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LOUISIANA REMONSTRANCE.

TO THE

CONGRESS OF THE UNITED STATES

IN

SENATE

AND

HOUSE OF REPRESENTATIVES

CONVENED.

We the Subscribers, Planters, Merchants, and other inhabitants of Louisiana, respectfully approach the Legislature of the United States, with a memorial of our rights, a remonstrance against certain laws which contravene them, and a petition for that redress to which the laws of nature, sanctioned by positive stipulation, have entitled us.

Without any agency in the events which have annexed our country to the U. States, we yet considered them as fortunate, and thought our liberties secured, even before we knew the terms of the cession. Persuaded that a free people would acquire territory only to extend the blessings of freedom—that an enlightened nation would never destroy those principles on which its government was founded—and that their representatives would disdain to become the instruments of oppression, we calculated with certainty, that their first act of sovereignty would be a communication of all the blessings they enjoyed, and were the less anxious to know on what particular terms we were received. It was early understood that we were to be American citizens; this satisfied our wishes, it implied every thing we could desire, and filled us with that happiness which arises from the anticipated enjoyment of a right long withheld. We knew that it was impossible to be citizens of the United States, without enjoying personal freedom, protection of property, and above all, the privileges of a free representative government, and did not therefore imagine that we could be deprived of these rights, even if there should have existed no promise to impart them; yet it was with some satisfaction we found these objects secured to us by the stipulation of a treaty; and the faith of Congress pledged to us for their uninterrupted enjoyment; we expected them from your magnanimity, but were not displeased to see them secured to us as a right, and guaranteed by solemn engagements.

With a firm persuasion that these engagements would be sacredly fulfilled, we passed under your jurisdiction, with a joy bordering on enthusiasm, submitted to the inconveniences of an intermediate dominion without a murmur, and saw the last tie that attached us to our mother country, severed without regret. Even the evils of a military and absolute authority were acquiesced in, because it indicated an eagerness to complete the transfer, and place beyond the reach of accident the union we mutually desired.—A single magistrate vested with civil and military, with executive and judiciary powers, upon whose laws we had no check, over whose acts we had no controul, and from whose decrees there is no appeal, the sudden suspension of all those forms, to which we had been accustomed, the total want of any permanent system to replace the introduction of a new language into the administration of Justice, the perplexing necessity of using an interpreter for every communication with the officers placed over us, the involuntary error of necessity committed by judges uncertain by what code they are to decide, wavering between the civil and the common law, between the forms of the French, Spanish and American jurisprudence, and with the best intentions unable to expound laws, of which they are ignorant or to acquire them in a language they do not understand—these were not slight inconveniences, nor was this a state of things calculated to give favorable impressions, or realise the hopes we entertained.—But we submitted with resignation, because we thought it the effect of necessity. We submitted with patience though its duration was longer than we had been taught to expect—we submitted with cheerfulness while we supposed your honorable body was employed in reducing this chaos to order, and, by your legislative fiat, calling a system of harmony from the depth of this confused discordant mass. But we cannot conceal, we ought not to dissemble, that the first project presented for the government of this country, tended to lessen the enthusiasm which, until that period, had been universal; and to fix our attention on present evils, while it rendered us less sanguine as to the future; still, however, we wished to persuade ourselves, that further enquiry would produce better information; that discussion would establish our rights, and time destroy every prejudice that might oppose them. We could not bring ourselves to believe that we had so far mistaken the stipulations in our favour, or that congress could so little regard them, and we waited the result, with an anxiety which distance only prevented our expressing before the passage of the bill. After a suspense which continued to the last moment of the session; after debates which only tended to shew how little our true situation was known; after the rejection of every amendment declaratory of our rights, it at length became a law, and before this petition can be presented, will take effect in our country.

Disavowing any language but that of respectful remonstrance; disdaining any other but that which befits a manly assertion of our rights, we pray leave to examine the law "erecting Louisiana into two territories, and providing for the temporary government thereof," to compare its provisions with our rights, and its whole scope with the letter and spirit of the treaty which binds us to the United States.

