Congress

OF THE

UNITED STATES.

House of Representatives.

Monday, October 24.

CALL FOR PAPERS.

Mr. Griſwold, after a few preliminary remarks, ſubmitted the following motion:

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 and 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 department of ſtate, or any other department 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 replied at conſiderable length, and was followed by Mr. Goddard in favor of, and Meſſrs. Lyon and Smilie againſt the motion.

Mr. Gregg aſked for a diviſion of the queſtion, conſidering that it might be of ſome uſe to obtain the treaty of Ilefonſo, but not the other papers aſked for.

Mr. Sandford, Mr. Elliot and Mr. Nicholſon followed in oppoſition to the motion, and Mr. Thatcher in favor of it.

Mr. Mitchell ſpoke againſt it, and moved a poſtponement of the motion to the 1ſt Monday in May.

Meſſrs. Findley, Griſwold and Goddard oppoſed the poſtponement.

The motion of poſtponement was loſt.

The original motion was then divided; and on agreeing to the firſt member, viz.

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 1ſt of October, 1800.

The houſe divided—ayes 59—noes 59—The ſpeaker declaring himſelf in the affirmative the motion was carried.

The queſtion was then taken on the ſecond member, viz.—" together with a copy of the inſtrument of ceſſion from Spain, executed in purſuance of the ſame treaty conveying Louiſiana to France (if any ſuch inſtrument exiſts.")

And loſt—ayes 34.

The queſtion was then taken on the 3d member, viz.—„alſo copies of ſuch correſpondence between the government of the United States and the government or miniſter of Spain (if any ſuch correſpondence has taken place) as will ſhew the aſſent or diſſent of Spain to the purchaſe of Louiſiana by the United States."

And loſt—ayes 34.

The queſtion was then taken on the 1ſt member of the motion, and loſt without a diviſion.

Mr. Nicholſon moved to amend the ſecond member by adding to the end thereof, " together with a copy of any inſtrument in poſſeſſion of the executive, ſhewing that the Spaniſh government has ordered the province of Louiſiana to be delivered to the commiſſary or other agent of the French government.

Agreed to—ayes 64.

The queſtion was then taken by yeas and nays on the whole of the original motion, amended as follows:

" *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 1ſt October 1800, together with a copy of any inſtrument in poſſeſſion of the executive, ſhewing that the Spaniſh government has ordered the province of Louiſiana to be delivered to the commiſſary or other agent of the French government."

And loſt—yeas 57—nays 59.

Tuesday, October 25.

The houſe, according to the order of the day, reſolved itſelf into a committee of the whole houſe on the meſſage from the preſident of the United States, of the twenty-firſt inſtant, incloſing a treaty and conventions entered into and ratified by the United States and the French republic,—to which committee of the whole houſe was alſo referred a motion for carrying the ſame into effect; and after ſome time ſpent therein, Mr. Speaker reſumed the chair, and Mr. Dawſon reported, that the committee had, according to order, had the ſaid meſſage, treaty, conventions and motion under conſideration, and come to ſeveral reſolutions thereupon, which he delivered in at the clerk's table, where the ſame were read, as follows:—

1. *Reſolved*, that proviſion ought to be made for carrying into effect the treaty and conventions concluded at Paris on the 13th of April, 1803, between the United States of America and the French republic.

2. *Reſolved*, that ſo much of the meſſage of the preſident, of the 21ſt inſtant, as relates to the eſtabliſhment of a proviſional government over the territory acquired by the United States, in virtue of the treaty and conventions lately negociated with the French republic, be referred to a ſelect committee; and that they report by bill or otherwiſe.

3. *Reſolved*, that ſo much of the aforeſaid conventions as relates to the payment by the United States, of ſixty millions of francs to the French republic,—and to the payment, by the United States, of debts due by France to citizens of the United States, be referred to the committee of ways and means.

