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Congressional Proceedings.

IN THE HOUSE OF REPRESENTATIVES.

Wednesday, Dec. 8.

I revert to this date in the proceedings, and to that of the fifth, in order to give the remarks of Messrs. Clay, Robertson and Forsyth, on the subject of our relations with South America and the Spanish revolted provinces. Much anxiety as to doubt exists to learn the views of the leading gentlemen in congress; and as the remarks alluded to above were excluded last week by the President's message, I cannot omit them in the present paper:—

[For the better understanding of the subject, the resolution submitted by Mr. Clay is again inserted.]

And that the said committee be instructed to enquire whether any, and, if any, what provisions of law are necessary to secure to the American colonies of Spain, a just observance of the duties incident to the neutral relation in which the United States stand, in the existing war between them and Spain.

Mr. Clay said, that his, presenting, at so early a period of the session this subject to the consideration of the house, was in consequence of certain proceedings which he had seen represented in the public prints as having taken place before certain of our courts of justice. Two or three cases bearing on this subject had come to his knowledge, which he wished to state to the house. The first had occurred at Philadelphia, before the circuit court of the U. States held in that city.

The circumstances of the case, for which however he did not pretend to vouch, having received them through the channel already indicated, were these; if they were inaccurately stated, he was happy that a gentleman had taken his seat this morning from that city, who would be able to correct him: that nine or ten British disbanded officers had formed in Buenos Aires the resolution to unite themselves with the Spanish patriots in the contest existing between them and Spain; that to carry into effect this intention, they had sailed from Europe, and in their transit to South America had touched at the port of Philadelphia; that during their residence in Philadelphia, wearing perhaps the arms and habiliments of military men, making no disguise of their intention to participate in the struggle, they took passage in a vessel bound to some port in S. America; that a knowledge of this fact having come to the ears of the public authorities, or, perhaps at the instigation of some agent of the Spanish government, a prosecution was commenced against these officers, who, from their inability to procure bail, were confined in prison. If, said Mr. C. the circumstances attending this transaction be correctly stated, it becomes an imperious duty in the house to institute the enquiry contemplated by the amendment which I have proposed. That this was an extraordinary case was demonstrated by the fact of the general sensation which it had excited on the subject, in the place where it had occurred. Filled as that respectable and populous city is with men differing widely on political topics and entertaining various views of public affairs, but one sentiment, Mr. C. said, prevailed on this subject, which was favorable to the persons thus arraigned. With regard to the conduct of the court on this occasion, he would say nothing; the respect which, whilst he had a seat on this floor, he should always shew to every department of the government: the respect he entertained for the honorable Judge who had presided, forbade him from pronouncing the decision of that court to have been unwarranted by law. But he felt himself perfectly sustained in saying, that if the proceeding was warranted by the existing law, it was the imperious duty of congress to alter the law in this respect. For what, he asked, was the neutral obligation which one nation owed to another engaged in war?—The essence of it is this: that the belligerent means of the neutral shall not be employed in the war in favor of either of the parties. That is the whole of the obligation of a third party in a war between two others: it certainly does not enquire of one nation to restrain the belligerent means of other nations. If those nations choose to permit their means to be employed in behalf of either party, it is their business to look to it, and not ours. Let the conduct of the persons prosecuted be regarded in its most unfavorable light; let it be considered as the passage of troops through our country, and there was nothing in our neutral obligations forbidding it. The passage of troops through a neutral country, according to his impressions, was a question depending on the particular interest, quiet, or repose of the country traversed, and might be granted or refused, at its discretion without in any degree affecting the obligations of the neutral to either of the parties engaged in the controversy. But surely, Mr. C. said, this was not a case of the passage of troops: the persons arraigned not being, in sufficient number,

