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WEST FLORIDA.

From the National Intelligencer, Dec. 21.

In compliance with a promise which we made some days ago, we have the pleasure of laying before our readers the following statement, the correctness of which may be relied on, respecting the title of the United States to the territory east of the river Perdido, in the territory heretofore generally called West Florida. The statement is extracted from a document published under the authority of an act of congress, passed at their session, which directed a collation and arrangement of the laws, treaties and other documents relating to the Public Lands.

The United States by the treaty of 1803 with France acquired Louisiana without any direct definition of its boundaries, but as fully and in the same manner as it had been acquired by France from Spain, in virtue of the treaty of St. Ildefonso the 1st of October, 1800. By this treaty Spain had retroceded Louisiana to France "with the same extent that it then had in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States."

By the grant of Louis the Fourteenth to Croisade, dated 14th September 1712, all the country drained by the waters emptying directly or indirectly into the Mississippi, is included within the boundaries of Louisiana. The discovery of that river by the French, the general principles adopted by the European nations in relation to the rights of discovery, the publicity of the grant, and the acquiescence of Spain, establish the claim of the United States to that extent. But the western boundary on the sea shore, and south of the waters emptying into the Red River, is still a subject of controversy between the two nations; the territory called by Spain "Province of Texas" being claimed by both. The claim of France, now transferred to the United States, extended at east as far west as the bay of St. Bernard, in virtue of the settlement made there by La Salle in 1685, in the vicinity of the river Guadaloupe, at a time when Spain occupied no part of the territory east of the Rio Norte. That settlement was destroyed, and notwithstanding the repeated orders of the French government, was not resumed by the local authorities. In the meanwhile (in 1717) the Spaniards sent some private among the Indians, and shortly after established a small military post at Adalayes, afterwards transferred to Nogoches, in which rests their claim to the country east of La Salle's settlement. By an arrangement made in 1696, by the commanding officers in that quarter, it was agreed that for the present the Spaniards should not cross the Sabine, and that the Americans should not extend their settlements as far as that river. And in order to prevent any collisions until the difference should be finally adjusted, instructions have been given that the public lands should not be surveyed west of a meridian passing by Natchitoches.

East of the Mississippi the United States claim, by virtue of the treaty of 1803, all the territory south of the 31st degree of north latitude, and extending westwardly to the small river Perdido, which lies between Mobile and Pensacola, and was, when Louisiana formerly belonged to France, the boundary between that colony and the Spanish province of Florida. That territory, together with the residue of Louisiana, east of the Mississippi, was, by the treaty of 1763, ceded by France to Great Britain, who by the same treaty acquired also Spanish Florida. The preliminary articles of that treaty were signed on the third day of November, 1763; and, on the same day, France by a separate act, ceded to Spain all the residue of Louisiana, west of the Mississippi, and including the city and island (so called) of New Orleans.—By the treaty of 1783, Great Britain ceded to the United States all that part of the former colony of Louisiana, east of the Mississippi, which lay north of the 31st degree of north latitude; and to Spain, under the name of West and East Florida, both that part of Louisiana east of the Mississippi, which lay south of that parallel of latitude, and the Spanish province of Florida. The 31st degree of latitude was, by the subsequent treaty of 1795, between the United States and Spain, confirmed as the boundary between the possessions of the two nations. The title of the United States to the territory in question, under the treaties of St. Ildefonso, and of 1803, is fully established by those facts.

Louisiana was retroceded to France, "with the same extent that it then had in the hands of Spain;" and the territory in question, by whatever name Spain chose to call it, was then substantially in her hands.

Louisiana was retroceded "with the same extent that it had when France possessed it;" and not only was that territory part of Louisiana when France possessed it; but she never owned that province a single day without that territory, as part of it. For, as has been stated, she ceded on the same day the eastern part of Louisiana to England, and the western part to Spain.

Louisiana was retroceded, "such as it should be after the treaties subsequently entered into between Spain and other states;" and Spain never retroceded Louisiana in 1762, made by the treaties relative to Louisiana, but that of

This act or treaty of cession has never been made public; but its date is ascertained by the date of the king of France to Labadie.