The first section erects the country south of the 33d degree, into a territory of the United States, by the name of the *Territory of Orleans.*

The second gives us a Governor appointed for three years by the President of the United States, the fourth vests in him and in a council also chosen by the President, all legislative power subject to the revision of Congress—Specially guarding against any interference with public property either by taxation or sale. And the fifth establishes a judiciary to consist of a Supreme Court, having exclusive criminal and original jurisdiction *without appeal*, for all causes above the value of 100 dollars; and such inferior Courts as the Legislature of the Territory may establish; the Judges of the Superior Court are appointed by the President to continue in office *four years*. This is the summary of our Constitution. This is the accomplishment of a treaty engagement to "incorporate us into the Union, and admit us to all the rights, advantages, and immunities of American Citizens." And thus is the promise performed which was made by our first magistrate in your name, that you would "receive us as brothers, and hasten to extend to us a participation in those invaluable rights, which had formed the basis of your unexampled prosperity."

Ignorant as we have been represented of our *natural rights*, shall we be called on to shew that this Government is inconsistent with every principle of civil liberty.

Uninformed as we are supposed to be of our *acquired rights*, is it necessary to us to demonstrate that this act does not "*incorporate us into the union*," that it vests us with none of the "*rights*," gives us no "*advantages*," and deprives us of all the "*immunities*" of American citizens.

If this should be required we think neither task will be difficult.

On the first point we need only appeal to your declaration of Independence, to your Constitution, to your different state governments, to the writings of your revolutionary patriots and statesmen, to your own professions and public acts, and finally legislators, to your own hearts, on which the love of civil liberty and its principles are we trust too deeply engraved to be ever totally effaced.

A Governor is to be placed over us, whom we have not chosen, whom we do not even know, who may be ignorant of our language, uninformed of our institutions, and who may have no connections with our country, nor interest in its welfare.

This governor is vested with all executive and almost unlimited legislative power, for the law declares, that "by and with the *advice* and *consent* of the legislative body, he may change, modify, and repeal the laws," &c. but this advice and consent will no doubt in all cases be easily procured, from the majority of a council, selected by the President or Governor, and dependent on him for their appointment and continuance in office; or if they should prove refractory, the power of prorogation frees him from any troublesome interference, until a more prudent selection at the end of the year, shall give him a council better suited to his views; the true legislative power then is vested in the Governor alone, the council operates as a cloak to conceal the extent of his authority, to screen him from the odium of all unpopular acts—to avoid all responsibility, and give us the faint semblance of a representative assembly, with so few of its distinguishing features, that unless the name were inscribed on the picture, it would be difficult to discover the object for which it was intended.

Taxation without representation, an obligation to obey laws, without any voice in their formation, the undue influence of the executive upon legislative proceedings, and a dependent judiciary, formed, we believe, very prominent articles in the list of grievances complained of by the United States at the commencement of their glorious contest for freedom; the opposition to them, even by force, was deemed meritorious and patriotic, and the rights on which that opposition was founded, were termed fundamental, indefeasible, self-evident, and eternal; they formed, as your country then unanimously asserted, the only rational basis on which government could rest; they were so plain, it was added, as to be understood by the weakest understanding; not capable of alienation, they might always be reclaimed; unsusceptible of change, they were the same at all times, in all climates, and under all circumstances; and the fairest inheritance for our posterity, they should never—it was firmly asserted—they should never be abandoned but with life.

