you will please to observe, that the instructions given to my predecessors direct, that "no bills shall be paid without letters of advice, that no partial payments can be made, and that they (the claimants) must draw for the whole sum due to them, in one set of exchange.

If you shall hereafter be disposed to make sale of your award, or of the payments which may remain due upon it, it will be necessary for you to join in proper authorities to the person or persons you may see fit to employ for that purpose, whether it may be myself or any other; and if you should desire the award to be assigned and delivered over by me to any agent for this or any other purpose, you will please to give me your explicit directions to that effect.

It is probable that since the commencement of our claims, in many cases partial, or entire assignments or transfers of the property may have been made, and several of the original claimants may have deceased; in all these cases, it will be necessary that I be duly advised by the party or parties surviving of those originally interested, of such assignments or transfers, and that regular notifications be sent to me by the legal representatives of those deceased.

Your very obedient servant, &c.

P. S. Though foreign to the immediate purposes of this letter, it may not, however, be improper to inform you, that the various opportunities which this place offers for the profitable employment of money as well as circumstances attached to the nature of this instrument, render it improbable that your award could be sold without a single sacrifice in premium or discount; it is impossible to lay with any degree of accuracy, what allowances of this sort it will be necessary to make to a purchaser—it must be varied by circumstances. You may not expect to convert it into cash under a discount from 7 to 10 per cent. besides a deduction of the interest upon the several instalments at 5 per cent. you will observe, that interest at the rate of 6 per cent. has been allowed to you by the board, so that adding the commissions on the sale, you may estimate on the net deduction, at the utmost at 10 to 12 per cent. and after one instalment shall have been paid, it may be expected that the confidence of purchasers will be encreased, and proportionably better terms be obtained.

OF DEMARARA.

Capt. Moody, who arrived at Portland on Monday last, in 17 days from St. Eustatia, was informed there by a by a gentleman direct from Demarara, that the British had landed 15,000 troops near that place for the purpose of attacking it.

CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, *October 24th*, 1803.

LOUISIANA TREATY.

Call for papers.

Mr. GRISWOLD said that by adverting to the message of the President respecting the treaty and conventions lately concluded between the United States and the French government, he found that the President, speaking on the subject observes "as permanent arrangements for this object require time and deliberation, it is for your consideration whether you will not forthwith make such temporary provisions for the preservation, in the mean while, of order and tranquility in the country, as the case may require"—He recommends to the immediate attention of Congress the passage of some temporary laws. This being the case, and the subject being about to be brought before the House, it became important that they should know distinctly what they had obtained by the Treaty; and whether there were any territory belonging to the United States to take possession of, or any new subjects to govern. Inasmuch as if no new territory or subjects were acquired, it was perfectly idle to pass even temporary laws for the occupation of the one, or the government of the other. He believed it would be admitted that by the express terms of the treaty the United States had neither acquired new territory or new subjects. The part of the Treaty, having relation to this point, is thus expressed:

"Whereas, by the article the third of the treaty concluded at St. Ildefonso, the 9th Vendemaire, an. 9 (1st October 1800) between the First Consul of the French Republic and his Catholic Majesty, it was agreed as follows;

"His Catholic Majesty promises and engages on his part, to cede 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, with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states"—And whereas, in pursuance of the treaty, and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of the said territory: 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 appurtenances, 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."

By this article it appears that in a treaty between Spain and France, Spain stipulated to cede to France upon certain conditions, the province of Louisiana. The treaty between the United States and the French government does not ascertain whether these terms have been complied with by France, or whether the cession has been actually made by Spain to France. All that appears is a promise made by Spain to cede. If the terms stipulated by France have not been complied with, and Spain has not delivered the province to France, then it results that France had no title, and of consequence that the United States has acquired no title from France. If this be correct, the consequence will be that we have acquired no new territory or new subjects, and that it is perfectly idle to spend time in passing laws for possessing the territory, and governing the people. This point, not being ascertained by the language of the treaty, it may be important to obtain documents that may satisfy the House whether the United States have acquired either new territory or new subjects. In the treaty lately concluded with France, the treaty between France and Spain is referred to; only a part of it is copied. The treaty referred to must be a public treaty. In the nature of things it must be the title deed for the province of Louisiana. The government must have a copy of it. As there is but a part recited, it is evidently imperfect. It becomes, therefore, necessary to be furnished with the whole, in order to ascertain the conditions relative to the duke of Parma; it also becomes necessary to get the deed of cession; for the promise to cede is no cession. This deed of cession, Mr. G. also presumed was in the possession of government. It was also important to know under what circumstances Louisiana is to be taken possession of, and whether with the consent of Spain, as she is still possessed of it. If it is to be taken possession of with her consent, the possession will be peaceable, and one kind of provision will be necessary; but if it is to be taken possession of, in opposition to Spain, a different provision may be necessary. From these considerations he thought it proper in the House to call upon the Executive for information on this point. Other important documents may, perhaps, likewise be in the hands of the President. Hence he considered it his duty, before the House went into a consideration of the resolutions laid on the table, to submit the following resolution:

