

OUR FIRST EXPANSION.

THE LOUISIANA PURCHASE AS
A PRECEDENT OF TERRI-
TORIAL EXPANSION.

All Our Acquisitions of Territory Except Alaska Spanish Possessions—The Simple and Easy Methods by Which Assimilation was Affected—The Past Points the Clear Way to Future Success in Expansion.

It seems to many persons as if we had come to an ominous parting of the ways. They believe we are abandoning an established national policy, and it frightens them that our country, now so snugly ensconced in what they consider her national borders, should be pressing beyond them. Nevertheless we are confronted with the accomplished fact of annexation by treaty and conquest. Protest will no longer avail. We must all of us who love our country turn our minds to solving the problems before us.

Every departure from tradition is serious. Established conditions are not to be lightly changed. Institutions which have proved safe in the hands of a homogeneous population may not be safe in a land of mixed races. On the threshold of a new undertaking, the prudent man weighs risks against possible profits, and relies rather upon experience than hope.

The purpose of this letter is to recite briefly the acts which made the first precedent of our national expansion, showing how perfectly they apply to our present undertaking. Those who believe that our national policy has been a forward policy from the first may be strengthened, and those who doubt may be relieved by having thus recalled to them the circumstances under which our republic, at the beginning of its existence, not only acquired an imperial realm, but also pledged itself by treaty to admit to citizenship a large and alien population.

It is a most apt precedent at this moment, when it seems almost forgotten that though we bought Louisiana from France, the laws we found there were Spanish, administered by Spanish officials, and that (excepting Alaska) all the land we have hitherto acquired has been Spanish. With that one exception, two-thirds of the present area of the United States came to us from Spain. One can travel from San Diego to St. Augustine; thence, along the Gulf, to New Orleans; from New Orleans to Omaha, from Omaha to Tacoma, and return to San Diego, always journeying through what was once Spanish territory.

It would, indeed, seem as if the forward movement of our frontiers had been more or less continuous, and as if, from the beginning, our policy had been one of territorial aggrandizement; for these acquisitions were made on four several occasions, at intervals of many years, and were, in turn, followed by the purchase of Alaska. As we look back each forward step seems to have been wise, but each, at the time, was bitterly opposed, and none more so—can it be credited?—than the purchase of Louisiana.

It is difficult for us today, when seventy millions populate the continent from sea to sea, to hark back to the year 1803 and Thomas Jefferson's pastoral republic. It seems but little further back to the days of bluff King Hal or even of Alfred. Indeed, the changes wrought in the world by this century make the gulf between the old English kings and Jefferson seem less deep than that between his times and ours.

It was one of the strongest grounds of objection to the proviso for statehood in the Louisiana treaty that before the representatives elected to one congress from the Pacific northwest could take their seats a new congress would be in session, and a dozen years later the battle of New Orleans was fought and won in ignorance of the fact that a treaty of peace had been signed more than a fortnight before.

It was a territory, remote, vast, unexplored; traversable mainly by Indian paths and difficult waterways; in part, by barbarous tribes. Lewis and Clarke had not yet made their way to the perilous water of the Columbia, nor had the Oregon trail been unrolled before the eyes of Parkman. More than sixty years elapsed from the purchase of Louisiana before the Union Pacific railroad, justified as a government necessity, was built. Then, at last, the distance between the oceans is measured, not by years, but by days! Thus, in the measurement of distance and time over country has dwindled incredibly since Jefferson's day, when Massachusetts could have been invaded weeks before Vincennes or Savannah had the news. Six millions of people, sparsely scattered along the Atlantic seaboard whose resources were undeveloped, whose means of communication were primitive, dared to double their territory, and, in the teeth of objection, faced all the responsibility for the military protection and civil administration of the vast domain. It is with this solution of the political problems thus brought upon them that we shall have to do.

Louisiana has a checkered history. The Spaniard, De Soto, perished in discovering it (1541), and has for a monument the Mississippi. The French began its colonization about 1673, but lost it to Spain a century later (1762). In 1800 Spain ceded it back to France, but only delivered possession in 1803, to enable the French commissioner to hand over to our representatives what we had already purchased.

During its first century the law of Louisiana was French. In 1769 Count O'Reilly, the Spanish governor (the General Count O'Reilly of Byron's "Don Juan"), took possession of New Orleans. He abolished the French council for "sedition," and put to death several noted citizens for protesting. He supplanted the French language and laws by "the form of the political government and administration which," he said, "our wise laws prescribe, and by which," he added with unconscious irony, "all the states of his Majesty in America have ever been maintained in the most perfect tranquillity, content, and subordination."

By the laws thus established the governor at New Orleans became absolute administrator of the province, under the crown, and sole judge of all causes of which he chose to take jurisdiction, having for assistant a royal attorney (letrado). From his decision a vexatious and difficult appeal lay to the Royal Audience, presided over by the captain-general of Cuba, sitting at Puerto Principe.

