vention about the proper basis of Representation. He (Mr. S.) had no doubt there would be some difference of opinion on this subject. But the members, after some discussion, would come to an understanding on the subject. He did not believe the citizens of the West had any ill-will towards their brethren of the East. He was certain that he himself had none; and if a Convention were to be held, the basis of Representation would be fixed on the principle of population, on the federal principle, or on population and taxation combined. Let us, said he, come together, and an opportunity will be afforded of conciliation and compromise. But while the two sections stood aloof from each other, nothing could be effected.

The Gentleman from Newbern complained that the friends of these Resolutions confined themselves to the unfair Representation, and did not point out the defects in the Constitution. Mr. S. said, that was the principal defect, and was considered a grievance which could not be denied.

But the same gentleman says, this is not a proper time for amending the Constitution; that the country is very much embarrassed in a pecuniary point of view, and therefore unfit to be trusted with the power of amending the Constitution.

Mr. S. said, it was true that the embarrassments which the gentleman spoke of had existed, and perhaps, in some degree, still exist; but he did not see what this had to do with the subject. The Constitutions of Connecticut, New York, Massachusetts and Maine had been formed during the state of things alluded to, and we have heard of no disorder attendant on the Conventions formed for those purposes. Nor have any of them adopted any article growing out of the peculiar situation of the country. The Constitution of the U. States, indeed, forms a barrier to any such provision, as it prohibits any thing from being made a tender in payment but gold and silver coin. The States cannot therefore emit bills of credit.

Were a Convention to be held, said Mr. S. the subject of the embarrassment of the times would not be brought before it. We shall shew you, before the close of the present session, that your new Bank scheme without a specie capital, or any other wild scheme will be discarded by the present Legislature; and if it will not countenance projects of this kind, how can it be expected that a Convention would act less wisely?

[Mr. Smith's speech to be concluded.]


## Fresh Goods,

JUST opening and for sale, at the Store of the subscriber, viz: Blue and black Broadcloth, very cheap; do. common, various colors; Cassimeres, of different colors; black and colored Canton Crapes; Bombazettes and black Velvets; Silks, and Silk Shawls, of every description; Cambric and Robes, for ladies' dresses; Domestic Cloth, of the best quality; Hats, Bonnets, and Shoes, a complete assortment; besides numerous other articles. *Also*, Powder, shot, and lead; best gunpowder tea, and chocolate; Writing Paper and School Books, &c. &c. &c.

In addition to the above, a good supply of *GROCERIES, &c.* such as brown and loaf Sugar, Coffee, and Pepper; Copperas: Dutch and English Scythes; patent hoes; *Hard-Ware*, of various kinds; *Delf* and *China Ware*, &c. All of which will be sold very low for cash.

GEORGE MILLER.

*Salisbury, April* 8, 1822—96tf

## The Examination

OF the Students of the Salisbury Academies, will commence on Tuesday, the 11th, and close on Friday, the 14th of June. Parents and guardians are respectfully invited to attend.

THOS. L. COWAN, *Secretary.*

*May* 14, 1822.

## 20 Dollars Reward.

WENT away, on the night of the 28th ult. from the subscriber, near Charlotte, Mecklenburg county, N. C. a negro man by the name of PEYTON—of a dark complexion, rather spare made, about six feet high, thirty-three or four years of age; when spoken to he speaks quick and rather abruptly; I believe he is defective in one of his arms, so that he cannot easily raise it above his head. He had when he left me a very good great coat of drab colored flushing, a pretty good wool hat, a new and large pair of yellow colored cotton pantaloons, and some other indifferent clothing, but no close bodied coat. It is probable he will make towards Richmond, Va. where I purchased him last fall. I will give the above reward to any person who will apprehend and secure the said fellow and give information so that I get him again.

BENJAMIN JOHNSON.

*Wilson's Mill, April* 2, 1822.—3wt103p

## A Runaway Negro

WAS taken up and confined in the jail of this county on the 16th inst. who he says that he belongs to John Woodward, in Fairfield district, S. C. He says his name is *DICK*. He is stout made, yellow complected, about 35 years of age. Any person claiming said negro, is requested to come and receive him, according to law.

JOHN ZIMMERMAN, *Jailor.*

*Lincolnton, April* 20, 1822.—3wt102


## U. STATES AND SPAIN.

FROM THE NATIONAL INTELLIGENCER.

Message from the President of the United States, transmitting, in pursuance of a resolution of the Senate of the 25th inst. sundry papers relative to the Recognition of the Independence of the South American Colonies.

I transmit to the Senate, agreeably to their resolution of yesterday, a Report from the Secretary of State, with copies of the papers requested by that resolution, in relation to the recognition of the South American Provinces.

JAMES MONROE.

*Washington 26th April*, 1822.

DEPARTMENT OF STATE,
25th April, 1822.

