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## POLITICAL.

### OUR RELATIONS WITH SPAIN.

Documents transmitted to Congress.  
The secretary of state of the United States, to the minister plenipotentiary of the United States to Spain, at Madrid, (No. 7.)

Department of State,  
Washington, 28th November, 1818.  
SIR—Your despatches, to No. 92, inclusive, in their enclosures, have been received at this department. Among these enclosures, are the several notes addressed to you by Mr. Pizarro, in relation to the transactions during the campaign of gen. Jackson against the Seminole Indians and the banditti of negroes combined with them, and particularly to his proceedings in Florida, without the boundaries of the United States.

In the fourth and last of those of Mr. Pizarro, he has given formal notice that the king, his master, has issued orders for the suspension of the negotiation between the United States and Spain, until satisfaction shall have been made by the American government to him for these proceedings of gen. Jackson, which he considers as of unequivocal hostility against him, and as aggressions upon his honor and dignity; the only acceptable atonement for which, is stated to consist in a disavowal of the acts of the American general, thus complained of—the infliction upon him of a suitable punishment for his supposed misconduct, and the restitution of the posts and territories taken by him from the Spanish authorities, with indemnities for all the property taken, and all damages and injuries, public or private, sustained in consequence of it.

Within a few days after this notification, Mr. Pizarro must have received, with copies of our correspondence between Mr. Onis and this department, the determination which had been taken by the president, to restore the place of Pensacola with the fort of Barancas, to any person properly authorized, on the part of Spain, to receive them, and the fort of St. Marks to any Spanish force adequate to its protection against the Indians, by whom its forcible occupation had been threatened, for purposes of hostility against the United States. The officer commanding at that post, has been directed to consider 250 men as such adequate force; and, in case of their appearance, with proper authority, to deliver it over to their commander accordingly.

From the last mentioned correspondence, the Spanish government must likewise have been satisfied that the occupation of these places in Spanish Florida, by the commander of the American forces, was not by virtue of any order received by him from this government to that effect, nor with any view of wresting the province from the possession of Spain; nor in any spirit of hostility to the Spanish government; that it arose from incidents which occurred in the prosecution of the war against the Indians—from the imminent danger in which the fort of St. Marks was of being seized by the Indians themselves, and from the manifestations of hostility to the United States, by the commandant of St. Marks and the government of Pensacola, the proofs of which were made known to gen. Jackson, and impelled him, from the necessities of self-defence, to the steps of which the Spanish government complains.

It might be sufficient to leave the vindication of these measures upon those grounds, and to furnish, in the enclosed copies of general Jackson's letters, and the vouchers by which they are supported, the evidence of that hostile spirit on the part of the Spanish commandants, but, for the terms in which Mr. Pizarro speaks of the execution of two British subjects, taken, one at the fort of St. Marks, and the other at Suway, and the intimation that these transactions may lead to a change in the relations between the two nations, which is doubtless intended to be understood as a measure of war.

It may be, therefore, proper to remind the government of his catholic majesty of the incidents in which this Seminole war originated, as well as of the circumstances connected with it, in the relations between Spain and her ally, whom she supposes to have been injured by the proceedings of gen. Jackson, and to give to the Spanish cabinet some precise information of the nature of the business, peculiarly interesting to Spain, in which these subjects of her allies, in whose favour she takes this interest, were engaged, when their projects of every kind were terminated, in consequence of their falling into the hands of gen. Jackson.