The Spanish law thus forcibly imposed upon a foreign people, nevertheless succeeded, after forty years of inflexible enforcement, in getting into their very bones; and, although French continued to be spoken largely, Spanish became their official language. France made no changes during her twenty days' possession in 1803, so that we took from her Spanish territory, with Spaniards holding all the offices, and Spanish judges administering the Spanish law, which, so

far as vital, survived a new annexation and became the law of an English-speaking people.

The treaty of cession consummated by Livingston and Monroe in April, 1803, now regarded as the most diplomatic bargain of history, thrust on Jefferson's administration immense difficulties. His envoys, sent to buy one seaport, had brought home an empire. Furthermore, they had affixed to their purchase covenants, running with the ceded territory, that the inhabitants thereof "should be incorporated in the United States" as soon as possible, with all the rights of the existing states, and that the port of New Orleans should have a temporary preference over every other port in the Union.

Jefferson was of the opinion that to thus annex this most desirable territory would make the Constitution "waste paper," and wanted an amendment to legalize it. John Quincy Adams held similar views. Senator Tracy of Connecticut declared it unconstitutional to "make citizens and states by treaty;" and there was the most strenuous objection to the favors granted the port of New Orleans.

Nevertheless, there was a sufficient majority in congress, who saw the value of the purchase, to ratify the treaty, without regard to these objections; and the president acquiesced in their action. They found power enough in the broad constitutional provisions for the care of territory and property of the United States and the "general welfare" clause. As for favoring the port of New Orleans over other ports in the Union, Nicholson of Delaware said in the house: "It is in the nature of a colony whose commerce may be regulated without any reference to the Union," and on that theory congress seems to have proceeded. "It shows," said Caesar Rodney, "that congress has a power in the territories which they cannot exercise in the states, and that the limitations of power found in the constitution are applicable to the states, not the territories;" while John Randolph maintained that "the government of the United States with respect to this territory possessed the powers of European sovereignty." This power is forthwith assumed.

The act of October 31, 1803, provided that until the expiration of that session of congress, or provision theretofore made for the temporary government of the ceded territory, "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." The act further authorized him to "employ any part of the army and navy," and such proportion of the militia "which he may deem necessary," and placed at his disposal the sum of \$1,605,000, "to be applied under (his) direction."

"It was a startling bill," said Beaton, commenting on it later, "continuing the existing Spanish government, putting the president in the place of the king of Spain, putting all the territorial officers in the place of the king's officers and placing the appointment of all these officers in the president alone, without reference to the senate. Nothing could be more incompatible with our constitution than such a government, a mere emanation of Spanish despotism, in which all powers, civil and military, legislative, executive and judicial, were in the intendant-general."

On December 20, 1803, Governor Clai-

borne of the Mississippi territory, took possession of Louisiana by the president's delegation and reported that the population had welcomed the flag with cheers, a report contradicted in congress on discussion of the bill for their provisional government, when it was charged that they were dissatisfied. This bill, although it was opposed as a "complete despotism" by one of Jefferson's own party, continued the government practically in his hands, the house apparently sanctioning the view, though not, it is to be hoped, the metaphor of Eustis of Massachusetts that "the principles of civil liberty cannot suddenly be engrafted on a people accustomed to regimens of a directly opposite hue."

This act (March 19, 1804) divided the territory into two sections—the northern, called "The District of Louisiana," embracing practically all the purchase except the present state of Louisiana, which was called "The Territory of Orleans." The latter was governed by congress on the apparent assumption that it was territory acquired with treaty obligations as to its government, while the vast tract to the northward was treated as "merged in the old territory, which congress had express right to "dispose of and regulate at will." (Henry Adams, Hist. U. S.) Being for the most part unsettled, it was at first administered by the governor and three judges of the Indiana territory from the town of Vincennes, who made its simple laws until a territorial government took up the task. That governor was William Henry Harrison, "O. d. Tippecanoe." Beyond this there is little to interest us in the evolution of what later became "The Missouri Territory."

It was in the southerly territory of Orleans that the problems of annexation were so complex and their solution remains so instructive. This was an old community of some 50,000 souls irrespective of negro slaves, nearly all foreign, in race and religion, to those about to govern them. They were, moreover, rich, proud and aristocratic; and that they so soon came not only to acquiesce but also to take pride in their new nationality must be laid to the benefits they derived from a freer commerce and a less arbitrary government and the pains taken to encourage their speedy participation in it.

The declaration of transfer between French and American commissioners was published in both languages. Claiborne, on assuming control as governor assured the people in an address similarly disseminated, that they should be protected in their liberty, property and religious profession, and "the advancement of political information," so that their children could "appreciate the intrinsic worth of the government transmitted to them," whose objects were to secure their happiness and welfare.

That this was no mere phrase may be seen from a clause of the act of March 19, 1804, which enjoins upon the governor of Orleans Territory to inform himself of the customs, habits and dispositions of the inhabitants and communicate them to the president. The governor apparently filled his office well, for he kept it continuously until the territory became a state, in 1812.

The act of March 19 provided for a territorial governor, secretary, and three judges, appointed by a president in recess, but to be confirmed by the senate; and for a legislative council of thirteen resident freeholders, similarly appointed. The council, with the governor, should have power "to alter, modify, or repeal the laws" then in