ments most pressed in opposition to the bill, were grounded upon a belief, that the government of the United States had not a constitutional power to execute the treaty. Of one thing I am confident, that if they have the distrust of us, which some gentlemen have this day expressed of them, the country will not be delivered to the agents of our government, should this bill be rejected.

The gentleman from Connecticut, finding himself unable to combat or refute the able and ingenious exposition of the 3rd article of the treaty given by my colleague, has attempted to lessen the force of his observations by representing him as having given a construction to the constitution, by which the treaty making power is rendered omnipotent. This is an artifice often practised. But in this instance as in all others, it must fail of producing the intended effect with such an assembly as this. The gentleman from Massachusetts had read and commented on the constitution in such a manner as to make an impression, that it was declared in the sixth article, that the constitution, the laws of the United States and all treaties made or to be made in pursuance thereof, shall be the supreme law of the land. My colleague shewed that the constitution had not been correctly quoted, and stated that the expression of the constitution was "all treaties made or to be made under the authority of the United States," that the legislative power was defined and that the treaty making power was not defined, though not unlimited; and this is evident and palpable; for if the treaty making power is trammeled in the manner that some gentlemen now contend it is, why declare that the laws made in pursuance of the constitution and all treaties made or which shall be made under the authority of the United States are the supreme laws of the land? The reason is obvious, the legislative power is limited in a manner that it was neither intended, nor was it practicable to limit the treaty making power. The power of legislation was only meant to be given for certain and particular purposes; all other legislative powers were reserved to the states, whereas the whole treaty making power of the nation was vested in the President, to be exercised with the advice and consent of the Senate. To refute the arguments of my colleague, it is necessary to shew, that the powers of the President and Senate in their treaty making capacity, are defined and limited, either by special grants of power which exclude powers not given, or by particular reservations. Upon an examination of the constitution it will be found that the powers are neither specified nor are there any reservations. But it must not be inferred from this, that we believe the treaty making power is unlimited. The constitution imposes particular and general limitations upon the powers of the government of the United States. No department of the government can do any of the things that are prohibited by the constitution. Nor would they be justifiable in not doing what is positively enjoined upon them to do. I do not believe therefore that the President and Senate would cede a state or any part of a state, because our common defence was one of the great purposes for which the government was formed, and because the constitution guarantees to every state in the Union a republican form of government, and engages to protect each of them against invasion.

If the special grants of power to Congress are to be considered as limitations of the treaty making power, the power of making treaties does not substantially exist in this government; and if our time would permit it, I would shew that a commercial treaty cannot be formed, without interfering with the power given to Congress to regulate commerce, lay and collect duties, imposts, &c. and that no other treaty can be formed that will not require an engagement for the payment of money, or, in one way or other the exercise of one or more of the powers vested in Congress. To make ours a practicable government, it must be understood that the treaty making power may negociate respecting many of the subjects upon which Congress may legislate, but that Congress are not bound to carry into execution such compacts (where an act of theirs is necessary to give them effect) unless they approve of them. And this must be fully understood by all nations with whom such compacts may be formed. Upon every other subject proper for a national compact, not inconsistent with our constitution, and under the limitations by me stated, a treaty may be negociated and absolutely concluded by the treaty making power, so as to bind the nation.

The gentleman from Connecticut (Mr. Tracy) must consider the grant of power to the legislature as a limitation of the treaty making power, for he says, "that the power to admit new states, and to make citizens is given to Congress, and not to the treaty making power"—therefore an engagement in a treaty to do either of these things is unconstitutional. I cannot help expressing my surprise, at that gentleman's giving that opinion, and I think myself justifiable in saying, that it is now his opinion, it was not always so. The contrary opinion is the only justification of that gentleman's approbation of the British treaty, and of his vote for carrying it into effect. By that treaty a great number of persons had a right to become American citizens immediately; not only without a law, but contrary to an existing law. And by that treaty many of the powers specially given to Congress were exercised by the treaty making power. It is for gentlemen who supported that treaty, to reconcile the construction given by them to the constitution in its application to that instrument, with their exposition of it at this time.