In the month of August, 1814, while a war existed between the United States and Great Britain, to which Spain had formally declared herself neutral, a British force, not in the fresh pursuit of a defeated and flying enemy—not overstepping an imaginary and equivocal boundary between their own territories and those belonging, in some sort, as much to their enemy as to Spain, but approaching by sea, and by a broad and open invasion of the Spanish province, at a thousand miles, or an ocean's distance from any British territory, landed in Florida, took possession of Pensacola and the Fort of Barrancas, and invited, by public proclamations, all the runaway Negroes—all the savage Indians—all the pirates, and all the traitors to their country, whom they knew or imagined to exist within reach of their summons, to join their standard, and wage an exterminating war against the portion of the United States immediately bordering upon this neutral, and thus violated, territory of Spain. The land commander of this British force, was a certain Col. Nicholls, who, driven from Pensacola by the approach of General Jackson, actually left, to be blown up, the Spanish Fort of Barrancas, when he found it could not afford him protection, and evacuating that part of the province, landed at another, established himself on the Appalachicola river, and there erected a Fort, from which to sally forth with his motley tribe of black, white, and red combatants, against the defenceless borders of the United States. In that vicinity. A part of this force consisted of a corps of colonial marines, levied in the British colonies, in which George Woodbine was a Captain, and Robert Chrystie Arrabriser was a Lieutenant.

As between the United States and Great Britain, we should be willing to bury this transaction in the same grave of oblivion with other transactions of that war, had the hostilities of Col. Nicholls terminated with the war. But he did not consider the peace which ensued between the United States and Great Britain, as having put an end either to his military occupations or to his negotiations with the Indians, against the United States. Several months after the ratification of the treaty of Ghent, he retained his post and his party-colored forces, in military array.

By the 9th article of that treaty, the United States had stipulated to put an end, immediately after its ratification, to hostilities with all the tribes or nations of Indians with whom they might be at war at the time of the ratification, and to restore to them all the possessions which they had enjoyed in the year 1811. This article had no application to the Creek nation, with whom the United States had already made peace, by a treaty concluded on the 9th day of August, 1814, more than four months before the treaty of Ghent was signed.

Yet, Col. Nicholls not only affected to consider it as applying to the Seminoles of Florida, and the outlawed Red Sticks, whom he had induced to join him there, but actually persuaded them that they were entitled, by virtue of the treaty of Ghent, to all the lands which had belonged to the Creek nation, within the United States, in the year 1811, and that the government of Great Britain would support them in that pretension. He asserted also this doctrine in a correspondence with Col. Hawkins, then the agent of the United States with the Creeks, and gave him notice, in their name, with a mockery of solemnity, that they had concluded a treaty of alliance, offensive and defensive, and a treaty of navigation and commerce with Great Britain, of which more was to be heard after it should be ratified in England. Col. Nicholls then evacuated his fort, which, in some of the enclosed papers, is called the Fort at Prospect Bluff, but which he had denominated the British post on the Appalachicola; took with him the white portion of his force, and embarked for England, with several of the wretched savages whom he was thus deluding to their fate—among whom was the prophet Francis, or Hillis Hadjo—and left the fort, amply supplied with military stores and ammunition, to the Negro department of his allies. It afterwards was known by the name of Negro Fort. Col. Hawkins immediately communicated to this government the correspondence between him and Nicholls, here referred to, upon which Mr. Monroe, then secretary of state, addressed a letter, to Mr. Baker, the British charge d'affaires, at Washington, complaining of Nicholls's conduct, and shewing that his pretence that the 9th article of the treaty of Ghent, could have any application to his Indians, was utterly destitute of foundation. Copies of the same correspondence were transmitted to the minister of the United States, then in England, with instructions to remonstrate with the British government against these proceedings of Nicholls, and to shew how incompatible they were with the peace which had been concluded between the two nations. These remonstrances were accordingly made, first in personal interview with Earl Bathurst and Lord Castlereagh, and afterwards in written notes addressed successively to them. (Copies of which, together with extracts from the despatches of the American minister to the se-

cretary of state, reporting what passed at those interviews, are enclosed.) Lord Bathurst, in the most unequivocal manner, confirmed the facts, and disavowed the misconduct of Nicholls; declared his disapprobation of the pretended treaty of alliance, offensive and defensive, which he had made; assured the American minister that the British government had refused to ratify that treaty, and would send back the Indians whom Nicholls had brought with him, with advice to make their peace on such terms as they could obtain. Lord Castlereagh confirmed the assurance that the treaty would not be ratified; and if, at the same time that these assurances were given, certain distinctions of public notoriety were shewn to the prophet Hillis Hadjo, and he was actually honored with a commission, as a British officer, it is to be presumed that these favors were granted him as rewards of past services, and not as encouragement to expect any support from Great Britain, in a continuance of savage hostilities against the United States; all intention of giving any such support having been repeatedly and earnestly disavowed.