The Secretary of State, to whom has been referred a resolution of the Senate, of this day, requesting the President to communicate to the Senate any information he may have, proper to be disclosed, from our Minister at Madrid, or from the Spanish Minister resident in this country, concerning the views of Spain relative to the recognition of the Independence of the South American Colonies, and of the Dictamen of the Spanish Cortes, has the honor to submit to the President copies of the papers particularly referred to.

JOHN QUINCY ADAMS.

[ENCLOSURES.]

The Spanish Minister to the Secretary of State, 9th March, 1822. (Translation.)

Secretary of State to the Spanish Minister, 6th April, 1822.

Spanish Minister to the Secretary of State, 11th April, 1822.

Mr. Forsyth to the Secretary of State, 14th February, 1822. (Extract.)

Dictamen of the Cortes, 12th February, 1822.

[TRANSLATION.]

*Don Joaquin de Anduaga to the Secretary of State.*

WASHINGTON, 9th MARCH, 1822.

SIR: In the National Intelligencer of this day I have seen the Message sent by the President to the House of Representatives, in which he proposes the recognition, by the United States, of the insurgent governments of Spanish America. How great my surprise was may be easily judged by any one acquainted with the conduct of Spain towards this Republic, and who knows the immense sacrifices which she has made to preserve her friendship. In fact, who could think that, in return for the cession of her most important provinces in this hemisphere; for the forgetting of the plunder of her commerce by American citizens; for the privilege granted to their Navy; and for as great proofs of friendship as one nation can give another, this Executive would propose that the insurrection of the ultra-marine possessions of Spain should be recognized? And, moreover, will not his astonishment be augmented to see that this power is desirous to give the destructive example of sanctioning the rebellion of provinces which have received no offence from the mother country—to those to whom she has granted a participation of a free constitution—and to whom she has extended all the rights and prerogatives of Spanish citizens? In vain will a parallel be attempted to be drawn between the emancipation of this republic and that which the Spanish rebels attempt; and history is sufficient to prove, that, if a harassed and persecuted province has a right to break its chains, others, loaded with benefits, elevated to the high rank of freemen, ought only to bless and embrace more closely the protecting country which has bestowed such favors upon them.

But, even admitting that morality ought to yield to policy, what is the present state of Spanish America; and what are its governments to entitle them to recognition? Buenos Ayres is sunk in the most complete anarchy, and each day sees new despots produced who disappear the next. Peru, conquered by a rebel army, has near the gates of its capital another Spanish army, aided by part of the inhabitants. In Chili, an individual suppresses the sentiments of the inhabitants, and his violence presages a sudden change. On the coast of Firma, also, the Spanish banners wave, and the Insurgent Generals are occupied in quarrelling with their own compatriots, who prefer taking the part of a free power to that of being the slave of an adventurer. In Mexico, too, there is no government, and the result of the questions which the chiefs commanding there have put to Spain, is not known. Where, then, are those governments which ought to be recognized; where the pledges of their stability; where the proof that those provinces will not return to a union with Spain, when so many of their inhabitants desire it; and, in fine, where the right of the United States to sanction, and declare legitimate, a rebellion without cause, and the event of which is not even decided?

I do not think it necessary to prove that, if the state of Spanish America were such as it is represented in the Message; that, if the existence of its governments were certain and established; that, if the impossibility of its re-union with Spain were so indisputable; and that, if the justice of the power of recognition were so evident, the friendship of Europe, interested in gaining the friendship of countries so important for their commerce, would have been negligent in fulfilling it. But, seeing how distant the prospect is of even this result, and faithful to the ties which unite them with Spain, they await the issue of the contest, and abstain from doing a gratuitous injury to a friendly government, the advantages of which are doubtful, and the odium certain. Such will be that which Spain will receive from the United States in case the recognition proposed in the Message should take effect; and posterity will be no less liable to wonder that the power which has received the most proofs of the friendship of Spain, should be the one delighted with being the first to take a step which could have only been expected from another that had been injured.

Although I could enlarge upon this disagreeable subject, I think it useless to do so, because the sentiments which the Message ought to excite in the breast of every Spaniard can be no secret to you. Those which the King of Spain will experience at receiving a notification so unexpected, will be doubtless very disagreeable; and at the same time that I hasten to communicate it to His Majesty, I think *it my duty to protest, as I do solemnly protest, against the recognition of the governments mentioned of the insurgent provinces of America, by the United States; declaring that it can in no way now, or at any time, lessen or invalidate, in the least, the right of Spain to the said provinces, or to employ whatever means may be in her power to re-unite them to the rest of her dominions.*

I pray you, sir, to be pleased to lay this protest before the President: and I flatter myself that, convinced of the solid reasons which have dictated it, he will suspend the measure which he has proposed to Congress, and that he will give to His Catholic Majesty this proof of his friendship and of his justice.