Resolved, that the president of the United States be requested to cause to be laid before this House, a copy of the treaty between the French republic and Spain, of the first of October 1800, together with a copy of the deed of cession from Spain, executed in pursuance of the same treaty conveying Louisiana to France, (if any such deed exists;) also copies of such correspondence between the government of the United States & the government or minister of Spain (if any such correspondence has taken place) as will show the assent or dissent of Spain to the purchase of Louisiana by the United States,—together with copies of such other documents as may be in the departments of this government tending to ascertain whether the United States have, in fact, acquired any title to the province of Louisiana by the treaties with France, of the 30th of April 1803.

Mr. RANDOLPH hoped the resolution would not be agreed to. He was well apprized of the aspect which it was in the power of ingenuity to give to a refusal, on the part of that House, to require any information which gentlemen might think fit to demand of the Executive, however remotely connected with subjects before them. But the dread of imputations which he knew to be groundless should never induce him to swerve from that line of conduct which his most sober judgement approved. Did he indeed conceive that the nation, or the House, entertained a doubt of our having acquired new territory and people to govern;—could he for a moment believe that even a minority, respectable as to numbers, required any other evidence of this fact than the extract from the treaty which had just been read, he would readily concur with the gentleman from Connecticut in asking of the Executive, whether indeed we had a new accession of territory and of *citizens*, or, as that gentleman had pleased to express himself, *subjects* to govern. He hoped the gentleman would excuse a small variation from his own phraseology, since notwithstanding the predilection which some governments and some gentlemen manifested for this form, Mr. R. asked for himself the use of such as were more familiar to American ears and American constitutions.

The Executive has laid before this House an instrument, which he tells us has been duly ratified, conveying to the United States the country known under the appellation of Louisiana. The first article affirms the right of France to the sovereignty of this territory to be derived under the treaty of St. Ildefonso, which it quotes.—The third article makes provision for the future government, by the United States, of its inhabitants.—And the fourth provides the manner in which this territory and these inhabitants are to be transferred by France to us. There has then been negociated a convention, between us and the French Republic, stating, in the most unequivocal terms, that there does exist on her part a right to the country in question, which is supported by the strongest possible evidence, and pledging herself to put us in possession of that right, so soon as we shall have performed those stipulations, on our part, in consideration of which, France has conveyed to us her sovereignty over this country and people. From the nature of our government, these stipulations can only be fulfilled by laws to the passing of which the legislature alone is competent. And when these laws are about to be passed, endeavors are made to impede, or frustrate, the measure, by setting on foot enquiries which mean nothing, or are unconnected with the subject, and this is done by those, who have always contended that there was no discretion vested in this House by the constitution, as to carrying treaties into effect. If, Sir, gentlemen believe that we must eventually do that which rests with us, towards effecting this object, to what purpose is this enquiry? M. R. begged the House not to impute to him any disposition to countenance this monstrous doctrine, whose advocates now found it so difficult to practise. On the contrary he held in the highest veneration the principle established in the case of the British treaty, and the men by whom it was established, that, in all matters requiring legislative aid, it was the right and duty of this House, to *deliberate*, and upon such deliberation, to afford, or refuse, that aid, as in their judgments the public good might require. And he held it to be equally the right of the House to demand such information from the Executive, as to them appeared necessary to enable them to form a sound conclusion on subjects submitted, by that department, to their consideration. But those who then contended that this House possessed no discretion on the subject, that they were bound implicitly to conform to the stipulations, however odious and extravagant, into which the treaty making power might have plunged the nation;—those who then said that we cannot *deliberate*, are now instituting enquiries to serve as the basis of deliberation—(for if we are not to deliberate upon the result, why institute any enquiry at all?)—enquiries, which are in their very nature deliberation itself. But whilst he arraigned the consistency of other gentlemen, Mr. R. said that it behoved him to assert his own. Information on subjects of the nature of that which they were then discussing, might be required for two objects: to enable the House to determine whether it were expedient to approve a measure which on the face of it carried proof of its impolicy:—or to punish ministers who may have departed from their instructions:—who may have betrayed the interests confided by the nation to their care.

