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## Legislature of North Carolina.

### DOCUMENTS

#### Accompanying the Governor's Message.

(A.)

TEXAS RIVER, 35TH DEGREE N. Lat. Oct. 15, 1819.

Their Excellencies, William Rabun, Esq. Governor of the State of Georgia, and John Branch, Esq. Governor of the State of North Carolina.

GEN'L MEN—Agreeably to your letters of instructions to me directed, to wit: from his Excellency William Rabun, Esq. to Gen. Allen Daniel and Col. Benjamin Cleveland, Commissioners on the part of the State of Georgia, for extending the boundary line between the State of Georgia and North-Carolina, bearing date the 29th August, 1819; and from his Excellency John Branch, Esquire, Governor of the State of North-Carolina, to Jesse Franklin, James Mebane & Thomas Love, Esqs. Commissioners for the above purpose, on the part of the State of North-Carolina, bearing date the 12th July, 1819.

We, the undersigned Commissioners, jointly convened at Elliott's Rock, on the Chattahoochee River, on the 29th day of September, 1819, when a personal interview with the respective Commissioners was had, and an interchange of their respective powers exhibited, and the manner of running and marking the boundary line, mutually agreed on, that is to say: to commence at Elliott's Rock, and run due west, on the 35th degree of North Latitude and marked as follows: The trees on each side of the line with three chops, the fore and aft trees with a blaze on the East and West side, the mile trees with the number of miles from Elliott's Rock on the East side of the tree, and a cross on the East and West side; whereupon the line was commenced under the superintendance of the undersigned Commissioners jointly; Timothy Terrell, Esquire, Surveyor on the part of the Commissioners of the State of Georgia, and Robert Love, Esq. Surveyor on the part of the Commissioners of the State of North-Carolina; upon which latitude the undersigned caused the line to be extended just thirty miles due West, marking and measuring the line as above directed, in a conspicuous manner throughout. In addition thereto, they caused at the end of the first eleven miles after first crossing the Blue Ridge, a rock to be set up descriptive of the line, engraved thereon, to be on the North side, September 25, 1819, N. C. and upon the South side, 35 degrees N. L. G. then after crossing the river Cwee, or Tennessee, at the end of sixteen miles, near the road, turning up and down the said river, a Locust post marked thus on the South side, Ga. Oct. 14, 1819; and on the North side, 35 degrees N. L. N. C. and then at the end of twenty-one miles and three quarters, the second crossing of the Blue ridge, a rock, engraved on the North side, 35 degrees N. L. N. C. and on the South side, Ga. 12th Oct. 1819; then on the rock at the end of the thirty miles, engraved thereon upon the North side, N. C. N. L. 35 degrees G. which stands on the North side of a mountain, the waters of which fall into Shooting Creek, a branch of the Highwassee, due North of the Eastern point of the boundary line between the States of Georgia and Tennessee, commonly called Montgomery's line, just six hundred and sixty yards, all of which will more fully appear, reference being had to the survey and plot of the line as laid down by the Surveyors aforesaid, which plot and certificate we represent as being correct, according to our best judgment and exhibit as a part of our report.

The Commissioners further remark that in their first effort to designate the line at the end of thirty miles before mentioned, they found themselves one thousand and seventy-eight yards to the North of the thirty-fifth degree of North Latitude, which line they corrected by retracing, after finding the true latitude where the last mentioned rock stands.

In testimony whereof, we have herunto set our hands, and affixed our seals, the day and year first above written.

ALLEN DANIEL, (Seal.)  
BENJ. CLEVELAND, (Seal.)  
J. FRANKLIN, (Seal.)  
THOMAS LOVE, (Seal.)  
JAMES MEBANE, (Seal.)

NORTH-CAROLINA, SURRY COUNTY, 27th Oct. 1819.

His Excellency JOHN BRANCH, Esquire.