I remain, with the most distinguished consideration, praying God to guard your life many years, your most obedient humble servant,

JOAQUIN DE ANDUAGA.

JOHN Q. ADAMS.
*Secretary of State.*

*The Secretary of State to the Minister from Spain.*

DEPARTMENT OF STATE,
*Washington, 6th April*, 1822.

SIR: Your letter of the 9th of March was, immediately after I had the honor of receiving it, laid before the President of the United States, by whom it has been deliberately considered, and by whose direction, I am, in replying to it, to assure you of the earnestness and sincerity with which this government desires to entertain and to cultivate the most friendly relations with that of Spain.

This disposition has been manifested, not only by the uniform course of the U. States, in their direct political and commercial intercourse with Spain, but by the friendly interest which they have felt in the welfare of the Spanish nation, and by the cordial sympathy with which they have witnessed their spirit and energy, exerted in maintaining their independence of all foreign control, and their right of self-government.

In every question relating to the independence of a nation, two principles are involved, one of *right* and the other of *fact*. The former, exclusively, depending upon the determination of the nation itself, and the latter resulting from the successful execution of that determination. This right has been recently exercised, as well by the Spanish nation in Europe, as by several of those countries in the American hemisphere, which had for two or three centuries been connected as colonies of Spain. In the conflicts which have attended these revolutions, the United States have carefully abstained from taking any part respecting the right of the nations concerned in them to maintain or new organize their own political constitutions, and observing, wherever it was a contest by arms, the most impartial neutrality. But the civil war in which Spain was for some years involved, with the inhabitants of her colonies in America, has, in substance, ceased to exist. Treaties equivalent to an acknowledgment of independence have been concluded by the commanders and Vice Roys of Spain herself, with the Republic of Colombia, with Mexico and Peru; while, in the province of La Plata and in Chili, no Spanish force has for several years existed to dispute the independence which the inhabitants of those countries had declared.

Under these circumstances, the government of the United States, far from consulting the dictates of a policy questionable in its morality, has yielded to an obligation of duty of the highest order, by recognizing as independent states, nations which, after deliberately asserting their right to that character, had maintained and established it against all the resistance which had been or could be brought to oppose it. This recognition is neither intended to invalidate any right of Spain, nor to affect the employment of any means which she may yet be disposed or enabled to use, with the view of re-uniting those provinces to the rest of her dominions. It is the mere acknowledgment of existing facts, with the view to the regular establishment with the nations newly formed, of those relations, political and commercial, which it is the moral obligation of civilized and christian nations to entertain reciprocally with one another.

It will not be necessary to discuss with you a detail of facts upon which your information appears to be materially different from that which has been communicated to this government, and is of public notoriety; nor the propriety of the denominations which you have attributed to the inhabitants of the South-American provinces. It is not doubted, that other and more correct views of the whole subject will very shortly be taken by your government, and that it, as well as the other European governments, will shew that deference to the example of the United States, which you urge it as the duty or the policy of the United States to shew to theirs. The effect of the example of one independent nation upon the councils and measures of another can be just, only so far as it is voluntary; and as the United States desire that their example should be followed, so it is their intention to follow that of others upon no other principle. They confidently rely that the time is at hand when all the governments of Europe friendly to Spain, and Spain herself, will not only concur in the acknowledgment of the independence of the American nations, but in the sentiment, that nothing will tend more effectually to the welfare and happiness of Spain, than the universal concurrence in that recognition.

I pray you, sir, to accept the assurance of my distinguished consideration.

JOHN QUINCY ADAMS.

DON JOAQUIN DE ANDUAGA,
Envoy Extraordinary, &c.

[TRANSLATION.]

*Don Joaquin de Anduaga to the Secretary of State.*

Philadelphia, 11th of April, 1822.

SIR: I had the honor of receiving your note of the 6th inst. in which you were pleased to inform me that this government has recognized the independence of the insurgent provinces of Spanish America. I despatched immediately to Spain one of the secretaries of this legation, to carry to his majesty news as important as unexpected; and until I receive his royal orders upon the subject, I have only to refer to my protest of the 9th of March last, still insisting upon its contents, as if its substance were repeated in the present note.

With the greatest respect, I renew the assurance of my distinguished consideration.

JOAQUIN DE ANDUAGA.

## CUMBERLAND ROAD.

The following message was transmitted by the President to the House of Representatives, on the Saturday preceding the adjournment of Congress:

*To the House of Representatives:*

Having duly consider the bill, entitled "An act for the preservation and repair of the Cumberland Road," it is with deep regret, approving, as I do, the policy, that I am compelled to object to its passage, and to return the bill to the House of Representatives, in which it originated, under a conviction that Congress do not possess the power, under the constitution, to pass such a law.