If the third article of the treaty is an engagement to incorporate *the territory* of Louisiana into the union of the U. States, and to make it a state, it cannot be considered as an unconstitutional exercise of the treaty making power; for it will not be asserted by any rational man that the territory is incorporated as a state by the treaty itself; when it is expressly declared that "the inhabitants shall be incorporated in the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution."—Evidently referring the question of incorporation, in whatever character it was to take place, to the competent authority; and leaving to that authority, to do it, at such time, and in such manner as they may think proper. If, as some gentlemen suppose, Congress possess this power, they are free to exercise it in the manner that they may think most conducive to the public good. If it can only be done by an amendment to the constitution, it is a matter of discretion with the states whether they will do it or not; for it cannot be done "*according to the principles of the federal constitution*," if the Congress or the states are deprived of that *discretion*, which is given to the first, and secured to the last by the constitution. In the third section of the fourth article of the constitution it is said, "new states may be admitted by the Congress into this union." If Congress have the power, it is derived from this source; for there are no other words in the constitution that can by any construction that can be given to them, be considered as conveying this power. If Congress have not this power, the constitutional mode would be by an amendment to the constitution. If it should be conceded then that the admission of this territory into the union, as a state, was in the contemplation of the contracting parties, it must be understood with a reservation of the right of this Congress, or of the states to do it, or not: the words "admitted as soon as possible," must refer to the voluntary admission in one of the two modes that I have mentioned; for in no other way can a state be admitted into this union.

MR. COCKE.—MR. PRESIDENT, It is with reluctance I rise at this late hour of the day to claim your attention on a subject that has been so ably discussed, but the deep interest the state must feel that I have the honor in part to represent pleads my apology and requires that the objections made to the passage of this bill should meet my answer.

Gentlemen appear to have rested their objections on two grounds; first the constitutionality; secondly, the expediency of passing the bill at this time—these objections when we give them their full weight, cannot appear well founded or consistent with opinions formerly delivered by the gentlemen on this floor, at a time when they contemplated taking New-Orleans and the Floridas by military force. Here, however, I must except the gentleman from New-Jersey (Mr. Dayton) and freely confess that he has been consistent, and that a manly consistency has accompanied him through the whole of this business, although I believe him to have been mistaken in point of true policy.

But what must we think of gentlemen on whom this sudden change has taken place, and who now exclaim against the passage of this bill, when we recollect that last winter they were ready to storm the Spanish garrisons, and who then promised by their valour to secure us a free trade down the Mississippi, and to make New Orleans and the Floridas their own. Did the constitution then form a barrier against them? They must excuse me, if in point of candour I cannot compliment them, for they have not only voted against the treaty that secures to us more than they could have contemplated by their arms and their valor, but they have also voted against the law for carrying the objects of that treaty into effect, after the treaty has been ratified, and the exchange of ratification taken place in due form; and now, sir, we hear those warlike spirits expressing their fears, that the western country will soon become too powerful for the east, and that a separation must inevitably take place between us. I ask gentlemen the ground on which they build their fears. It cannot be, sir, that we have paid less respect to the laws of the Union than any other portion of our fellow citizens, or have we in any instance shewn less regard for our government, or its honest administration? Is it then that gentlemen had determined in their own minds to treat us with such marked indifference, or injustice, as should rouse us to just resentment. When that shall be the case, I agree with my friend from Kentucky, that there is a point beyond which we cannot go; but let not gentlemen be alarmed at the acquisition of Louisiana, this new world as they please to call it, and which they seem at so great a loss to know what to do with. Since, sir, we have made it our own I trust we shall find capacity sufficient to govern it. For why all those fears? Is it not the true interest of all to be united, and and will not our mutual interest and love of country bind us together. It certainly will. But gentlemen appear as if they thought our late acquisition has made us too rich, and seek to know how we shall dispose of that vast country. When that shall be the question before us, there will be but little difficulty on that subject, and for myself I promise the gentlemen I shall without hesitation say what I may think will best accord with the interest and bind in friendship every part of this Union.

It must, however, be recollected that about six or eight months past these gentlemen had no constitutional objections, or conscientious scruples, on this subject. Had they then taken New-Orleans and the Floridas, will the gentlemen now tell us that they intended to return it again to those from whom they might have taken it. Would they then have said the constitution limited them to certain bounds? If so, I would ask what are the constitutional limitations? It has none, sir, in that respect, and I contend that the treaty making powers in this country are competent to the full and free exercise of their best judgment in making treaties without limitation of power; for on every subject in which that power is called to act, it must act on its own responsibility. Our Government is indeed the government of the people; the constitution is the instrument of their choice; it is that instrument that grants the power I contend for, and which says that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the senators present concur. This power then, sir, passes out of the hands of the people by their consent, and is vested for the time limited by themselves, and until the period they have chosen for the free exercise of their elective rights shall return. On the ground of expediency little need to be said, and I hope gentlemen will excuse me if I again repeat a desire to know the extent of their objects, when they so loudly clamoured for war. Were I as suspicious as themselves, I might readily indulge a belief, from the present state of things, that they wished to check the rising growth of the western people, by getting them into a war, make them a handsome bow and leave them to fight their battles.

But happily our treaty secures us against all such apprehensions, and I hope we shall pass the bill now before you, as necessary for carrying into effect the conditions of our treaty with good faith.