SIR—I have just returned from extending the boundary line between the States of North-Carolina and Georgia, from Elliott's Rock, 35 degree North Latitude to the West. Before this reaches you, no doubt you will have received the Commissioners' report with a plot of the line, as these papers were confided to the care of Mr. Mebane, one of the Commissioners, and who resides nearest the city of Raleigh. This business occupied more time than was expected; but I flatter myself with a hope that the work is correctly done. Should it prove satisfactory you, and beneficial to the government, I shall be gratified.

On my return home, the constant inquiry was: how will the land acquired by the late treaty, from the Cherokees, which belongs to North-Carolina, be let out?—I could only answer in the negative, that it was a matter of future Legislation—However, upon this subject I have no hesitation in my own mind, as the proper course for making the best of them, (which no doubt, will be the wish of government,) I will with deference to the better judgment of others, and with due respect to you, briefly submit the outline of that plan which has presented itself to my view.

I will first remark, that the country is an extensive bed of mountains, not fit for cultivation, except upon the water courses. To section up the whole, the expense would not justify the measure. The River Tennessee, or Conasauga, with its tributary streams, form the principal part of the lands that are fit for cultivation—within that part of the tract belonging to the State of North-Carolina, acquired by the late treaty with the Cherokees.

Those valleys are narrow, but reasonably fertile. To effect the object, I would appoint one Commissioner, whose duty it should be to examine minutely, & point-out such land as should be surveyed—then one principal surveyor, with as many Deputies as necessary, to complete the survey in the shortest time that may be required. The principal surveyor should superintend the surveys, and make a connected plot, properly numbered, and designated in a plain manner; and as the survey progressed, report from time to time, to the Commissioner, whose further duty it should be to make proper entry in books for that purpose. The tracts to be laid off either in squares or oblongs, to contain not more than two hundred, nor less than one hundred acres each.

With industry, these lands might be brought into market by November, 1820. The survey could be completed and laid before the proper authority, in due time for sufficient notice to be given of the time and place of sales. They should be offered to the highest bidder; but for a sum not less than two dollars per acre, at the first sales; if they did not meet a ready market, the succeeding Legislature could make further regulations, by lessening the price or otherwise as the interest of the State might require. That those lands should be brought into market as early a day as possible, strikes me with great force, because the Indians are all or nearly so, preparing to remove to the West, and white men getting possession of their little plantations (and I have very little doubt that almost every one of these little farms will be cultivated by white men the ensuing season.) Many of them, flatter themselves with the prospect of taking a second crop; founded in some measure, upon a belief that the government cannot, or will not bring the land into market before a second crop is planted.

I will take the liberty to mention another subject, wherein I think the interest of the State possibly may be involved, viz: The line between North-Carolina and Tennessee as a natural boundary, as laid down in our act of cession to the U. States, of 1790, beginning upon the extreme height of the Stone Mountain, where the Virginia line crosses it, running from point to point, as therein described, until it calls for the main Ridge of the Great Unacoy Mountain, from thence to the Southern Boundary of the State.

The line recently run between the States of Georgia and Tennessee, commonly called Montgomery's line, has been extended according to my opinion, many miles to the East of the Unacoy. Upon the 25th degree of North Latitude, we stopped our line, where we found the Easternmost point of them, or rather a due North of that point, six hundred and sixty-one yards. . . . I travelled Westwardly, from whence we concluded, our line perhaps, 12 or 15 miles— inquired of Indians as well as white men, where was the Unacoy Mountain, and all concurred in pointing to the West for the Unacoy. What object the Tennessee Commissioners had in view for extending their line to the East of the Natural Boundary, I have not been able to discover. I have understood that there is an arm of the Unacoy that leads up between the waters of the Highwassee, and perhaps the Nantahalee rivers, which joins the Blue Ridge near the 35th degree North, which has been contended for by some, as the proper boundary between the two States. Should this matter rest for a length of time, may it not be construed into an acquiescence on the part of North-Carolina? that she claims no further than where we set up the rock at the termination of our line?

I have submitted these remarks with a view to the interest of the State of which I am a citizen.

With much respect, I have the honor  
to be your most obedient

J. FRANKLIN.

Extract from the Journal of Mr. Mebane, one of the Commissioners.