A power to establish turnpikes with gates and tolls, and to enforce the collection of the tolls by penalties, implies a power to adopt and execute a complete system of internal improvement. A right to impose duties to be paid by all persons, passing a certain road, and on horses and carriages, as is done by this bill, involves the right to take the land from the proprietor, on a valuation, and to pass laws for the protection of the road from injuries; and, if it exist as to one road, it exists as to any other, and to as many roads as Congress may think proper to establish. A right to legislate for one of these purposes, is a right to legislate for the others. It is a complete right of jurisdiction and sovereignty, for all the purposes of internal improvement, and not merely the right of applying money, under the power vested in Congress to make appropriations, under which power, with the consent of the states through which this road passes, the work was originally commenced, and has been so far executed. I am of opinion that Congress do not possess this power—that the states, individually, cannot grant it; for, although they may assent to the appropriation of money within their limits for such purposes, they can grant no power of jurisdiction or sovereignty, by special compact with the United States. This power can be granted only by an amendment to the constitution, and in the mode prescribed by it.

If the power exists, it must be, either because it has been specifically granted to the United States, or that it is incidental to some power which has been specifically granted. If we examine the specific grants of power, we do not find it among them; nor is it incidental to any power which has been specifically granted.

It has never been contended that the power was specifically granted. It is claimed only as being incidental to some one or more of the powers which are specifically granted. The following are the powers from which it is said to be derived:

1st. From the right to establish post offices and post roads. 2d. From the right to declare war. 3d. To regulate commerce. 4th. To pay the debts and provide for the common defence and general welfare. 5th. From the power to make all laws necessary and proper for carrying into execution all the powers vested by the constitution in the government of the United States, or in any department or officer thereof. 6th, and lastly. From the power to dispose of, and make all needful rules and regulations respecting, the territory and other property of the United States.

According to my judgment, it cannot be derived from either of those powers, nor from all of them united, and in consequence it does not exist.

Having stated my objections to the bill, I should now cheerfully communicate at large the reasons on which they are founded, if I had time to reduce them to such form as to include them in this paper.—The advanced stage of the session renders that impossible. Having, at the commencement of my service in this high trust, considered it a duty to express the opinion, that the United States do not possess the power in question, and to suggest, for the consideration of Congress, the propriety of recommending to the states an amendment to the constitution, to vest the power in the United States, my attention has been often drawn to the subject since, in consequence whereof I have occasionally committed my sentiments to paper respecting it.—The form which this exposition has assumed, is not such as I should have given it had it been intended for Congress, nor is it concluded. Nevertheless, as it contains my views on this subject, being one which I deem of very high importance, and which, in many of its bearings, has now become peculiarly urgent, I will communicate it to Congress, if in my power, in the course of the day, or certainly on Monday next.

JAMES MONROE.

*Washington, May 4th*, 1822.


## SALISBURY:

TUESDAY MORNING, MAY 21, 1822.


We readily give place to the following communication; but we are unable, this week, to comply with the request of the writer, by publishing the report of the committee on the land office examinations. It shall be given in our next. The promise we gave, two or three weeks since, to publish the report referred to, was not an empty one, as a "Carolinian" has probably been led to suspect: it would have been faithfully redeemed. Its publication has been delayed, not from an unwillingness to do Mr. Crawford justice, but to get rid of other matter which has been lying on our hands for a long time,—we mean the debates on the Convention question.

We certainly have not the remotest desire to treat Mr. Crawford with injustice; and we are not aware that we should do so, even by withholding the report. We stated *facts*, and the report does not deny them,—it tells us, in fact, nothing more than we knew before: we condemned the *practice*, and raised our voices against it, (as we had often done, and once before during the late session,) and the report does not justify it,—it makes no attempt to: its sole object is to bring forward *precedents*; to show that Mr. Crawford has done nothing but what others have done before him. But this is not to the purpose. The question is: Is the *practice* a bad one; is it one fraught with danger to our liberties, and calculated to corrupt the purity of Congress? If it be answered affirmatively,—can *precedent*, then, sanction it; can *precedent* alter its character, or lessen the danger? We say no. But several of the cases cited by the committee as precedents, are not such: Mr. *Baldwin* was employed *previous* to taking his seat in Congress; and Mr. *Rodney*, in a letter to the Speaker of the House of Representatives, says *he* "was *not*, when *employed* or *paid*, a member of Congress, either of the Senate, or House of Representatives." Some of the other cases have likewise no better title to the name of *precedents*. Thus much we have thought proper to say respecting the report; and it is probably all we shall say about it. It will speak for itself; and will show, we think, that it detracts nothing from the justice or correctness of our former remarks.

We did not, as a "Carolinian," if he be a reader of our paper, very well knows, "single out this case [the appointment of Mr. Thomas] for particular animadversion;" for we had antecedently remarked much more severely on others of a similar nature, though unattended with like circum-