not organized, or equipped in such a manner as, under any construction, to constitute a military corps. On this case he would detain the house no longer, he said; for he was satisfied they could not but agree with him, if the law justified the proceeding that has taken place, that laws ought to be immediately amended. Other cases had occurred in which it appeared to him it became the Congress to interpose its authority. Persons sailing under the flag of the provinces had been arraigned in our courts, and tried for piracy; in one case, after having been arraigned, tried, and acquitted of piracy, the same individuals, on the instigation of a Spanish officer or agent, had been arraigned again for the same offence. The gentleman from Massachusetts would correct him if he was wrong; for the case had occurred in the town of Boston. We admit the flag of these colonies into our ports, said Mr. C.; we profess to be neutral; but if our laws prohibit, that the moment the property and persons under that flag enter our ports, they shall be seized, the one claimed by the Spanish minister as consul of the property of Spain; and the other prosecuted as pirates, that law ought to be altered if we mean to perform our neutral professions. I have brought the subject before this House thus promptly, said Mr. C. because I trust that in this House the cause will find its just and proper treatment elsewhere, on this floor will be found a guardian interested to our performance of the just obligations of neutrality. Hitherto, he said, whatever might have been our intentions, our acts had been all on the other side. From the proclamation of 1815, issued to terminate an expedition supposed to be organizing in Louisiana, an expedition existing only in the mind of the Cavalier de Ours, down to the late act—when the measure was a proper one or not he did not say; an ordinance in the Executive which he supposed it was adopted on sufficient grounds—down to the order for suppressing, as it was called, the establishments at Amelia Island and Galveztown—all the acts of the government had been on one side; they all bore against the Colonies, against the cause in which the patriots of South America were ardently engaged. It became us, he said, to look to the other side, honestly intending neutrality, as he believed would. Let us recollect the condition of the patriots; no minister to spur our government, as was said in an interesting, and it appeared to him very candid work recently published in this country respecting the progress of the South American revolution—no Minister here to be rewarded by noble honors in consequence of the influence he is supposed to possess with the American government. No: their unfortunate case, Mr. C. said, was what ours had been in the years 1778 and 1779—their Ministers, like our Franklin and Jays at that day, were skulking about Europe, employing inexorable legitimacy for one kind look; some apt to terminate a war afflicting to humanity. Nay, their situation was worse than ours: for we had one great and magnanimously to recognize us, but no nation had stepped forward to acknowledge any of those provinces. Such disparity between the parties, Mr. C. said, demanded a just attention to the interests of the party which was unprotected; and if the facts which he had mentioned, and others which had come to his knowledge, were correct, they loudly demanded the interposition of Congress. He trusted the House would give the subject their attention, and shew that here, in this place, the obligations of neutrality would be strictly regarded in respect to Spanish America.

Mr. Seargeant rose, in consequence of the gentleman having appealed to him, not to enter into any discussion of the question presented by the amendment, but to speak of the facts which were within his knowledge. The statement made by the Speaker was substantially correct: it was also correct that the circumstances had occasioned considerable sensation among all parties in the city of Philadelphia. Mr. S. recapitulated the principal facts, adding that the vessel in which these persons embarked was laden with munitions of war. As respected the views and intentions of the persons apprehended, Mr. S. said, he believed they had neither any intention nor any idea of violating the laws of the United States; and that their conduct had been perfectly decorous and correct.—The court had not they had offended against the Act of Congress of the last session; or were so far at least of that opinion, that they thought it necessary to detain them. The bail demanded was not high; but they were not able to procure it, and were, therefore, committed to gaol. It was because of the correct deportment of these persons, that the sentiment in their favor had been so general—but no complaint was made of the Court, for which the same respect was entertained with which the Speaker himself had regarded it. He had mentioned these facts only that the house might, when the time came for acting on it, be aware of the construction put on the existing law, so far as any had been given.

The amendment moved by Mr. Clay to the first resolution was agreed to without opposition.

The committee of the whole rose and reported their adoption of the several resolutions moved by Mr. Taylor, with the amendment, which the house agreed to, *nem. con.* and the committees were ordered to be appointed accordingly.

December 5.

Mr. Robertson of Lou. offered the following resolution for consideration:

Resolved.—That the President of the United

States be requested to lay before the house of representatives such information as he may possess and think proper to communicate, relative to the independence and political condition of the province of Spanish America.