The Negro fort, however, abandoned by Col. Nicholls, remained on the Spanish territory, occupied by the banditti to whom he had left it, and held by them as a post from whence to commit depredations, outrages and murders, and as a receptacle for fugitive slaves and malefactors, to the great annoyance both of the United States, and of Spanish Florida. In April, 1816, General Jackson wrote a letter to the Governor of Pensacola, calling upon him to put down this common nuisance to the peaceable inhabitants of both countries. That letter, together with the answer of the Governor of Pensacola, have already been communicated to the Spanish Minister here, and by him, doubtless, to his government. Copies of them are, nevertheless, now again enclosed; particularly as the letter from the Governor, explicitly admits—that this fort constructed by Nicholls, in violation both of the territory and neutrality of Spain, was still no less obnoxious to his government than to the United States; but, that he had neither sufficient force, nor any authority, without orders from the Governor General of the Havana, to destroy it. It was afterwards, on the 27th July, 1816, destroyed by a cannon shot from a gun vessel from the United States, which, in its passage up the river, was fired upon from it—it was blown up, with an English flag still flying as its standard, and immediately after the barbarous murder of a boat's crew, belonging to the navy of the United States, by the banditti left in it by Nicholls.

In the year 1817, Alexander Arbuthnot, of the island of New-Province, a British subject, first appeared, as an Indian trader in Spanish Florida; and as the successor of Colonel Nicholls, in the employment of instigating the Spaniards and outlawed Red Stick Indians to hostilities against the United States, by reviving the pretence that they were entitled to all the lands which had been ceded by the Creek Nation to the United States, in August, 1814. As a mere Indian trader, the intrusion of this man, into a Spanish Province, was contrary to the policy observed by all the European Powers in this hemisphere, and by none more rigorously than by Spain, of excluding all foreigners from intercourse with the Indians, within their territories. It must be known to the Spanish Government, whether Arbuthnot had a Spanish license for trading with the Indians in Spanish Florida or not; but they also know that Spain was bound by treaty, to restrain by force all hostilities on the part of those Indians, against the citizens of the United States, and it is for them to explain how, consistently with those engagements, Spain could, contrary to all the maxims of her ordinary policy, grant such a license to a foreign incendiary, whose principal, if not his only object, appears to have been, to stimulate those hostilities which Spain had expressly stipulated by force to restrain. In his infernal instigations he was but too successful. No sooner did he make his appearance among the Indians, accompanied by the Prophet Hillis Hadjo, returned from his expedition to England, than the peaceful inhabitants on the borders of the United States, were visited with all the horrors of savage war: the robbery of their property, and the barbarous and indiscriminate murder of woman, infancy and age.

After the repeated expostulations, warnings and offers of peace, through the summer and autumn of 1817, on the part of the United States had been answered only by renewed outrages, and after a detachment of forty men under Lieutenant Scott, accompanied by seven women, had been waylaid and murdered by the Indians, orders were given to General Jackson, and an adequate force was placed at his disposal, to terminate the war. It was ascertained that the Spanish force in Florida was inadequate for the protection even of the Spanish territory itself, against this mingled horde of lawless Indians and Negroes; and, although their devastations were committed within the limits of the United States, they immediately sought refuge in the Florida line, and there only were to be overtaken. The necessity of crossing the line was indispensable; for it was from beyond the line that the Indians made their murderous incursions within that of the United States. It was there that they had their abode, and the territory belonged in fact to them, although within the borders of the Spanish jurisdiction. There it was that the American commander met the principal resistance from them; there it was that were found

