy of this State respecting this river has always been the same. It has contemplated but one object, the opening it for the use of the inhabitants, whose interest depended on it—and in this, she has, in my opinion, shewn her wisdom and magnanimity. I may, I believe, with propriety say, that all the measures that have at any time been taken by Congress for that purpose, were adopted at the instance of this State.—There was a time, it is true, sir, when even this state, in some measure abandoned the object, by authorising its cession to the court of Spain. But let us take all circumstances into view, as they were at that time, and I am persuaded it will by no means shew a departure from this liberal and enlightened system of policy, although it may manifest an accommodation to the exigencies which pressed on us at the time—The Southern states were overrun and in possession of the enemy.—The Governments of South-Carolina and Georgia were prostrate, and opposition there at an end.—North Carolina made but a feeble resistance; and Virginia herself was greatly harrassed by the enemy in force at that time in the heart of the country, and by impressments for her own and the defence of the Southern states.—In addition to this, the finances of the United States were in a deplorable condition, if not totally exhausted; and France our ally seemed anxious for peace; and as the means of bringing the war to a more happy and speedy conclusion; the object of this cession was the hopes of uniting Spain in it with all her forces. If I recollect aright too at this moment, the Minister of the United States at the Court of Madrid, informed Congress of the difficulty he found in prevailing upon that Court to acknowledge our independence, or take any measure in our favor, suggested the jealousy with which it viewed our settlements in the Western Country, and the probability of better success, provided we would cede the navigation of this river, as the consideration. The latter circumstances were made known to the Legislature, and they had their weight. All inferior objects must yield to the safety of the society itself. A resolution passed to that effect. An act of Congress likewise passed, and the Minister of the United States had full authority to relinquish this valuable right to that Court, upon the condition above stated. But what was the issue of this proposition? Was any treaty made with Spain that obtained an acknowledgment of our independence, although at war with Great-Britain, and such acknowledgment would have cost her nothing? Was a loan of money accomplished? In short, does it appear that even Spain herself thought it an object of any importance? So soon as the war ended, this resolution was rescinded. The power to make such a treaty was revoked. So that this system of policy was departed from, only for a short time, for the most important object that can be conceived, and resumed again as soon as it possibly could be.

