

and superfluous; which would be doing violence to the gentleman's own rule of construction. But if the gentleman will insist on giving to the second member an enlarged or extended sense, it may be done by applying it to the western boundaries of Louisiana. It is said that when France ceded Louisiana to Spain in '62, the country extended on the west to the river Sabine, and that Spain, prior to the treaty of 1800, detached from Louisiana the territory south of the waters emptying into the red river and erected it into a new province under the name of the "Province of Texas." Sir, the operations on the Sabine are memorable. It is well known how mysteriously they were suspended by an arrangement in 1806, by which it was agreed that the Spaniards should not cross the Sabine, and that the Americans should not extend their settlements as far as that river. And for this purpose, to prevent collisions, until the difference should be settled, instructions were given that no surveys should be made west of a meridian passing by Natchitoches.

If the gentleman is not satisfied by travelling to the west, by going to the east he may find an application—the town and island of New Orleans, which, though named in the cession to Spain, are not named in the treaty of retrocession to France.

As to the 3d member of the passage, it is a formal provision introduced into most treaties, and would be understood if not expressed. Of course the cession would be subject to prior treaties with other states. In 1795 Spain concluded a treaty with the United States, whereby she agrees that the navigation of the Mississippi, in its whole breadth from its source to the ocean, shall be free to the citizens of the United States and that they shall have the right to deposit their merchandize and effects in the port of New Orleans, free of duty for three years, and after that period, if the privilege is not extended at the port of New Orleans, she is to assign to the United States, on another part of the banks of the Mississippi, an equivalent establishment. To these provisions the clause in question I apprehend refers.

The holding or possession of Louisiana is correspondent with the construction I have given the treaty. When possession was originally delivered by France to Spain, Florida was not delivered or considered any part of the cession.—When Louisiana under the treaty of St. Ildefonso was restored to France, Florida was not delivered. When Louisiana under the treaty of 1803 was delivered to the United States, Florida was not comprehended. Indeed the government of the United States then treated the country on the west of the Mississippi, including the town and island of New Orleans as the whole of Louisiana by receiving it and paying the purchase money, which by the terms of the treaty they were not bound to do, and which by the act of Congress creating the Louisiana stock they were not authorized to do, till after full and entire possession had been delivered.

Mr. President, is it conceivable that after the boundary in question had been established by the most solemn compact of nations, and consecrated by a long and bloody war, and too by a lapse of near 40 years—Is it conceivable that the territory in question, excluded by that boundary, and raised into a distinct province under a distinct name—a name it ever bore after the establishment of the boundary—Is it, I say, sir, conceivable, if the parties meant to have included this province in the treaty of Ildefonso, that it should not have been specifically named?

I have now, sir, closed my remarks on the question of title, and will proceed to consider very briefly the only remaining question—that of expediency.

It would be well for gentlemen to consider whether this measure is not a departure from the just and pacific policy heretofore professed on the part of the United States. Sir, our policy has been to avoid war. To this policy we have sacrificed many of our national rights, and property to a vast amount—pocketed indignities and suffered the nation's character to sink. We were particularly squamish in relation to St. Domingo a colony of France, when in a state of rebellion. We at that time carried on and had for a long time before an important commerce with that island, when suddenly we were called upon by the French minister in the name of his master, in a still too not the most decorous and humble, to relinquish that commerce. And what did you do, sir? Compare the two cases. Here is a Spanish colony in a state of rebellion. And what do you do? Refuse to return provisions and supplies as in the case of St. Domingo? No, sir. Do we merely aid and assist the revolutionists? No, sir; but we are about to invade the colony and take it to ourselves. Sir, your conduct would have been consistent, if, instead of passing a non intercourse with St. Domingo, you had detached a squadron for the conquest of that island.—France at that time had insulted and injured us more than Spain has done, and France then was equally as incapable of affording protection to that island as Spain now is to her colony of West Florida.

Sir, what has been your conduct heretofore towards Spain? When she denied to you the right of navigating the Mississippi, which may be considered one of the natural rights of this country—a right too consecrated by treaty, did you go to war? When she denied to you the right of deposit at New Orleans, in violation of a recent treaty, did you go to war? When she subjected you to a duty or tribute, as some would call it, on the Mobile; did you go to war? Nay, sir, when she committed spoliation on your commerce, and suffered them to be committed within her jurisdiction by another power, did you go to war? No, sir. And why? Spain was then the ally of France.—What has Spain recently done to provoke this act of aggression upon her territory? What new offence has she given the United States? Is it her determination to resist the usurpation of France, or is it, that she has lately sent a minister to express her friendly disposition, to treat with you for both the Floridas, and pay what she owes us for spoliations?