To illustrate this remark, let us advert to the case of the treaty of London, generally known as Mr. Jay's treaty. That instrument had excited the public abhorrence. The objections to carrying it into effect were believed insuperable. This sentiment pervaded the House of Representatives, and when they demanded information from the Executive, they virtually held this language; "Sir, we detest your treaty—we feel an almost invincible repugnance to giving it our sanction—but if, by the exhibition of any information in possession of the Executive, we can be convinced that the interests of the United States have been supported to the utmost extent:—that, wretched as this instrument is, the terms are as good as were attainable; and that, bad as those terms are, it is politic under existing circumstances to accept them, we will, however reluctantly, pass the laws for carrying it into effect. The present case, if he understood any thing of the general sentiment, was, happily, of a different nature. The treaty which they were then called upon to sanction, had been hailed by the acclamations of the nation. It was not difficult to foresee, from the opinions manifested in every quarter, that it would receive the cordial approbation of a triumphant majority of that House. If such be the general opinion—if we are not barely satisfied with the terms of this treaty, but lost in astonishment at the all important benefits which we have so cheaply acquired, to what purpose do we ask information respecting the detail of the negociation? Has any one ventured to hint disapprobation of the conduct of the ministers who have effected this negociation? Has any one insinuated that our interests have been betrayed? If then we are satisfied as to the terms of this treaty, and with the conduct of our ministers abroad, let us pass the laws necessary for carrying it into effect. To refuse—to delay, upon the plea now offered, is to jeopardise the best interests of the union. Shall we take exception to our own title? Shall we refuse the offered possession? Shall this refusal proceed from those who so lately affirmed that we ought to pursue this very object at every national hazard? I should rather suppose the eagerness of gentlemen would be ready to outstrip the forms of law in making themselves masters of this country, than that, now, when it is offered to our grasp, they should display an unwillingness, or at least an indifference, for that which so lately was all important to them. After the message which the President has sent us, to demand, if indeed we have acquired any new subjects, as the gentleman expresses it, which renders the exercise of our legislative functions necessary, would be nothing less than a mockery of him, of this solemn business and of ourselves. Cautionary provisions may be introduced into the laws for securing us against every hazard, altho' from the nature of our stipulations, we are exposed to none. We retain in our own hands the consideration money even after we have possession.

Mr. R. expressed himself averse to demand the Spanish correspondence. The reasons must be obvious to all—The possession of Louisiana by us, will necessarily give rise to negociations between the United States and Spain, relative to its boundaries. These have probably commenced and are now pending. He hoped therefore the House would go into committee on the message of the President, and after resolving to pass the requisite laws, if further information shall be wanting in relation to the *mode* of taking possession, or any other object of detail, the Executive might be called upon to furnish it.

Mr. Lyon said he might have agreed to the resolution offered by the gentleman from Connecticut, had he brought it forward in a respectful manner. But the terms of the motion imply that the executive has made a bargain for that to which we have no right. He wished the gentleman would give a little of that confidence which he had been in the habit of giving so liberally on former occasions. For his part, he was willing to see all the papers. He had no doubt of obtaining possession of Louisiana; and that gentleman might have seen the order of the Spanish government to surrender the province to the French. Mr. Lyon concluded by saying he had only risen to express his sense of the indecency of the motion.

Mr. GODDARD did not intend to enter upon a long discussion of the resolution; but it seemed to him that the reasons of the gentleman from Virginia for opposing it were very erroneous. On what ground was the opposition made? Altogether on the ground that Spain had actually made the cession to France. Mr. G. apprehended no such impression had been made on the House by the information before them. In the first article of the treaty they learned what the title of France was. The treaty says,

"Whereas, by the article the 3d of the treaty concluded at St. Ildefonso, the 9th Vendemiaire, an. 9 (1st October, 1800,) between the First Consul of the French republic and his Catholic majesty, it was agreed as follows:

"His Catholic majesty promises and engages on his part, to cede 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, with the same extent that it now has in the hands of Spain and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states.