1783, with Great Britain, and that of 1795, with the United States: She had entered into no treaty whatever, which affected Louisiana west of the Mississippi. This member of the description can therefore only apply to the territory in question, east of the Mississippi, and there it has full effect; the territory having been acquired by Spain, by her treaty of 1763, with Great Britain, and its boundaries having been finally established by her treaty of 1795, with the United States. "Louisiana, such as it should be," &c. can only mean, including east Louisiana, as restored by the treaty of 1783, but extending no further north than the southern boundary of the United States as recognized by the treaty of 1795.

The spirit of the treaty equally supports the construction necessarily derived from its letter.—Spain retrocedes to France the colony which France had ceded in 1762, and she must therefore yield all in her possession which France had formerly given up. The cession by France of west Louisiana to Spain, was to compensate for the loss of Florida: the cession of east Louisiana to England, was to make, together with Florida, an equivalent for Cuba, which, on that condition, was restored to Spain. France ceded the whole for the benefit of Spain. And Spain having recovered Florida by the treaty of 1783, having herself ultimately lost nothing; it is a natural consequence that France, in obtaining a retrocession, should take back all she had lost, for the sake of Spain. It is hardly necessary to add, that no private explanation between those two nations made subsequent to the treaty of St. Ildefonso, can affect the right of the United States, derived from a public treaty; such supposed explanation not having been communicated to them by France, when the treaty of 1803 was concluded, nor even afterwards by Spain, when she acquiesced in the acquisition of Louisiana by America."

† For that act of acquiescence, see in the Appendix, Cevallo's letter to Mr. Pinkney, of the 10th February, 1804.

NATCHEZ, Dec. 3.

CALL OF A CONVENTION.

On turning to the proceedings of our legislature, published in this day's Chronicle, it will be seen that the consideration of the convention bill is postponed until the next meeting of the legislature. We congratulate our fellow citizens on this decision of their representatives which proves that our confidence in their wisdom and patriotism was well founded. We trust that this decision will tend to remove those prejudices which designing men have endeavored to raise against us at the seat of government. It will evince to the nation, that although we desire a state government, we are incapable of doing an act to obtain it, that is not sanctioned by law and justified by reason.—The memorial to congress praying permission to form a state constitution, which is now before the house of representatives, meets our unequalled approbation, and claims our undiminished support. We are capable of self government; and such is our confidence in the justice and liberality of congress, that we are persuaded the prayer of the memorial will be granted, should it be found that our numbers will entitle us to a representation in congress.

WEST FLORIDA.

A gentleman from Pensacola and Mobile, direct, informs that both these posts were in an excellent state of defence, and well filled with troops—that governor Folch was at Mobile, where he was expecting a reinforcement from Havana, when he intended advancing for Baton Rouge—that colonel Kemper, in the service of the convention, was on the Alabama river, with 300 men, where he will probably remain until he receives a reinforcement: the standard of independence had been reared by major Kennedy, in the vicinity of Mobile, where the cause has many friends.

We learn from St. Francisville, that the legislature assembled there last week under the new constitution, and elected Fulwar Skidwith, Esq. governor—and that in consequence of dispatches from colonel Kemper, a detachment of 1,500 men (with a suitable train of artillery) under the command of colonel Kirkland, marched from St. Francisville for Pensacola, on the 24th of November.

By a gentleman from New Orleans, which place he left on Monday last, we learn that whilst he was at Baton Rouge, the squadron of gunboats, which sailed a short time since from this place, passed and exchanged a salute with the fort. Great military preparations were going on in Florida, from which our informant supposed some enterprize of consequence was in contemplation.

To the Printers of the Natchez Weekly Chronicle.

The National Intelligencer of the 8th October, fell into my hands yesterday, and I was surprised to find it begin with these words:

"GEORGE POINDEXTER, ESQ.

"Dinners have been given by his constituents in various parts of his district to George Poindexter, Esq. delegate to Congress from the Mississippi Territory, in testimony of their sense of his services. We extract the following account of two from Natchez papers. We do it the more particularly because, when at a distance from the Atlantic border, he has been most vilely and ungenerously calumniated. Those who know him best, afford the amplest refutation of the aspersions on his character, and shew their undiminished

confidence, by the civic honors they bestow upon him."