Do you calculate that France will conquer Spain? This, in my humble opinion, she will not do. France is not now contending with an armed soldiery, but she fights an armed people; a people

struggling for their liberty, their religion, and their laws, and resolved not to survive them. With such a cause and such a resolution, neither France nor the combined powers of the earth can subdue them. Mr. President, what are to be the consequences of this measure, a measure adopted at a time particularly calculated to excite the resentment of Spain and her allies; at a time when that people is pressed on all sides by their enemy, when their strength is prostrate, when they bleed at every pore and are almost in the act of fainting? What, I say, sir, are we to expect but their indignation and retaliation? Let it not be forgotten that the *lex talionis* is the modern rule, and that the day of retribution may come. Spain has a fleet, and being the ally of England, can send them to sea. Your East India merchants may pay for Florida. Your vessels in the ports of Spain and in the ports of her colonies may be seized and confiscated, and with more cause than the late seizures and confiscations of Europe. Sir, I consider this bill all important, and pregnant with awful consequences.—Let it therefore be well considered before it passes.

In point of time, I think we are particularly unfortunate. Recollect the important crisis of this country in relation to the belligerents of Europe. France, it is said, has revoked her edicts, and now it remains for Great Britain to say whether she will repeal hers. Let it be remembered, that Great Britain is now the ally of Spain, and for aught we know, may have guaranteed her colonies. Would it not at least have been prudent, as was done on a former occasion in relation to another power, to have enquired what part she would take? If she is to act the part of an ally offensive and defensive or of an ally at all, can it be expected that she will revoke her orders in council or even remain indifferent? It is a singular circumstance, that the proclamation reviving the non intercourse with Great Britain and the one for taking possession of Florida were upon the anvil at the same time. There is only five days difference in their dates, and the Florida proclamation is the first. Sir, to me, they look a good deal like twin brothers.

One moment more will close my remarks. The honorable gentleman from Kentucky has told us that Europe is now in a state of barbarism, and has emphatically asked, are we to sit here and cavil about questions of right? What, sir, if Europe has become barbarous, is that a reason why America should become so too? Why we should depart from the great system of conduct which has been the pride, the safety, and boast of our country—of faith—of justice—of peace? Is this a reason, sir, why we should violate our treaty with Spain, not one of those barbarous powers, but one of the victims of those powers? Is this a reason why we should commit an act of injustice and violence towards a people who had preferred you their friendship? Is this a reason why we should embroil the nation in war?

I beg pardon, sir, for having detained you so long. The subject is important, and if I have not been mistaken in my views of it, I have shewn the proclamation unauthorised, that we have not a good title to Florida, and that if we had a claim, it would not accord with the equitable and pacific policy of the United States to assert it at this time by force.

Mr. Clay's Speech.—Mr. President.—It would have gratified me if some other gentleman had undertaken to reply to the ingenious argument which you have just heard. But not perceiving any one disposed to do so, a sense of duty obliges me, though very unwilling, to claim your indulgence whilst I offer my sentiments on this subject, so interesting to the Union at large, but particularly to the Western section of it. Allow me, sir, to express my admiration at the more than Aristidean justice, which, in a question of Territorial title between the United States and a foreign nation, induces certain gentlemen to espouse the pretensions of the foreign nation. Doubtless, in any future negotiations, she will have too much magnanimity to avail herself of these spontaneous concessions in her favor, made on the floor of the Senate of the U. States.

It was to have been expected, that in a question like the present, gentlemen, even on the same side, would have different views, and although arriving at a common conclusion would do so by various arguments. And hence the honorable gentleman from Vermont entertains doubts with regard to our title against Spain, whilst he feels entirely satisfied of it against France. Believing, as I do, that our title against both powers is indisputable, under the treaty of St. Ildefonso, between Spain and France, and the treaty between the French Republic and the United States, I shall not enquire into the treachery by which the king of Spain is alleged to have lost his crown; nor shall I stop to discuss the question involved in the overthrow of the Spanish monarchy, and how far the power of Spain ought to be considered as merged in that of France. I shall leave the honorable gentleman from Delaware to mourn over the fortunes of the fallen Charles. I have no commiseration for princes. My sympathies are reserved for the great mass of mankind, and I own the people of Spain have them most sincerely.

I will adopt the course suggested by the nature of the subject, and pursued by other gentlemen, of examining into our title to the country lying between the Mississippi and the Rio Perdido (which, to avoid circumblocution, I will call West Florida, although it is not the whole of it—) and the property of the recent measures taken for the occupation of it—Our title depends, first, upon the limits of the province or colony of Louisiana, and secondly, upon a just exposition of the treaties before mentioned.