"Thus Sir—I have given you a detailed account of the manner in which we have discharged the duties of our Mission; you will no doubt discover, from a perusal of this Journal that we have met with some disappointments, and more difficulties than we could have expected, which have of course, prolonged the time in which the business has been done, and increased the expense. We however, flatter ourselves that we have executed the duties of our office faithfully, and that the line as far as extended by us, will be found correct, be approved by your Excellency and ratified by the Legislature.

As to the money which may be due me for expenses, or payment of the hire of hands, I expect to see you, if not before, during the Session of our Assembly, when I will exhibit to you a correct statement of the whole.

If it would not be considered assuming in me, I would take the liberty to remark with respect to the country reclaimed to our state by the late treaty with the Cherokee Indians, and enclosed by the line just extended, that I apprehend, although the greater part of it is mountains, yet it is much more valuable than is generally supposed. The mountains afford an excellent and lasting range for cattle and horses; no doubt some valuable minerals, & the streams of water which break through them, many of the best sites for mills, iron works or other machinery that I ever saw.

The valleys, especially of the Tennessee and its tributary streams, afford considerable quantity of as good farming land, as any in the Western country, with as pure and wholesome water as ever ran out of the earth. It is believed by those best acquainted with this valley, that there it now living in it, near a hundred thousand families of Cherokee Indians, who will nearly all remove in the course of the next year, and that there will be good land enough to make from 600 to 1000 good farms, of a moderate size, which if prudently laid off, and sold to the highest bidder, would probably produce to the state, from fifty to one hundred thousand dollars—all this however, is conjecture, but I am inclined to think it well founded. Although this valley is surrounded by mountains, yet the gap in the mountain, at the head of it, is the best by far that I ever saw in the Blue Ridge; indeed it is so near a dead level that no person would imagine whilst passing it, that it is a mountain at all. The prospect of market to this valley is not discouraging; it is said not to be more than 160 miles from Augusta, in Georgia, with an opportunity of making a very good road and tolerably convenient to Charleston, South-Carolina, which generally affords a good market for beef, an article which could be raised with the greatest ease in this country.

As to the part of our state which still belongs to the Cherokee Indians, it is impossible as yet, to speak with any certainty, as the boundary between this State and Tennessee is not yet defined, and as there appears to be a very considerable difference of opinion where it will be finally established. It would however, seem, from all the information we could procure either from Indians or whites, who have been long resident in that part of the country, as to the names of mountains, &c. that our Western Boundary must be finally settled, twenty or thirty miles West of the termination of the line run by the States of Tennessee and Georgia, as the division of said States. Should this opinion turn out to be correct, we shall have, when purchased from the Indians, (it is said) as much good land on the Highwassee, &c. as we now have on the Tennessee. This together with a plot of the line, Commissioners' report and a letter from Major Franklin, in behalf of the Commissioners, will I hope, be handed you by the bearer, to whom I have entrusted them. It is not convenient for me to come to Raleigh at this time, or I

would have done myself the pleasure to deliver them in person.

I remain most respectfully,

Your humble servant,

JAMES MEBANE.

NOVEMBER, THE 26th 1819.

His Excellency JOHN BRANCH, Esquire."

### Foreign.

[The following is a translation of a letter received by a respectable merchant of New York, from Boyer, President of the Republic of Hayti.]

#### TRANSLATION: LIBERTY—EQUALITY.

Republic of Hayti.

Jean Pierre Boyer, President of Hayti.

To Mr. — Merchant, New-York.

I have received, Sir, with the liveliest satisfaction, your obliging letter of the 19th of the 6th month of the present year, enclosing an excellent treatise on objections to the use of prize goods, which has been translated and published in the Official Gazette of the Government, as you will perceive by a No. accompanying this letter.—Your principles Sir, are those of the friend of men, and since you are desirous of being useful to that class of the unfortunate descendants Africans, who groan under oppression, they will know how to evince their gratitude to you as to the members of your honorable Society. Persevere therefore in your efforts, and assist with your counsel those unfortunate persons, who were under the necessity of seeking an asylum in a country like this, where all men are free and equal in the eye of the law for the enjoyment of their civil and political rights. If the emigration of people of color, which it appears to be your wish in the United States, should direct towards Africa, were to be turned towards this Republic, great benefit would result to all parties.—The first Sir, would be the greater convenience for the Emigrants, on account of the proximity of the United States to this country, which would make the voyage much shorter and easier. Secondly, the Emigrants would find employment on lands already cultivated; which would enable them in less than a year to earn an honorable subsistence. Thirdly, the benefit this country would derive by laborers coming from the United States, as the cultivators would increase in proportion to the quantity of such labour, which would necessarily augment the Commerce of the United States with Hayti, both in imports and exports.