Mr. Robertson said, that he supposed there would be no objection to the adoption of the resolution which he had just submitted to the consideration of the House. He found, from the late message of the President, that the attention of the house, as well as of the nation, had been, in a general way, directed to the situation of the provinces of Spanish America. The President had observed too, and very truly, that the citizens of the United States sympathized in the events which affected their neighbors. Mr. R. said, that, as far back as the year 1811, this subject had excited considerable interest; that a committee had been raised; the declaration of independence and the constitution of Venezuela, with other information laid before it by the then President, and a report on them submitted to the house. The report, among other things, expressed much goodwill towards the Venezuelans, and an intention to acknowledge their independence whenever that independence whenever that independence should be achieved. From that time till the present silence had been observed in regard to the affairs of that part of the continent. The reason was obvious; we were soon after engaged in war with England, and since the peace our own pressing concerns had occupied our attention.

The president has spoken, sir, of the interest and the sympathy we feel in the affairs of our southern neighbors. Perhaps it may be said with truth, that no subject excites throughout the civilized world a stronger interest than the contest in which the provinces of Spanish America are engaged. Every wind that blows wafts to our shores the schemes and speculations of European statesmen and politicians; from the frozen regions of the north to the milder climes of the peninsula, it elicits remark and commands attention. Even Alexander, he who invites epistles about peace and bible societies, while he wields the sword of battle and prepares the weapons of destruction, he it is said, is about to furnish his Cossacks, to add to the horrors of, as it is already called the war of death. The thunders of the popgun, the head of the christian church, began to be heard, and no doubt we shall soon hear his anathemas giving up the people of South America, body and soul, to the punishment due here and hereafter to the crimes of rebellion and republicanism. If, then, to governments across the Atlantic, the situation of this people be thus interesting, surely it is not a matter of surprise that the citizens of the United States should with some solicitude turn their attention towards them. Every republican in the United States must lament their disasters and exult in their triumphs: they do but follow the example we have set them; we owe our glory and our fame to resistance to arbitrary power, and the people of Spanish America, and all others, groaning under oppression, must owe their elevation and worth of character to the same circumstance. They do but follow in our footsteps; it is in vain to deny or disguise the fact: it is known throughout the world: whatever of injury, despotism or priestcraft have sustained, whether from the revolution of France, or that which now, I hope, flourishes in our hemisphere, is laid to the account of our glorious revolution, and the excellent principles of our constitution.

It is to be regretted, Mr. Speaker, that our acquaintance with the people of Spanish America is not more particular and intimate than it is: we entertain but one sentiment about them—our feelings are all in unison; yet we differ and dispute on a variety of points, which it is desirable should be no longer suffered to remain in doubt. Mexico, Peru, Cuba, Buenos Ayres, Venezuela, New Grenada, are they independent? Are they struggling for independence, or have they yielded to their European tyrant? Have they made known their situation to the executive department? Have they demanded to be recognized as independent sovereigns? Do they govern themselves? elect their agents, legislature, executive and judiciary? Do they collect taxes, raise and support armies and navies? It is possible that these facts are in the possession of the president; it is very well known that there have been agents, men of high respectability, sent publicly from the governments of Venezuela, New Grenada, Buenos Ayres and Mexico, to this country, and, for any thing I know to the contrary, from other provinces. It is probable that they have not remained silent, but whatever they may have said has not been made known to this house, or to this nation. As our government is essentially popular, I wish information to be given to the people. I wish for information, that our judgments may sanction sentiment our hearts so warmly approve. I do not mean, Mr. Speaker, to commit myself in regard to my future course—it must, to a certain extent, depend upon circumstances. This house will act as circumstances may require, but for myself I have no hesitation to say, that, if it shall appear that the provinces of Spanish America, or any of them, are really independent, no earthly consideration shall prevent me; in my public character, from acknowledging them as sovereign states.