Now as Mr. Gales has mistaken facts, or made wilful misrepresentations, I request you to say, for the information of the republicans of "the Atlantic border," that "dinners" were not "given by his constituents in various parts of his district, to George Poindexter, Esq. in testimony of their sense of his services." But two dinners were given to Mr. Poindexter, an account of both of which is copied into the Intelligencer. Even those solitary dinners were not given Mr. P. by the republican party, in approbation of his conduct as a delegate, (for the republicans generally neither approve of his public or private conduct) but were the offerings of a few particular friends, as a testimony of regard. I do not believe the republicans as a party, felt disposed to testify to Mr. P. their entire approbation.

If Mr. Gales is a strait up and down man, he will publish this, as his best justification.

Your Republican Friend,

TRUTH.

Congress of the United States.

HOUSE OF REPRESENTATIVES,

Thursday, Dec. 20.

AMENDMENT OF CONSTITUTION.

On the motion of Mr. Macon, the House resolved itself into a committee of the whole, Mr. Cutts in the chair, on the state of the Union, on the motion introduced by Mr. Macon for adding to the constitution the following articles:

"No Senator or Representative, after having taken his seat, shall during the time for which he was elected be eligible to any civil appointment under the authority of the United States, nor shall any person be eligible to any such appointment until the expiration of the Presidential term, during which such person shall have been a Senator or Representative."

Mr. Rhea said that this amendment would go to curtail the privileges of our citizens, and to introduce an innovation of the constitution. For these two ample reasons he moved to amend it by striking out the following words: "nor shall any person be eligible to any such appointment until the expiration of the Presidential term, during which such person shall have been a Senator or Representative."

Mr. Macon defended his proposition and opposed Mr. Rhea's motion. He said that the objection to his proposition because it was new, was not sound, if the motion was reasonable in itself. The amendment went to complete the intention of the framers of the constitution, which was that no member of Congress should be appointed to any office. It would prevent party spirit from going too far for office; from making places when going out of office, to secure to itself some sort of power in other departments, when it could not retain it in the Legislature. As to depriving men of their right by coming to Congress, it was an empty argument; according to which the Constitution deprived men of their right by prohibiting a member from holding an office whilst in that capacity, or from serving in any office created whilst he was a member. But in what respect would this restriction affect the community? Could not offices as well be filled out of Congress as in it? Congress had already legislated as far as in their power on this subject by passing a law to prevent contractors from holding a seat on this floor.

The independence of the Legislature was the object. If there was no covetousness of office, if human nature was perfect, we should want no laws. But laws become necessary to check the frailties of our nature, and this provision would serve to repress the inordinate desire of man for office.—Indeed, said he, it is as necessary almost to guard against a virtue as against a vice. Take the case of a man who has long been in Congress, whose worth all acknowledge, about to retire, and who know that he has not wherewithal to support himself—we should almost forgetting our duty to the constitution, be willing to make a place expressly for him.

Mr. M. said it appeared to him that nothing could be more incorrect, as related to the independence of the legislature, than for men to be sitting here, knowing that when they retired they were to have an office. Knowing that they were to have it was not worse than wishing to have it; because in either case the independence of the expectant was destroyed. The practice of bestowing offices on members of the Legislature had already obtained to an extent not before known. It was a practice pleasing to members, and it would grow. Suppose any member wanted an appointment, and should go to his friends and get recommendations from twenty, thirty, or forty of them. Would it not operate almost as a command on the Executive, when he saw a majority of the Legislature declaring that this man ought to have an office? If he were to refuse he would soon feel the consequences.