On this occasion it is only necessary to fix the Eastern boundary. In order to ascertain this, it is proper to take a cursory view of the settlement of the country, the basis of European title to colonies in America being prior discovery or prior occupancy. In 1682, La Salle migrated from Canada, then owned by France, descended the Mississippi and named the country, which it waters, Louisiana. About 1698, D'Iberville discovered by sea the mouth of the Mississippi, established a colony at the Isle Dauphine or Massacre, which lies at the mouth of the bay of Mobile, and one at the mouth of the river Mobile and was appointed

by France governor of the country. In the year 1717, the famous West India Company sent inhabitants to the Isle Dauphine, and found some of those who had been settled there under the auspices of D'Iberville.—About the same period Baloxi, near the Pascagola, was settled. In 1719, the city of New Orleans was laid off and the seat of the government of Louisiana was established there. In 1736, the French erected a fort on Tombigbee. These facts prove that France had the actual possession of the country as far east as the Mobile at least. But the great instrument which ascertains, beyond all doubt, that the country in question is comprehended within the limits of Louisiana is one of the most authentic and solemn characters which the archives of a nation can furnish. I mean the patent granted in 1612 by Louis the 13th to Crozat.—(Here Mr. Clay read such parts of the patent as were applicable to the subject.) According to this document, in describing the province or colony of Louisiana, it is declared to be bounded by Carolina on the East and Old New Mexico on the West. Under this high record evidence, it might be insisted that we have a fair claim to East as well as West Florida against France at least, unless she has by some convention or other obligatory act, restricted the Eastern limits of the province. It has, indeed, been asserted, that by a treaty between France and Spain, concluded in the year 1719, the Perdido was expressly stipulated to be the boundary between their respective provinces of Florida on the East and Louisiana on the West; but as I have been unable to find any such treaty, I am induced to doubt its existence.

Extract from the Grant to Crozat, dated Fontainebleau, September 14, 1712.

LOUIS, BY THE GRACE OF GOD, &c. "The care we have always had to procure the welfare and advantage of our subjects, having induced us, &c. to seek for all possible opportunities of enlarging and extending the trade of our American colonies. We did in the year 1683 give our orders to undertake a discovery of the countries and lands which are situated in the northern part of America, between new France and new Mexico; and the Sieur de la Salle, to whom we committed that enterprise, having had success enough to confirm a belief that a communication might be settled from New France to the Gulf of Mexico by means of large rivers; this obliged us immediately after the peace of Ryswick, to give orders for establishing a colony there and maintaining a garrison, which has kept and preserved the possession we had taken in the very year 1683, of the lands, coasts and island which are situated in the Gulf of Mexico, between Carolina on the east and old and new Mexico on the west. But a new war having broke out in Europe shortly after, there was no possibility, till now, of reaping from that colony the advantages that might have been expected from thence, &c. And whereas, upon the information we have received concerning the disposition and situation of the said countries, known at present by the name of the province of Louisiana, we are of opinion, that there may be established therein a considerable commerce, &c. we have resolved to grant the commerce of the country of Louisiana to the Sieur Anthony Crozat, &c. For these reasons, &c. we by these presents, signed by our hand, have appointed and do appoint the said Sieur Anthony Crozat to carry on trade in all the lands possessed by us, and bounded by New Mexico and by the lands of the English of Carolina, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphin, heretofore called Massacre, the river of St. Louis, heretofore called Mississippi, from the edge of the sea as far as the Illinois, together with the river St. Philip, heretofore called the Missouri, and of St. Jerome, heretofore called Ouabache, with all the countries, territories, and lakes within land, and the rivers which fall directly or indirectly into that part of the river St. Louis.

The articles. 1. Our pleasure is, that all the countries, streams, rivers and islands be, and remain comprised under the name of the government of Louisiana, which shall be dependent upon the general government of New France, to which it is subordinate; and further, that all the lands which we possess from the Illinois be united, &c. to the general government of New France, and become part thereof, &c."

(Debate to be continued in our next.)

THE SONNAS.

Extract from the notes attached to the Rev. Dr. Morse's Sermon before the society for propagating the Gospel among the Indians and others in North America; a work which has been much approved of, and cannot be too generally read and admired.

"In the Caucasian Mountains, not far from the Black Sea, is a people called Sonnas, from their country of this name, amounting to about 200,000 souls, inhabiting 60 villages, some of which are towns of 900 houses. These people acknowledge Jesus Christ to be their only King and Saviour. They pray that God would bless them for Christ's sake, observe the sabbath, have priests who baptise their children, and administer the sacrament of the Supper. They believe in a future judgment. They are said, some of them, to labor under deep convictions of sin, and to pray night and day. They consider their preservation, and the preservation of christianity among them, as a miracle. They inoculate their children for the smallpox; have gardens enclosed with stone walls, and abundance of fruit and live in harmony and comfort.—[This is an official document from the Rev. Mr. Brunton's letter from Karass, Tartary, Feb. 1806.]