Mr. Forsyth said, he was too well acquainted with the temper of the people of the United States on this subject, to oppose any motion for enquiring into it; such was not his object; but he knew from experience, that some enquiries

were proper and some dangerous. In this case he thought that all which could be known ought to be known but he suggested to the mover of the resolution, whether it was not too broad in its call on the Executive, & whether it ought not to contain the usual qualification of excepting such information as the president might deem the communication of incompatible with the public interest. Mr. F. presumed the president had communicated all that he knew, or all that he wished congress to know on the subject; and as it was usual, in requesting information of the Executive, to ask for such only as the public interest would, in his opinion, permit to be disclosed, he proposed so to modify this motion, in which shape only could be consent to vote for it.

Mr. Robertson signified his ready assent to Mr. Forsyth's proposition.

The resolution passed *nem. con.* as modified, and a committee of two was appointed to wait upon the president with it.

December 9.

Military Bounty Lands.—Mr. Johnson of Ky. reported a bill authorizing a commutation of Soldiers' Bounty Lands.

The first section of this bill provides that the soldiers of the late and present army shall be allowed to commit their land patents or claims for money, at the rate of one dollar and forty cents per acre, to be paid in four annual instalments, by the Pension Agents appointed in the several States; provided that there be in all cases a complete relinquishment of all claims on said lands by the commutators to the U. S. The second section of the bill makes the appropriation necessary to carry the first into effect.

The bill was twice read and committed.

Amelia Island and Spanish Patriots.—Mr. Rhea offered for consideration the following resolution:

Resolved, That the President be requested to lay before the House of Representatives any information he may possess, and think proper to communicate, relative to the proceedings of certain persons who took possession of Amelia Island, at the mouth of St. Mary's river, near the boundary of the state of Georgia, in the summer of the present year, and made an establishment there; and also any information he hath, and may think proper to communicate, relative to an establishment made, at an earlier period, by persons of the same description, in the Gulf of Mexico, at a place called Galvezton, within the limits of the U. S. as well as under the cession of Louisiana; together with the reasons inducing him to issue orders to suppress the said establishments.

Mr. Rhea said that the establishments referred to in the resolution he had just offered, had already excited much attention throughout the country, which would be still more attracted to that point by the order given to suppress them. His object in offering this motion was to obtain such information as might satisfy the minds of the American people on the expediency of the measure.

Mr. Forsyth, moved to strike out the last clause of the proposed resolution. It would be an extraordinary course for the House to ask for the reasons of the measure in question, when they were distinctly and satisfactorily avowed in the Message of the President. To call upon him, after that exposition, to explain the reasons for his conduct, would be to cast a severe reflection on the executive, as implying dissatisfaction at the reasons already given. For his own part, Mr. F. said, the conduct of the Executive appeared to him to have been perfectly correct; but he had no objection to any information desired, if asked for unconnected with the clause he had excepted to.

Mr. Hugh Nelson, of Va. twice addressed the House on the main subject of the resolution; but being interrupted in his remarks by incidental circumstances, we have connected his observations in the following report of the substance of them. A few remarks are added, which the interruptions referred to prevented him from making. Mr. N. was decidedly in favor of the motion. Like the honorable Speaker, who had alluded to this matter when in committee of the whole the other day, Mr. N. said, he felt his confidence in the Executive not diminished; like him, he felt confident that the measure of the suppression of these establishments, was founded, in their opinion, in a just sense of propriety, and in a desire to promote the public weal; and he believed that for the satisfaction of the public, and for a just vindication of the Executive, these documents should be exhibited. I cannot but believe, said he, that the public will see, that, in this measure, the conduct of the government has been marked by a due respect to the rights of the Spanish provinces, and a vigilant and prompt attention to the rights and interests of our country. It is the best interest of the Spanish provinces, embarked in the noble cause of emancipating themselves, to give evidence to the world, that all their proceedings are the result of just and sound principles; to repel and refute, by a high minded and magnanimous conduct, the malignant and calumnious representations, which would place them in the grade of savages and barbarians. A just regard to the opinions of the civilized world; & due estimate of their own dignity and self respect, will lead them to disclaim all connection with these practical establishments. Their own interest would lead them to co-operate in the extinction of these borders of buccaniers, &c.

Mr. Holmes (of Massachusetts) said he should never be opposed to any call for information on any subject, when wanted by the House. But it appeared to him that the call now proposed

(Continued in fourth page.)