The houſe proceeded to conſider the ſaid reſolutions at the clerk's table:—whereupon,

The firſt reſolution being again read, was, on the queſtion put thereupon, agreed to by the houſe. Yeas 90——nays 25.

The ſecond reſolution being again read, and amended at the clerk's table, was, on the queſtion put thereupon, agreed to by the houſe, as followeth;—

Reſolved, that ſo much of the meſſage of the preſident, of the 21ſt inſtant, as relates to the occupation and eſtabliſhment of a proviſional government over the territory acquired by the United States, in virtue of the treaty and conventions lately negociated with the French republic, be referred to a ſelect committee; and that they report by bill, or otherwiſe.

Ordered, that Mr. John Randolph jun. Mr. John Rhea of Tenneſſee, Mr. Hoge, Mr. Gaylord Griſwold and Mr. Bedinger, be appointed a committee, purſuant to the ſaid reſolution.

The third reſolution reported from the committee of the whole houſe, being again read, was, on the queſtion put thereupon, agreed to by the houſe.

The ſpeaker laid before the houſe, a letter from the ſecretary of the treaſury, accompanping a report and ſundry documents, marked A, B, C, D, E, F, G and H, prepared in purſuance of an act ſupplementary to the act, entitled " An act to eſtabliſh the treaſury department," which were read, and ordered to be referred to the committee of ways and means.

Wednesday, October 26.

The houſe was engaged until four o'clock in diſcuſſing the report of a ſelect committee, as ſtated in our laſt, on an amendment to the conſtitution, reſpecting deſignating the electoral votes given for preſident and vice-preſident. The debate developed great diverſity of opinion as to the form of the amendment. After numerous propoſitions of amendment, which ſhall, in giving the debate, be minutely ſtated, the report of the ſelect committee, verbally amended, prevailed by a large majority.

Mr. Randolph, from the committee of ways and means, reported a bill for carrying into effect the Louiſiana convention; the bill directs the conſtitution of ſtock, according to the terms of the convention; and the delivery of the ſame to the agents authoriſed by the French government, after Louiſiana ſhall have been taken poſſeſſion of by the United States.

The bill was read twice, and referred to a committee of the whole to-morrow.

A bill was received from the Senate, enabling the preſident to take poſſeſſion of Louſiana, and for the eſtabliſhment of a temporary government over Louiſiana, which was twice read and referred to the ſame committee.

Thursday, October 27.

Mr. Clay moved the commitment of the amendment to the conſtitution agreed to yeſterday, to a committee of the whole.

Carried without a diviſion.

Mr. Lyon obſerved that the country in which he lived had been for ſome time ſupplied with ſalt and lead from the Louiſiana country, on which articles conſiderable and burthenſome duties are impoſed. For the purpoſe of liberating the citizens from theſe duties he moved a reſolution, declaring it expedient that proviſion ſhould be made for ſuſpending the collection of all duties on articles imported into the ports of the United States from the territory ceded to the United States by the Louiſiana convention, with the view of having it ſubmitted to the committee of commerce and manufactures.

Ordered to lie on the table.

On motion of Mr, J. Clay, the houſe went into a committee of the whole on the amendment of the conſtitution—Mr. Varnum in the chair,

When Mr. J. Clay moved a ſubſtitute to the report of the ſelect committee, by which the number of perſons for whom the election of preſident ſhall be made by the houſe of repreſentatives is extended from *three* to *five*, and the language otherwiſe ſo altered as to conform to that of the conſtitution.

This amendment was ſupported by Mr. Nicholſon, and Mr. Elliott, and oppoſed by Mr. Dawſon, Mr. Smilie, and Mr. Alſton, and agreed to—Ayes 59—Noes 47.

The committee immediately roſe, and the houſe agreed to the report of the committee—Ayes 60.

When the amendment, ſo altered, was ordered to be engroſſed for a third reading this day.

Mr. Randolph, from the committee of ways and means, reported a bill making proviſion for the payment of the claims of citizens of the United States, on the government of France, the payment of which has been aſſumed by the United States in virtue of the convention with France of the 30th of April.