After the peace, it became the business of Congress to investigate the relation of these states to the different powers of the earth, in a more extensive view than they had hitherto done, and particularly in the commercial line; and to make arrangements for entering into treaties with them on such terms as might be mutually beneficial for each party. As the result of the deliberations of that day, it was resolved, "That commercial treaties be formed, if possible, with said powers, those of Europe in particular, Spain included upon similar principles, and three Commissioners, Mr. Adams, Mr. Franklin, and Mr. Jefferson, be appointed for that purpose."—So that an arrangement for a treaty of commerce with Spain had already been taken. Whilst these powers were in force, a representative from Spain arrived, authorised to treat with the United States on the interfering claims of the two nations, respecting the Mississippi, and the boundaries and other concerns wherein they were respectively interested.—A similar commission was given to the Honorable the Secretary of Foreign Affairs, on the part of the United States, with these ultimata, "That he enter into no treaty, compact or convention whatever, with the said representative of Spain, which did not stipulate our right to the navigation of the Mississippi, and the boundaries as established in our treaty with Great-Britain."—And thus the late negociation commenced, and under auspicies, as I supposed, very favorable to the wishes of the United States; for Spain had become sensible of the propriety of cultivating the friendship of these states.—Knowing our claim to the navigation of this river, she had sent a Minister hither principally to treat on that point—and the time would not be remote when, under the increasing population of that country, the inhabitants would be able to open it, without our assistance or her consent. These circumstances being considered, was it not presumable she intended to make a merit of her concession to our wishes and to agree to an accommodation upon that subject, that would not only be satisfactory, but highly pleasing to the United States? But what was the issue of this negociation? How was it terminated? Has it forwarded the particular object in view, or otherwise promoted the interests and the harmony of the states, or any of them? Eight or ten months elapsed without any communications of its progress to Congress. At length a letter was received from the Secretary, stating that difficulties had arisen in his negotiation with the representative of Spain, which, in his opinion, should be so managed, as that even their existence should remain a secret for the present, and proposing that a Committee be appointed with full power to direct and instruct him in every case relative to the proposed treaty. As the only ultimata in his instructions respected the Mississippi and the boundaries, it readily occurred that these occasioned the difficulties alluded to, and were these he wished to remove. And for many reasons this appeared at least to me an extraordinary proposition. By the Articles of Confederation nine states are necessary to enter into treaties. The instruction is the foundation of the treaty; for if it is formed agreeable thereto, good faith requires that it be ratified. The practice of Congress hath also been always, I believe, in conformity to this idea. The instructions under which our commercial treaties have been made were carried by nine States. Those under which the Secretary now acted were passed by nine states. The proposition then would be, that the powers which under the Constitution nine states only were competent to, should be transferred to a committee, and the object thereby to disengage himself from the ultimata already mentioned in his existing instructions. In this light the subject was taken up, and on these principles discussed. The Secretary, Mr. Jay, being at length called before Congress to explain the difficulties mentioned in his letter, presented to their view the project of a treaty of commerce, containing, as he supposed, advantageous stipulations in our favor, in that line; in consideration for which we were to contract to forbear the use of the navigation of the river Mississipi for the term of twenty-five or thirty years, and earnestly advised our adopting it. The subject now took a decided form; there was no further ambiguity in it, and we were surprised for reasons that have been already given, that he had taken up the subject of commerce at all. We were greatly surprised it should form the principal object of the project, and that a partial or temporary sacrifice of that interest, for the advancement of which the negotiation was set on foot, should be the consideration proposed to be given for it. But the Honorable Secretary urged, that it was necessary to stand well with Spain; that the commercial project was a beneficial one, and should not be neglected; that a stipulation to forbear the use contained an acknowledgment, on her part of the right in the United States; that we were in no condition to take the river, and therefore gave nothing for it; with other reasons which perhaps I have forgotten; for the subject in detail has nearly escaped my memory. We differed with the Honorable Secretary almost in every respect. We admitted indeed the propriety of standing well with Spain, but supposed we might accomplish that end at least on equal terms. We considered the stipulation to forbear the use, as a species of barter, that should never be countenanced in the councils of the American states, since it might tend to the destruction of the society itself; for a forbearance of the use of one river, might lead unto more extensive consequences, to that of the Chesapeake, the Potowmack, or any other of the rivers that emptied into it. In short, that the councils of the confederacy should be conducted with more magnanimity and candour, should contemplate the benefit of all parts upon common principles, and not the sacrifice of one part for that of another. There appeared to us a material difference between stipulating by treaty to forbear the use, and not being able to open the river. The former would be considered by the inhabitants of the Western Country as an act of hostility; the latter might be justified by our inability. And with respect to the commercial part of the project, we really thought it an ill advised one, on its own merits solely.

Thus was this project brought before Congress, and so far as I recollect, in this form, and upon these principles. It was the subject of tedious and lengthy discussion in that honorable body. Every distinct measure that was taken I do not now remember, nor do I suppose it of consequence. I have shewn the outlines of the transaction, which is, if I apprehend rightly, all that the committee wish to possess. The communications of the Secretary were referred to a committee of the whole House. The Delegates of the seven eastermost states voted that the ultimata in the Secretary's instructions, be repealed; which was reported to the House, and entered on the journal by the Secretary of Congress, that the question was carried. Upon this entry, a constitutional question arose to this effect; "Nine states being necessary, by the Federal Constitution, to give an instruction, and seven having repealed a part of an instruction so given, for the formation of a treaty with a foreign power, so as to alter its import, and authorise, under the remaining part thereof, the formation of a treaty, on principles altogether different from what the said instruction originally contemplated, can such remaining part be considered as in force and constitutionally obligatory?" We pressed on Congress for a decision on this point then, but without effect. Notwithstanding this, I understood it was the intention of the Secretary to proceed and conclude a treaty, in conformity to his project, with the Minister of Spain. In this situation I left Congress: What I have since heard, belongs not to me to discover. Other Gentlemen have more complete information of this business, in the course it has taken, than I can possibly have been able to obtain: For having done my duty whilst there, I left it for others who succeeded me to perform theirs, and I have made but little further enquiry respecting it. The animated pursuit that was made of this object, required, and I believe received, as firm an opposition. The Southern states were on their guard, and warmly opposed it. For my part, I thought it my duty to use every effort in Congress for the interest of the Southern states. But so far as it depended on me, with my official character it ceased. With many of those Gentlemen, to whom I always considered it as my particular misfortune to be opposed, I am now in habits of correspondence and friendship; and I am concerned for the necessity which has given birth to this relation.

Whether the Delegates of those states spoke the language of their constituents; whether it may be considered as the permanent interest of such states to depress the growth and increasing population of the Western Country, are points which I cannot pretend to determine. I must observe, however, that I always supposed it would, for a variety of reasons, prove injurious to every part of the