"And whereas, in pursuance of the treaty, and particularly of the third article, the French republic has an incontestible title to the domain and to the possession of the said territory. 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, for ever and in full sovereignty, the said territory with all its rights and appurtenances, 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.

Mr. Goddard asked whether the conclusion followed that France had an incontestible title to Louisiana. There was no such evidence. If in virtue of this treaty we purchase a promise on the part of his Catholic majesty to cede, and not an incontestible title, he would ask if the promise constituted a title. France only says, we cede all our title. This, and this only, is the language of the instrument. If this is the case, is it not proper to enquire whether there are other acts by which Spain has ceded Louisiana to France? Such acts may exist. Certain stipulations were made by France to Spain, on which the cession depended. Do we not then wish to know whether these stipulations have been fulfilled and whether they are binding, or whether Spain has waved them. Are there in existence any documents to this effect! It has been hinted that such documents exist in the newspapers; but are we in an affair of this magnitude to be referred to the dictum of a newspaper? He apprehended that this was a novel mode of legislation.

The gentleman from Virginia says that the 4th article of the treaty stipulates for the delivery of the country. That article is to this effect:

"There shall be sent by the government of France a commissary to Louisiana, to the end that he do every act necessary, as well to receive from the officers of his Catholic majesty the said country and its dependencies, in the name of the French republic, if it has not been already done, as to transmit it in the name of the French republic to the commissary or agent of the United States."

Now what is the commissary to do? He is, in the first instance, to receive the province from Spain. Can he transmit it to the United States before he receives it from Spain? We require to know, if Spain refuses to deliver Louisiana to France, can France transmit it to us? We desire to know whether there is any prospect of a refusal on the part of Spain.

Suppose we shall receive the colony from France under the dictation of the First consul to Spain, without experiencing any opposition from her. May not the time arrive, on a revolution in the affairs of Europe, when she will enquire by what title we hold it. Is it not proper then for us to obtain papers, by which our title may be fully understood.

One singular argument is used by the gentleman from Virginia. This treaty, he says, is hailed by the acclamations of the country. But Mr. G. would ask if the public had had any opportunity of examining it, and being fully acquainted with its principles and probable operation. It had been made public only within a few days. What evidence of popular affection for it can there yet have been manifested? Will the people hail it with acclamation when they shall learn that it gives fifteen millions of dollars for a mere promise. At any rate, as all agree in the importance of the subject, and as we are called upon to legislate upon it, is it not proper first to obtain all the necessary information that is to be had? The resolution goes this far, and no farther, and if gentlemen claim our confidence, ought they not to furnish us with information?

(To be continued.)

House of Representatives.

THURSDAY, October 27.

Resolved, That so much of the Message of the President of the United States of the 21st inst. as relates to permanent arrangements for the government of Louisiana, be referred to Mess's. J. Randolph, Rhea, (of Ten.) Hoge, G. Griswold, and Bedinger.

FRIDAY, OCTOBER 28.

Mr. *Rodney* submitted a resolution for the appointment of a committee to enquire into the expediency of extinguishing the claims of the United States against several states for balances of debt.

Mr. *Thomas* moved the taking the resolution into immediate consideration.

Carried—Ayes 43—Noes 42.

Mr. *Griswold* moved its reference to a committee of the whole—

Agreed to—Ayes 53—Noes 34; and made the order for Monday next.

An engrossed resolution, for the amendment of the Constitution, was read a third time, as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, two thirds of both Houses concurring, that the following article be proposed to the legislatures of the different states, as an amendment to the Constitution of the United States, which, when ratified by three fourths of the said legislatures, shall be valid to all intents and purposes as a part of the said Constitution, viz:

In all future elections of President and Vice-President, the electors shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, of whom one, at least, shall not be an inhabitant of the same state with themselves. The person voted for as president, having a majority of the votes of all the electors appointed, shall be the president; and if no person have such majority, then from the five highest on the list of those voted for as president, the House of Representatives shall choose the president, in the manner directed by the constitution. The person having the greatest number of votes as vice president, shall be the vice president; and in case of an equal number of votes for two or more persons for vice president, they being the highest on the list, the senate shall choose the vice president from those having such equal number, in the manner directed by the constitution.

On the question whether the same should pass.