Read twice and referred to a committee of the whole to-morrow. On motion of Mr. Nicholſon the houſe went into a committee of the whole on the act from the ſenate " to enable the preſident of the United States, to take poſſeſſion of the territories ceded by France to the United States, by the treaty concluded at Paris, on the 30th of April laſt; and for the temporary government thereof."

Mr. Randolph, after ſome preliminary remarks, moved to amend the 2d ſection of the bill, which came from the ſenate, as follows:

Sect. 2. *And be it further enacted*, that until congreſs ſhall have made proviſion for the temporary government of the ſaid territories, all the military, civil, and judicial powers, exerciſed by the officers of the exiſting government of the ſame, ſhall be veſted in ſuch perſon and perſons, and ſhall be exerciſed in ſuch manner as the preſident of the United States ſhall direct.

By inſerting after the word " until" the following words: " the expiration of the preſent ſeſſion of congreſs, or unleſs proviſion for the temporary government be made by."

Mr. Griſwold moved to ſtrike out the whole of the ſecond ſection, as veſting unconſtitutional power in the preſident.

This motion was ſupported by Meſſrs. Griſwold, Elliot, Chittenden, Dana, & Jackſon, and oppoſed by Meſſrs. Randolph, Nicholſon, Mitchill, Varnum, Eppes, Euſtis, Smilie and Rodney.

The queſtion on Mr. Griſwold's motion to ſtrike out the ſecond ſection was then taken and loſt—Ayes 30.

The committee roſe and reported the bill without amendment.

Mr. Randolph moved to amend the 2d ſection by adding to the end thereof the following words; " for maintaining and protecting the inhabitants of Louiſiana in the full enjoyment of their liberty, property and religion."

Agreed to without a diviſion.

The bill was ordered to be engroſſed for a third reading to-morrow.

On motion of Mr. Randolph, *Reſolved*, that ſo much of the preſident's meſſage as relates to permanent arrangements for the government of Louiſiana be referred to a ſelect committee.

Carried without a diviſion.

Adjourned at 4 o'clock.

Friday, October 28.

Mr. Rodney ſubmitted a reſolution for the appointment of a committee to enquire into the expedience 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 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.

Mr. G. Griſwold roſe and addreſſed the houſe in oppoſition to the paſſage of the amendment. The principal argument urged was that the amendment would deſtroy the balance of power, adjuſted in the conſtitution, between the large and ſmall ſtates, by agrandiſing the power of the former, and derogating from that of the latter.

Mr. Griſwold was followed by Meſſrs. Huger, Haſtings, John C. Smith, Livingſton, Dana, Thatcher and Goddard on the ſame ſide.

The friends of the amendment declined entering the field of general argument, confining themſelves to a few incidental remarks on the inconſiſtency of the oppoſition now made to the amendment. Theſe remarks were made by Mr. Thomas, Mr. Lyon, and Mr. Euſtis.

After a debate of between two and three hours, the queſtion was taken, on the paſſage of the amendment, by the Yeas and Nays—and carried, as follows—Yeas 88—Nays 31.

The following bill from the ſenate, as amended, was read the third time:

A BILL to enable the preſident of the United States to take poſſeſſion of the territories ceded by France to the United States, by the treaty concluded at Paris on the thirtieth of April laſt: and for the temporary government thereof.

" Be it enacted by the ſenate and houſe of repreſentatives of the United States of America, in congreſs aſſembled, that the preſident of the United States be, and he is hereby authorized to take poſſeſſion of, and occupy the territories ceded by France to the United States by the treaty concluded at Paris on the 30th day of April laſt between the two nations; and that he may for that purpoſe, in order to maintain in the ſaid territories the authority of the United States, employ any part of the army and navy of the United, and of the force authorized by an act paſſed the 3d day of March laſt, intitled " an act directing a detachment from the militia of the United States, and for erecting certain arſenals," which he may deem neceſſary: And ſo much of the ſum appropriated for the purpoſe of carrying this act into effect; to be applied under the direction of the preſident of the United States.