Extract of a letter from a passenger on board the Hannah Loretta, capt. Brady, from the Havana, bound to Philadelphia, with coffee, sugar, &c. discharged between Cedar and Missipion creeks, in the county of Sussex, (Del.) in the month of Dec. 1810.

"We had an agreeable passage until we struck on the west side of Joe Flogger, where we started a plank and drifted on the shore near Slaughter Neck, with the wind N. East. The surveyor and inspector of revenue came from Lewistown to our assistance, and we were in a good way to save

the principal part of our cargo. We got a part on shore, and a part in a pilot boat the surveyor secured—but the savages from the country came down to the beach, hid violent hands on our property, considering all saved as theirs. The surveyor read to them the act of congress, that provided penalties to be recovered of those that interfered him in the execution of his office, &c. They did not regard—they plundered us of the cargo we got on shore—looted the schooner and plundered her—carrying off far the greatest part of the general assembly for Sussex county, a member of Delaware.—This monster assaulted the surveyor, and I believe if Mr. Haggis had not have been supported by some gentlemen from the county, we should have had to abandon our property, and did save. We have suffered much, eight days and nights on the beach and on board the schooner—but our greatest mortification was to be through the country, I saw at different places coffee that had been exchanged for corn, at the rate of one bushel for two. There was a considerable quantity carried to Millford, in Kent county, and purchased by the people after the surveyor had interfered as a revenue officer. But I saw like the sailor that lost all but his life: I thank God, I saved that. I have been cast on shore before, but never met with such treatment as we received from the savages of Slaughter Neck, in Sussex county.

University of North Carolina.

THE subscribers, acting as a committee under the authority of the trustees of the University of North Carolina, have pleasure in announcing to the public, that a contract is at length made and entered into for finishing the principal or model building of that Institution. And they hereby inform all whom it may concern, that in order to enable them properly to execute the duties enjoined on them by the trustees, it becomes indispensably necessary that they shall be in possession of all the subscription papers heretofore issued and sent forth in the hope of obtaining aid to the end above mentioned. It is requested therefore, that all such papers be returned to them, or to some one of them, by mail or otherwise, on or before the first day of July next: As soon as possible, after which period, the committee have it in charge to announce to the world the number of the individual subscribers towards finishing the principal building abovementioned; which will be done through the medium of the papers published in this place; in which shall be mentioned the name, place of residence, and the amount of the subscription of each individual donor. This, by a generous and patriotic mind, the committee are aware, will not be taken into consideration: They hold, however, that it is right and proper that the rising generation shall be informed of the names of those to whose affectionate and liberal provision they will be so greatly indebted.

JOHN HAYWOOD, HENRY POTTER, WILLIAM POLK. Raleigh, Jan. 17, 1811.

SECOND CLASS OF THE CAPE-FEAR LOTTERY.

THE Drawing of the Second Class of the Cape Fear Lottery will commence on the 15th day of January next, and continue to draw 1000 Tickets per week until it is finished. The President and Directors of the Deep and Haw River Navigation Company who have the management of the above Lottery, flatter themselves that the following Scheme is so plain and fair, that it needs no explanation. Tickets will be sold at nearly all the public places in the state; and any gentleman taking ten Tickets can have them on credit until the drawing is finished, and the Prizes will then be received in payment.

Table with 2 columns: Prizes and Amounts. 60 prizes of 100 dollars is 6000 dollars. 100 do. of 50 do. is 5000 dollars. 290 do. of 20 do. is 5800 dollars. 600 do. of 10 do. is 6000 dollars. 1200 do. of 6 do. is 7200 dollars. 2250 prizes, 3750 blanks. 50,000 dollars.

6000 Tickets at 5 dollars each is 30,000 dollars. The first drawn 250 blanks will be entitled to one of the prizes of 6 dollars each. Subject to a deduction of 15 per cent.

H. Branson, Joseph Minten, Mordock M-Kenzie, Archibald D. Murphree, Benjamin Williamson. Fayetteville, Nov. 20th, 1810.

State of North-Carolina, GRANVILLE COUNTY.

Superior Court of Law, September Term, 1810. Vaughan & Hazard, vs. John Spencer.

WHEREAS it appears to this court that the defendant, in this cause is not an inhabitant of the State, ordered that publication be made in the Raleigh Minerva for the space of three months, that unless the defendant appear at the next term of our said court, on the first Monday of March next, replevy property and plead to issue, judgment final will be entered against him.

Witness, WILLIAM M. SNEED, clerk.

THE IMPORTED HORSE DION.

WILL stand this season at my stable near Granville Court-House. WILLIAM M. SNEED. January 17.