I have taken the liberty to send to Mr. J. Walker, merchant of this city, 2 hds. of brown Sugar, my own manufacture, marked C. C. with a request to ship them to you in my name. I beg you will accept of them Sir, and make such use of them as you think proper. It is a sample of the sugar which I manufacture; I hope the quality will improve in a short time. All the inhabitants of the Republic are endeavouring to improve the quality of their produce; with time and perseverance they will no doubt succeed.

Nothing shall be wanting on my part, Sir, to make my correspondence with you frequent and acceptable; for I hope it will eventuate in favor of humanity. On receiving Coffee of the present crop I will send you some.

Receive the assurance of my most distinguished consideration.

(Signed.)

J. P. BOYER.

Port au-Prince, 22d August, 1819

Sixteenth year of the Independence of Hayti.

Boston, Nov. 23.

The following article, from yesterday's Palladium, gives more full and we presume a more authentic account than has been before published, of the plunder of the brig Macedonian, by Lord Cochrane. The transaction here described took place about ten days previous to the date of the letter, addressed by all the British masters of vessels and commercial agents in Valparaiso, to the senior British navy officer in the Pacific Ocean, in which they undertake to declare their unanimous testimony in regard to the conduct of Lord Cochrane, who, in the absence of both British and American ships of war, has uniformly protected the neutral rights of all our merchant vessels. It is in this mode here related, that it may be expected neutral rights will be protected, so long as regular governments suffer admirals or pirates to exercise all the rights of lawful warfare, while they acknowledge subjection to no responsible head.—*Bot. Dai. Adv.*

The circumstances attending the late robbery committed by Lord Cochrane, having excited a considerable sensation, the following statement of facts, from an authentic source, may not be unacceptable to the public:

The brig Macedonian, Captain Eliphalet Smith, sailed from Boston in February, 1818, bound for the Pacific Ocean and Canton, with a cargo of dry goods amounting to 120,000 dollars.

After touching at Valparaiso and Coquimbo, (where some trifling sales were made) Captain Smith proceeded to Callao, the sea-port of Lima, where he sold his cargo to the agents of the Philippine Company for 145,000 dollars.

The exportation of specie being prohibited in neutral vessels at that time, one condition of the sale was, that the amount should be paid on board the Macedonian in Callao, at the risk of the purchasers; in other words, the risk of contraband in shipping the specie was to be taken by them.

Previous to these conditions being complied with the port of Callao was blockaded by the Chilean squadron under the command of Lord Cochrane, and all the neutrals ordered out, with permission to go to the port of Guernez, about 70 leagues north of Lima.

On the arrival of the Macedonian at this port, Capt. Smith had no other means left to get his funds, except taking them by land from Lima to Guernez; to effect which, with safety, he obtained a regular pass in his own name, and a permission from the Viceroy King; and having settled his accounts, and received his balance from the Philippine Company, all responsibility on their part was of course at an end.

After dispatching sixty-two thousand dollars by land, Captain Smith followed on with eighty thousand more; and when on the road near Guernez, he was attacked by a body of 60 armed men, under the command of Lord Cochrane, who plundered him of the whole amount, made him a prisoner, and conveyed him on board his frigate. Previous to which, on being questioned who the specie belonged to, Capt. Smith declared, in writing and on oath, that it was American property, and belonged wholly to the owners of the Macedonian's cargo, citizens of the United States.

While under confinement on board Lord C's vessel, Captain Smith was compelled to sign a contrary declaration, and to