These were the sentiments of your predecessors—were they wrong? Were the patriots who composed your councils, mistaken in their political principles? Did the heroes who died in their defence, seal a false creed with their blood? No, they were not wrong! The admiration of the world, the respect still paid to the living, the veneration accorded to the memory of the dead, attest the purity of their principles, and prove the truth of those maxims, which rendered their lives a blessing to their country, and their deaths glorious in its defence—are truths then so well founded, so universally acknowledged, inapplicable only to us? Do political axioms on the Atlantic, become problems, when transferred to the shores of the Mississippi? Or are the unfortunate inhabitants of these regions the only people who are excluded from those equal rights, acknowledged in your declaration of Independence, repeated in the different state constitutions, and ratified by that of which we claim to be a member? Where, we ask respectfully, where is the circumstance that is to exclude us from a participation in these rights? Is it because we have not heretofore enjoyed them? This on the contrary would seem a reason to hasten the communication, to indemnify us by a futurity of freedom, for the years we have been deprived of it, and enable us experimentally to compare the blessings of a free government with the evils of another dominion. But the present situation of affairs, forms no pleasing contrast with that which is past; and if we did not count with confidence on a change in the system you have adopted, the prospect before us would not afford matters for consolatory anticipation; for though a period is fixed for the absolute government placed over us; though a year may terminate, the equally objectionable system which succeeds it, yet what is to follow? Liberty? Self-government? Independence and a participation in the advantages of the Union, if those were offered to us as the reward of a certain term of patience and submission, though we could not acquiesce in the justice of the procedure, we should have some consolation in our misfortune; but no manifestation of what awaits us at the expiration of the law, is yet made.

We may then again become the victims of false information, of hasty remark, or prejudiced opinion; we may then again be told that we are incapable of managing our own concerns, that the period of emancipation is not yet arrived, and that when in the school of slavery, we have learned how to be free, our rights shall be restored. Upon the topic to which this leads we are reluctant to speak—but misrepresented and insulted, it cannot be deemed improper to shew how groundless are the calumnies which represent us, as in a state of degradation, unfit to receive the boon of freedom. How far any supposed incapacity, to direct the affairs of our own country, would release the United States from their obligation, to confer upon us, the rights of citizenship, or upon what principle they are to become the judges of that capacity, might, we believe, fairly be questioned—for we have surely not become less fit for the task, since the signature of the treaty, than we were before that period—and that no such incapacity was then supposed to exist, is evident from the terms of that instrument, which declares that we are to be admitted as soon as possible, according to the principles of the constitution. If the United States then may postpone the performance of this engagement until in their opinion it may be proper to perform it, of what validity is the compact, or can that be called one, of which the performance depends only on the will of the contracting party.

But if capacity is to be the criterion and information the preliminary requisite of our admission, let us respectfully enquire what is the nature of this capacity, and information, and where it will most probably be found. By the distribution of powers between the general and state governments, the former have the exclusive superintendence of all external relations, and of those internal arrangements, which regard the several states in their national capacity; the residuary powers, retained by the states, are more limited, in their operations, and require in their exercise a species of information to be derived only from local sources.—The purest principles will be misapplied, the best intentions will be ill directed, the most splendid efforts of genius will prove ineffectual without an intimate knowledge of the manners, customs, pursuits, and interests of the people, to whom they are applied, or in whose favor they are exerted. Should this reasoning be just, it would appear to follow, that local information should be preferred in a state legislator, to splendid acquirement, when they cannot be united; and should we give the representatives of the United States all the superiority they claim and undoubtedly merit, yet we cannot be accused of presumption, in supposing that we know somewhat more of our own country, and its local interests, than men who are acquainted with it only from report. It will not, we trust, be answered that the members of the council must be selected from the inhabitants; we have already shewn what share this council will probably have in legislation; and the residence of one year is certainly too short to attain information, or secure any thing like a permanence of attachment.

If this local knowledge is necessary to legislate wisely, how much more so is it in order to select discreetly, those on whom this task must devolve. The President must necessarily depend on the information of his agents here; without any personal knowledge of the men he must chuse: how can he detect imposition, or counteract prejudice? How defeat intrigue, or secure himself from the reproach of having confided our interests to men, in whom we have no confidence? We might contrast these inconveniences with the evident advantages of a choice made by the people themselves, and the conviction would be irresistible, that the latter possess, exclusively that species of information with respect to character, conduct, circumstances and abilities, which is necessary to a prudent choice of their representatives; but we presume enough has been said to shew that among a people not absolutely sunk in ignorance, the kind of knowledge indispensable to good government, or a selection of rulers, can only be found at home—that the best abilities and the purest intentions will not replace it abroad, and that without it all legislation is tyrannical and oppressive.