the still bleeding scalps of our citizens, freshly butchered by them; there it was that he released the only woman, who had been suffered to survive the massacre of the party under Lieutenant Scott. But, it was not anticipated by this government that the commanding officers of Spain, in Florida, whose especial duty it was, in conformity to the solemn engagements contracted by their nation, to restrain, by force, those Indians from hostilities against the United States, would be found encouraging, aiding and abetting them, and furnishing them with supplies, for carrying on such hostilities. The officer in command, immediately before General Jackson, was, therefore, specially instructed to respect, as far as possible, the Spanish authority, wherever it was maintained; and copies of those orders were also furnished to General Jackson, upon his taking the command. In the course of his pursuit, as he approached St. Marks, he was informed direct from the Governor of Pensacola, that a party of the hostile Indians had threatened to seize that Fort, and that he apprehended the Spanish Garrison there was not in strength sufficient to defend it against them. This information was confirmed from other sources, and by the evidence produced upon the trial of Ambrister, it proved to have been exactly true. By all the laws of neutrality and of war, as well as of prudence and of humanity, he was warranted in anticipating his enemy, by the amicable, and that being refused, by the forcible occupation of the Fort. There will need no citations from printed treaties on international law, to prove the correctness of this principle. It is engraven in adamant on the common sense of mankind; no writer upon the laws of nations ever pretended to contradict it; none of any reputation or authority ever omitted to assert it.

At Fort St. Marks, Alexander Arbuthnot, the British Indian trader from beyond the seas, the firebrand, by whose torch this Negro-Indian war against our borders, had been rekindled, was found an inmate of the commandant's family; and it was also found that by the commandant himself, councils of war had been permitted to be held within it, by the savage chiefs and warriors; and the Spanish store-houses had been appropriated to their use; that it was an open market for cattle, known to have been robbed by them from citizens of the United States, and which had been contracted for and purchased by the officers of the garrison. That information had been afforded from this Fort by Arbuthnot, to the enemy, of the strength and movements of the American army; that the date of the departure of expresses had been noted by the Spanish Commissary, and ammunition, munitions of war, and all necessary supplies, furnished to the Indians.

The conduct of the Governor of Pensacola was not less marked by a disposition of enmity to the United States, and by an utter disregard to the obligations of the treaty, by which he was bound to restrain, by force, the Indians from hostilities against them; when called upon to vindicate the territorial rights and authority of Spain, by the destruction of the Negro Fort, which his predecessor had declared to be no less annoying and pernicious to the Spanish subjects in Florida, than to the United States, but had pleaded his inability to subdue it. He, himself, had expressed his apprehensions that Fort St. Marks would be forcibly taken by the savages, from its Spanish garrison; yet, at the same time, he had refused the passage up the Escambia river, unless upon the payment of excessive duties, to provisions destined as supplies for the American army, which, by the detention of them, was subjected to the most distressing privations. He had permitted free ingress and egress at Pensacola, to the avowed savage enemies of the United States. Supplies of ammunition, munitions of war and provisions had been received by them from thence. They had been received and sheltered there, from the pursuit of the American forces, and suffered again to sally thence, to enter upon the American territory and commit new murders. Finally, on the approach of General Jackson to Pensacola, the Governor sent him a letter, denouncing his entry upon the territory of Florida, as a violent outrage upon the rights of Spain, commanding him to depart and withdraw from the same, and threatening, in case of non-compliance, to employ force to expel him.

It became, therefore, in the opinion of General Jackson, indispensably necessary to take from the Governor of Pensacola the means of carrying his threat into execution. Before the forces under his command, the savage enemies of his country had disappeared. But he knew that the moment those forces should be disbanded; if sheltered by Spanish fortresses, if furnished with ammunition and supplies by Spanish officers, and if aided and supported by the instigation of Spanish encouragement, as he had every reason to expect they would be, they would re-appear, and fired, in addition to their ordinary ferocity, with revenge for the chastisement they had so recently received, would again rush with the war hatchet and scalping knife, into the borders of the United States, and mark every foot-step with the blood of their defenceless citizens. So far as all the native resources of the savages extended, the war was at an end, and General Jackson was about to restore to their families and their honors, the brave volunteers who had followed his standard, and who had constituted the principal part of his force. This could be done with safety, leaving the regular portion of his troops to garrison his line of forts, and two small detachments of volunteer cavalry, to scour the country round Pensacola, and sweep

(See fourth Page.)