Believing the purity of the Legislature to depend on the existence of such a provision as he had proposed, Mr. M. said he could not consent to strike it out. Every thing, said he, depends on the Legislature. Make the members of the Legislature office-hunters, and you make the nation so. If the Executive archives could be consulted, it would be seen that the applications for office in the nation at large had progressed much in the same proportion as those from the members of Congress. And is it not natural, sir, that the people who send a man to Congress, seeing him provided with a snug place, would want the same

thing? I am willing to extend the principle; I am almost willing to go as far as upon the jury principle in trials for life. I am willing not only to exclude ourselves, but to exclude our kindred.—Could any thing be more mortifying, Mr. M. asked, than to see every little appointment in the nation given to the Legislature? To him it was a mortifying circumstance. He could mention names; but that it was always painful to him to do so. He had seen this practice growing with our growth; and, if not checked, it would come to be one of the greatest of evils. If the gentleman from Tennessee could demonstrate that there was such a paucity of talent in the nation, that, by the exclusion of members of Congress from office, the business of the nation would be advanced, he would vote for his motion; and not otherwise.

It had been said that the proposed amendment to the constitution went to deprive the citizen of his right. It appeared to Mr. Macon, that this right of office was not a good thing. He knew that no man in the House was farther from office hunting, than the gentleman who made the motion—his remark applied to the subject, and had no particular application to men. If experience had not convinced gentlemen that something wanted doing, he despaired of convincing them. He hoped the motion would not be agreed to.

The motion of Mr. Rhea was negatived—ayes 12.

Mr. Bacon suggested some amendment in the phraseology of the resolution; and, doubts existing on the subject—

On motion, the committee rose, and the resolution was, on the suggestion of Mr. Sheffey, referred to a select committee, with directions to report their opinion thereon.

The resolution was then referred to a select committee composed of Messrs. Macon, Burwell, Bacon, Sheffey and Mitchell.

FROM WASHINGTON.

Saturday, December 23.

There is seldom much business done in either house of congress till after Christmas. None of the committees to whom have been referred the principal subjects recommended in the message, have yet reported. Probably next week some of them will report. Nothing has yet leaked out respecting the course intended to be taken, but the general opinion is that a rigorous non-intercourse will be recommended. This however will meet such strong opposition that, without reference to what may take place in France or England with respect to us, it is very doubtful whether it can be carried. Many of the democrats know how injurious to their constituents such a measure will be, and how unpopular it will render them. Added to which, with all the precaution that can be taken in framing the law, there will be "doubts and difficulties" in carrying it into execution that no cunning of the framers of a bill can remove. Nothing will be definitively adjusted till the close of the session.

Doctor Mitchell is chairman of the committee to whom was referred the subject of a national university; and we have no cause to doubt but that the subject will undergo a full investigation, and a system in detail be organized and recommended; but how it will be received in the house is uncertain.—There are many opposed to such an institution in toto; who entertain fears that it will be an instrument under the immediate control of government that will gradually lead to a national establishment of politics and religion. However, numerous as the numskuls in the house are, the opposition, from such fears, will be but feeble. The interest and the honor of the country demand a compliance with the last wishes of Washington on this subject; the funds left by him for the purpose and a liberal appropriation by government may give it a start; after which there is little danger of its being suffered to languish from want of nourishment.

On Monday last Mr. Troup moved a call on the Secretary of the Treasury to inform the house what settlements had been made on the Yazoo lands, and what had been done by government to drive off the settlers. Several years ago an abominable law passed for destroying all who should attempt to settle on the lands. The object of Troup's motion is to bring a discussion before the house of the validity of the decision of the Supreme Court of the United States last session. If a majority can be obtained, the legislature is to be set in array against the judiciary. The object however must fail; for, even if a majority of the house can be obtained, the Senate has a contrary majority, and the President is what is called a Yazoo man.

The census bill is put to rest till February, by which time complete returns will probably be received from all the states. There is a majority of the house who wish the ratio not less than 40,000 to a representative, but I think it probable they will consent to make it a little less, just so that none of the states will lose any of their present number, forty thousand would take one from Rhode Island and one from Connecticut as it is feared; of which there is no necessity; nor are any evils to be apprehended from increasing the house quite to two hundred.

Petitions have come in from various quarters praying relief from the operation of the expected non-intercourse. How they can be relieved yet the non-intercourse be put in force, it is difficult to know.

Mr. Pearson, on Tuesday introduced a resolution for further investigation of Wilkinson's conduct. It was astonishing to see what opposition