Convinced of this truth we find the advocates for our subjection, driven to an argument, at which we have before hinted—To deprive us of our right of election, we have been represented as too ignorant to exercise it with wisdom, and too turbulent to enjoy it with safety. Sunk in ignorance, effeminated by luxury, debased by oppression, we were, it was said, incapable of appreciating a free constitution, if it were given, or feeling the deprivation, if it were denied. The sentiments which were excited by this humiliating picture, may be imagined, but cannot be expressed, consistent with the respect we owe your honorable body. We were willing, however, to ascribe it to the want of correct information, but we could not avoid wondering that it should be so very defective, as to have drawn from the names of some districts in our country, an argument as to the language spoken in them, which proved fatal to an important amendment to the bill. We could not imagine what had excited the idea of our effeminacy and profusion; and the laborious planter at his frugal meal, heard, with a smile of bitterness and contempt, the descriptions published at Washington, of his opulence and luxury.

As to the degree of information diffused through the country, we humbly request that some more correct evidence may be produced than the superficial remarks that have been made by travellers or residents, who neither associate with us nor speak our language; many of us are native citizens of the United States, who have participated in that kind of knowledge which is there spread among the people, the others generally are men who will not suffer, by a comparison with the population of any other colony. Some disadvantages as to the education in the higher branches of literature, have lately attended us, but the original settlement of the province was marked by circumstances peculiarly favorable in this respect, it was made at no distant date, at a period when science had attained a great degree of perfection, and from a country in which it flourished; many individuals possessing a property and rank, which suppose a liberal education were among the first settlers, and perhaps there would be no vanity in asserting that the first establishment of Louisiana, might vie with that of any other in America, for the respectability and information of those who composed it; their descendants now respectfully call for the evidence which proves that they have degenerated so as to become totally incompetent to the task of legislation; for our love of order and submission to the laws we can confidently appeal to the whole history of our settlement, and particularly to what has lately passed. In those dangerous moments when it was uncertain at what point our political vibrations would stop; which national prejudice, personal interest, factious views and ambitious designs, might be supposed to combine for the interruption of our repose when in the frequent changes to which we have been subject, the authority of one nation was weakened, before the other had established its power. In those moments of crisis and danger, no insurrection disturbed, no riot disgraced us, the voice of sedition was silent; and before a magistrate was appointed, good morals served instead of laws, and a love of order instead of civil power; it is then as unjust to tax us with turbulence as it is degrading to reproach us with ignorance and vice.

But let us admit that by some train of reasoning to which we are strangers, by some incomprehensible fatality we are cut off from our national rights, and form an unfortunate exception to those general principles on which your revolution is founded; that there is no clause for us in the great charter of nature, and that we must look for our freedom to another source; yet we are not without a claim—one arising from solemn stipulation, and according to our ideas, full, obligatory and unequivocal.

The 31 article of the treaty, lately concluded at Paris, declares that "the inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be protected in the enjoyment of their liberty, property, and the exercise of the religion they profess."

Your honorable body seems to have adopted a construction of this article, which would suspend its performance, until some period fixed by the principles of the constitution, and to have read the article thus:—The inhabitants shall be incorporated into the Union, and admitted to the enjoyment of all the rights, &c. as soon as the principles of the federal constitution will permit. We, on the contrary contend, that the words "according to the principles of the federal constitution," as they are placed in the sentence, form one limitation, that they were intended as a description of the kind of rights we were to enjoy, or at most relate to the mode in which they were to be conferred, and that the article contemplates no other delay to our reception, than will be required to pass the necessary laws and ascertain the representation to which we are entitled.

The inhabitants of the ceded territory, are to be "incorporated into the union of the United States." These words can in no sense be satisfied by the act in question. A territory, governed as the act directs, may be a province of the United States, but can, by no construction, be said to be incorporated into the union. To be incorporated into the union, must mean to form a part of it; but to every component part of the United States, the consti-