The gentleman from Delaware, (Mr. White) should have stated me more correctly, he should have said that I contended that if his favorite plan of recession took place, that the power to whom the recession was made would intice our citizens by every means and by the very means that the gentleman seems to wish to put in their power to settle west of the Mississippi; that in an event like that we might as well pass laws to prevent the fish from swimming up the Chesapeak as to prevent our citizens from migrating to that country; and I again warn gentlemen of the dangerous tendency of such recession, and assure them that I am not among those that believe that France, Spain, or even the British government would govern that country more to our interest than we shall do, nor do I credit a doctrine so absurd as to believe the people of the western country will abandon their interest and prostitute their honour to create dangers so imminent, as the gentlemen from Connecticut (Mr. Hillhouse) seems to apprehend, and who is so fearful of the day in which the western people shall give laws to the union, but if ever it should so happen I hope they will be at least as just and salutary as they were when that honorable gentleman and his friends formed the political majority in this house.

The question was then taken on the passage of the bill, and carried in the affirmative.

YEAS—Messrs. Adams, Anderson, Bailey, Baldwin, Bradley, Breckenridge, Brown, Butler, Cocke, Condit, Dayton, Ellery, Franklin, Jackson, Logan, Maclay, Nichols, Olcott, Plumer, Potter, Israel Smith, John Smith, Stone, Taylor, Worthington, Wright—26.

NAYS—Messrs. Hillhouse, Pickering, Tracy, Wells, White—5.

NOTICE.

ALL who are are indebted to the estate of John Crookshank deceased are requested to make immediate payment to,

CHARLES GLOVER, Admr.

George Town, Nov. 25—tf

WASHINGTON CITY

FRIDAY, November 25.

On Wednesday the Senate took into consideration the amendment to the constitution in relation to the election of President and Vice-President, as passed by the House of Representatives; on which a debate ensued which continued that day, and yesterday, when the Senate adjourned without coming to a decision.

The reader is desired to correct an error in our report of the proceedings of the House of Representatives of Tuesday, wherein Mr. *Smilie* is stated as *opposing* a repeal of the Bankrupt Law; on the contrary, he *advocated* the repeal.

We understand that GOVERNOR CLINTON, during the recess of the Legislature, has appointed GENERAL ARMSTRONG to fill the seat in the Senate of the United States, become vacant by the resignation of De Witt Clinton, Esq.

House of Representatives.

WEDNESDAY, November 23.

The House again resolved itself into a committee of the whole,—Mr. Dawson in the chair—on the resolution, offered by Mr. Newton, for *repealing the* BANKRUPT LAW.

The debate was resumed by Messrs. Elliot, Hastings, Sanford and Randolph in favor of, and by Messrs. Skinner and Eustis against the repeal of the Bankrupt Law.

About 4 o'clock, the debate being closed, the question on the resolution to repeal, was taken and carried in the affirmative—Ayes 94.

The committee rose, and the House immediately took up their report, on agreeing to which the yeas and nays were required, and were, Yeas 99—Nays 13.

THURSDAY, Nov. 3, 1803.

A committee was appointed to enquire into the expediency of amending the acts of Congress for the sale of lands.

On the motion of Mr. Claiborne, the House resolved itself into a committee of the whole—Mr. *Varnum* in the chair—on the report of the committee of claims on the petition of AMEY DARDEN. The report is unfavorable to the prayer of the petitioner.

On agreeing to this report, a discussion took place, which occupied the whole of the day.

Messrs. I. C. Smith, Gregg, and Macon supported, and Messrs. Claiborne, Smilie, and Elliott opposed the report; when the question was taken on agreeing to the report of the committee of claims, and lost—Ayes 33.

Mr. Claiborne then moved a resolution—"that the prayer of Amey Darden is reasonable and ought to be granted."

Messrs. Claiborne and Nicholson supported, and Messrs. Griswold and Gregg opposed this resolution, which, on the question being taken, was carried—Ayes 61—Noes 38.

The committee then rose, and reported their agreement to the resolution.

Mr. Gregg moved an amendment directing the proper accounting officer of the treasury to settle the claim of Amey Darden on the same principles with similar cases, the statute of limitations notwithstanding.

Messrs. Griswold and Gregg supported, and Messrs. Nicholson and Claiborne opposed this amendment.

Lost—Ayes 47—Noes 61.

A concurrence in the report was then agreed to, and the committee of claims instructed to bring in a bill.

Mr. Newton, from the committee appointed yesterday, reported a bill to repeal an act entitled an act to establish an uniform system of bankruptcy throughout the United States.

Read twice and referred to a committee of the whole, to-morrow.

In the case of JOHN WILLIAMS LYTTON—a Bankrupt.