Sec. 2. *And be it further enacted*, That until congreſs ſhall have made proviſion for the temporary government of the ſaid territories, all the military, civil and judicial powers exerciſed by the officers of the exiſting government of the ſame, ſhall be veſted in ſuch perſon or perſons, and be exerciſed in ſuch manner as the preſident of the United States ſhall direct, for maintaining and protecting the inhabitants of Louiſiana in the full enjoyment of their liberty, property and religion.

Meſſrs. Anderſon, Bailey, Baldwin, Brackenridge, Bradley, Brown, Butler, Condit, Cocke, *Dayton*, Ellery, Franklin, Jackſon, Logan, M'Clay, Nicholas, Potter, gen. S. Smith, Iſrael Smith, John Smith of Ohio, Stone, Taylor, Worthington, Wright, *Wells*, *White*—26.

Noes—*Adams*, *Hillhouse*, *Olcott*, *Pickering*, *Plumer*, *Tracy*—6.

In the Houſe of Repreſentatives the yeas and nays being required, ſtood as follows.—Yeas 89—Nays 23.

The Houſe reſolved itſelf into a committee of the whole, Mr. Dawſon in the chair, on the following bill:

A BILL

For carrying into effect the Convention of the thirtieth of April, one thouſand eight hundred and three, between the United States of America, and the French Republic.

Be it enacted by the Senate and Houſe of Repreſentatives of the United State of America, in Congreſs aſſembled, That for the purpoſe of carrying into effect the convention of the thirtieth day of April 1803, between the United States of America and the French Republic, the ſecretary of the treaſury be, and he is hereby authoriſed to cauſe to be conſtitued, certificates of the ſtock ſigned by the regiſter of the treaſury, in favor of the French Republic, or of its aſſignees, for the ſum of eleven millions two hundred and fifty thouſand dollars, bearing an intereſt of ſix per centum per annum, from the time when poſſeſſion of New-Orleans ſhall have been obtained, in conformity with the treaty of the thirtieth day of April 1803, between the United States of America and the French Republic, and, in other reſpects conformable with the tenor of the convention aforeſaid; and the preſident of the U. States is authoriſed to cauſe the ſaid certificate of ſtock to be delivered to the government of France, or to ſuch perſon or perſons as ſhall be authoriſed to receive them in three months at moſt, after the exchange of ratifications of the treaty aforeſaid, and after Louiſiana ſhall be taken poſſeſſion of in the name of the government of the United States; and credit, or credits, to the proprietors thereof, ſhall thereupon be entered and given on the books of the treaſury, in like manner as for the preſent domeſtic funded debt, which ſaid credits, or ſtock, ſhall thereafter be transferable only on the books of the treaſury of the United States, by the proprietor or proprietors of ſuch ſtock, his, her or their attorney: And the faith of the United States is hereby pledged for the payment of the intereſt, and for the reimburſement of the principal of the ſtock, in conformity with the proviſions of the ſaid convention. *Provided*, however, that the ſecretary of the treaſury may, with the approbation of the preſident of the United States, and with the aſſent of the proprietors of the ſaid ſtock, vary the terms and inſtalments fixed by the convention for its reimburſement: *And provided alſo*, That every proprietor of the ſaid ſtock may, until otherwiſe directed by law, on ſurrendering his certificate of ſuch ſtock receive another to the ſame amount, and bearing an intereſt of ſix per centum per annum, payable quarter yearly at the treaſury of the United States.

Sec. 2. *And be it further enacted*, That the annual intereſt accruing on the ſaid ſtock, which may, in conformity with the convention aforeſaid, be payable in Europe, ſhall be paid at the rate of four ſhillings and ſix pence ſterling for each dollar, if payable in London, and at the rate of two guilders and one half a guilder, current money of Holland, for each dollar, if payable in Amſterdam.