WHEREAS a commission of Bankrupcy founded upon the act of Congress of the United States passed on the fourth day of April, 1800, entitled, "An act to establish an uniform system of bankruptcy throughout the United States" has been awarded and issued against John Williams Lytton of Washington county in the district of Columbia, dealer and chapman, and he has been declared a bankrupt. He is therefore required to surrender himself to the commissioners in the said commission named or the majority of them on the 8th and 22d days of December, and 5th of January next at 4 o'clock in the afternoon of each day at the house of William Rhodes's Inn keeper in the city of Washington, and make a full disclosure and discovery of his estate and effects, when and where his creditors are to come prepared to prove their debts, and at the second sitting to choose assignees, and the last sitting the bankrupt is required to finish his examination. All persons indebted to the said bankrupt, or who have any of his estate or effects in their hands are not to pay or deliver the same to any person not appointed by the commissioners but give notice to

LEWIS FORD, Secretary to the Commissioners.

Nov. 25—

IMPORTANT!

Chillicothe, November 12.

The following letter from the Department of War at the City of Washington, to his Excellency the Governor of this State, was received by last night's mail.

WAR DEPARTMENT, October 31, 1803.

SIR,

THERE being reason to suspect that the officers of the Spanish government at New-Orleans may decline or refuse to give possession of the country of Louisiana, ceded to the United States by the French Republic, and which Congress have by law authorised the President of the United States to take possession of, and the President having judged it expedient to pursue such measures as will insure the possession, I have therefore been directed by the President of the United States to request your Excellency to assemble with the least possible delay Five Hundred of the militia of the state of Ohio, including a suitable number of officers, and cause the same to be formed into a regiment of eight companies, to be engaged to serve four months, unless sooner discharged, to be mustered in companies and ready to march, if called, by the 20th of December at farthest; after having been so mustered in companies by suitable persons appointed by your Excellency, the men may return to their homes, but must hold themselves in readiness to join their companies and march at the shortest notice. Each officer and soldier will be entitled to pay from the day they shall receive orders and march to join their respective regiments, until discharged. They will be entitled to the same pay as regular troops in the service of the United States.

I have the honor to be,
Respectfully,
Your humble servant,
H. DEARBORN.

To his Excellency *Edward Tiffin*, Governor of the State of Ohio.

We understand that the provisional army is to be composed of 500 mounted volunteers from the Mississippi Territory, to join the regular troops in that Territory, and to proceed immediately to New-Orleans, to take possession of Louisiana; in the mean time the State of Tennessee is to hold in readiness to march at a moment's warning—

	2000	volunteers.
Kentucky,	4000	do.
Ohio,	500	do.
Mississippi Ter.	500	do.

In the case of ROBERT ELLIS an insolvent debtor.

SIX months from the first day of December next, is limitted and appointed for the creditors to bring in and exhibit their claims to the trustee. This order to be published in the National Intelligencer and Washington Federalist once a month during the said six months. By order of Wm. Cranch, esq.

URIAH FORREST, Ck.

Notice is hereby given to the creditors of Robert Ellis, above named, that the subscriber has been appointed Trustee in the above case, and their claims are required to be produced at the office of the subscriber within the limited period.

ROBERT W. PEACOCK.

Nov. 25—1am6m

Lots in Washington City.

THE subscriber offers for sale a variety of whole, half, and quarter squares as well as single lots situated on the beautiful and healthy ground eastward of the capitol and immediately adjoining the bridge now built over the Eastern Branch of the Potomac river.

As those wishing to purchase, will no doubt view the ground and examine the title; it is not now necessary to be more particular as full information may be had at Mr. STELLE's hotel on Capitol square, of the proprietor.

GEORGE WALKER.

Washington, Nov. 24—3t

WANTED.

IMMEDIATELY a good male servant, and a woman who can come well recommended as a Cook and Laundress. For information apply at this office.

November 24—4t

Grocery & Liquor Store.

SAMUEL M'INTIRE informs the inhabitants of Washington and the public in general, that he has opened a grocery and liquor store at the Navy yard opposite Mr. Prout's, where he has and intends to keep a supply of every thing in his line of the best quality. He has now on hand best

Coniac brandy,	Imperial tea,
Burdeaux. do.	Hyson,
Holland gin,	Young Hyson,
Jamaica spirits,	Hyson skin,
whiskey, &c.	Loaf, lumps, and
Madeira wine, very fine	brown sugars,
for immediate use,	Soap and candles,
Sherry do.	Bacon first quality,
Lisbon wine,	best spanish segars,

and a variety of other articles all which he intends to sell on the lowest terms for Cash.

N. B. A lot for sale in an eligible situation on the Capitol hill, New Jersey Avenue.

November 4—eopt