Sec. 3. *And be it further enacted*, That a ſum equal to what will be neceſſary to pay the intereſt which may accrue on the ſaid ſtock to the end of the preſent year, be, and the ſame is hereby appropriated for that purpoſe to be paid out of the monies in the treaſury not otherwiſe appropriated.

Sec. 4. *And be it further enacted*, That from and after the end of the preſent year (in addition to the annual ſum of ſeven millions three hundred thouſand dollars yearly appropriated to the ſinking fund, by virtue of the act, entitled, " An act making proviſion for the redemption of the whole of the public debt of the United States,") a further annual ſum of ſeven hundred thouſand dollars, to be paid out of the duties on merchandiſe and tonnage, be and the ſame is hereby appropriated to the ſaid fund, making in the whole, an annual ſum of eight millions of dollars, which ſhall be veſted in the commiſſioners of the ſinking fund in the ſame manner, ſhall be applied by them for the ſame purpoſes, and ſhall be, and continue appropriated, until the whole of the preſent debt of the United States, incluſively of the ſtock created by virtue of this act, ſhall be reimburſed and redeemed, under the ſame limitations as have been provided by the firſt ſection of the above-mentioned act, reſpecting the annual appropriation of ſeven millions three hundred thouſand dollars, made by the ſame.

Sec. 5. *And be it further enacted*, That the ſecretary of the treaſury ſhall cauſe the ſaid further ſum of ſeven hundred thouſand dollars to be paid to the commiſſioners of the ſinking fund, in the ſame manner as was directed by the above-mentioned act reſpecting the annual appropriation of ſeven millions three hundred thouſand dollars; and it ſhall be the duty of the commiſſioners of the ſinking fund to cauſe to be applied and paid out of the ſaid fund yearly, and every year at the treaſury of the United States, ſuch ſum and ſums as may be annually wanted to diſcharge the annual intereſt and charges accruing on the ſtock created by virtue of this act, and the ſeveral inſtalments, or parts of principal of the ſaid ſtock, as the ſame ſhall become due and may be diſcharged, in conformity to the terms of the convention aforeſaid, and of this act.

Mr. R. Griſwold propoſed to amend the 5th ſection by introducing, near the end thereof, after the word " conformity," the following words, " to the proviſions of the ſaid act entitled an act making proviſion for the redemption of the whole of the public debt of the United States and"—

Mr. Randolph and Mr. Nicholſon conſidered the amendment as altogether uſeleſs.

After ſome converſation, it was loſt without a diviſion.

Mr. Euſtis moved to ſubſtitute, in the 1ſt ſection, the word " Louiſiana," in the room of " *New Orleans*" making the payment of intereſt on the ſtock commence at the period when poſſeſſion of Louiſiana, inſtead of New Orleans, ſhall have been obtained. Agreed to without a diviſion.

The committee then roſe and reported the bill with this amendment; and the houſe immediately took up the report and concurred therein; when the bill was ordered, without a diviſion, to be engroſſed for a third reading to-morrow.

The houſe adjourned at 4 P. M.

Saturday, October 29.

An engroſſed bill for carrying into effect the convention of the 30th of April, 1803, between the United States of America and the French republic, was read the third time and paſſed.

The yeas and nays being required were yeas 85—nays 7—which ſhall be given in our next.

On motion of Mr. Randolph the title was altered, ſo as to read " an act authoriſing the creation of a ſtock to the amount of eleven millions two hundred and fifty thouſand dollars for enabling the preſident to carry into effect the convention of the 30th of April 1803, between the United States and the French republic.

On motion of Mr. Randolph the houſe went into committee of the whole—Mr. *Varnum* in the chair—on the bill making proviſion for the payment of claims of citizens of the United States on the government of France, the payment of which has been aſſumed by the government of the United States by virtue of the convention with the French government of the 30th of April.