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Messrs. Cox & Sheppard,

It is no doubt in the knowledge of most persons, that a convention has been lately concluded between certain Commissioners appointed by the United States, and by the state of Georgia, by which it seems, the U. States are to give to Georgia, the sum of twelve hundred thousand dollars, for a relinquishment of her claims to the Mississippi Territory.

The two following letters, written by a gentleman to his friend, contain so much useful information on the subject of this claim, that I hope the writer will not be dissatisfied, if I now take the liberty of submitting them to the citizens of the United States. The facts contained in them are known only to few; and are of infinite importance to the people of this country, inasmuch as they will be enabled, from a view of them, to judge and determine how far the present administration will justify themselves to the American people, for having given its sanction to a conduct, by which the United States are to pay to the state of Georgia, an enormous sum of money, to extinguish her claim to a territory, to which she had no more right or claim, than she has to any of our houses. The facts are stated without much comment, and will speak for themselves. For an attentive perusal of them, it will appear most clearly, that the *very territory* which has been in dispute, between the United States and Georgia, was as early as the year 1764, an *integral part* of West Florida; was afterwards represented by delegates, in the General Assembly of that Province—and was not only actually surrendered by Great Britain to the arms of Spain, by the capitulation of Pensacola in 1781; but afterwards freely confirmed to Spain by the definitive treaty between the powers in 1783. So that, if this territory did form a portion of Georgia, when Georgia was first established as a province, as the Georgia claimants have contended (and the contrary of which appears to be the case) it was in the year 1764, by Great Britain herself, (whose right at that time no one questions) added to West Florida, and afterwards conquered by the arms of Spain, and the right of the King of Spain to it, established before the United States were acknowledged by Great Britain, as independent; and which simple fact of the Mississippi Territory having been within the jurisdictional limits of West Florida, when it was a British Province, and when it was conquered by and surrendered to Spain, completely overthrows the claim of Georgia; inasmuch as it shews, that the right was complete in Spain in 1781. The right therefore to being in Spain, she possessed the whole of this territory (even up to the Walnut Hills, its northernmost boundary on the Mississippi) until the year 1795, when, for the sake of peace and good neighborhood, she voluntarily transferred the same to the United States, in their sovereign capacity, by the Treaty negotiated through Major Pinckney.

From the circumstance of this territory having been included within the boundaries of the United States, as settled by the definitive treaty between these states and Great Britain, the Georgians have contended, under the original charter of King Charles, that at that time it formed a part of Georgia, and for this reason was made a part of the western boundary of the United States. But such is not the fact. This territory did not then form any part of Georgia. How the nego-

ciators of the definitive treaty came to include this tract of country, within the boundaries of the United States, by making the *thirty first degree* of north latitude, the southern boundary on the Mississippi, when it had before been part of West Florida, and conquered by and formally surrendered to Spain, can be accounted for in no other way, than that conjectured by the writer of the annexed letters: For no one fact is better established, than that Great Britain then had no right to make this a part of the United States, as for nineteen years before the definitive treaty, this territory had been governed by her as an integral part of West Florida, and as such it was conquered by and actually possessed by the subjects of Spain. The United States, therefore, never had any lawful title or right to this country, until the year 1795, and that by virtue of the treaty with Spain. However, let the reader judge for himself, and he will find the facts too clearly stated, to admit of a moment's doubt.

Such an act on the part of the present administration, is more to be censured, when it is remembered, that Georgia once offered to cede *the western territory* she claimed, for the sum of 171,000 dollars, or thereabouts, upwards of a million of dollars less than what she now receives. This offer the congress of the United States then rejected, and it is well known, that under the administration of Gen. Washington and Mr. Adams, nothing could be made of this claim, the government always regarding it as unfounded; and the manner in which this business has been managed and precipitated, through the influence of the partisans of Georgia, accounts at once for the rejection of Mr. Givvold's motion on this subject, at the close of the last session; and clearly evinces that the present was deemed the fittest opportunity of succeeding in this most extravagant claim. As the money, however, has not yet been paid to Georgia, it is to be hoped, that the United States will not deem themselves bound by the contract. It will be no breach of faith to dissolve, considering the circumstances under which it has been made. Some persons in the administration of the government will no doubt pretend ignorance of the facts which destroy the claim of Georgia. But of these they could not have been ignorant, had they taken the pains to have solicited the necessary information. The facts are within the knowledge of many of the old inhabitants of the territory now alive, and all the documents which corroborate them, are yet in existence among the records of West Florida papers, in the Plantation Office, Whitehall, London, to which our minister might at any time have had access, had he been instructed for that purpose by the administration.

However, it is to be hoped, that the ensuing congress will look into and fully investigate this business, from the beginning to the end; and then, let those who have concluded, and given their sanction to this convention, state if they can, the reasons which have urged them to recognize a claim, totally unsupported upon any one principle of right whatever.

AGRICOLA.

## LETTER I.

*Considerations on the Georgia Claim to the Mississippi Territory, formerly a part of West Florida, lately agreed to be ceded to the United States, for the sum of 1,200,000 dollars—in a letter to a friend.*

Dear Sir,

As you hinted to me some time

ago, that you were very little acquainted with the territory in question, either as to the extent of West Florida, or the nature of the claim which the State of Georgia has agreed to relinquish, for the sum of one million two hundred thousand dollars, and requested me to give you such information as I could, respecting this country; I now submit the following brief history of facts for your consideration, to which I shall subjoin a few observations on the nature of the Georgia claims, which I trust will throw some light upon the nature of this transaction, hitherto very little known by the citizens of the Union. They are not the loose random strictures of a person disposed to cavil with any of the measures of government, but candid observations drawn from authentic documents, which it is presumed will not easily be denied; and fair inferences, deduced from principles not liable to be contradicted by light and transient reasons. Before, however, I enter into the history of this portion of the Union, I must premise, that there are two publications on the subject, which, though not in the hands of every one, yet are well known to the late, and most of the present members of congress; and they contain much information respecting this territory. One is, "The report of the committee of congress, to whom was referred the several petitions of Thomas Burling and others, Cato West and others, and John Oliver and others, inhabitants on or near the Mississippi, containing an enumeration of claims to lands in that country, upon which the act of Congress, entitled, *An act to settle the title to the lands in the State of Georgia, and authorizing the establishment of a government in the Mississippi Territory,*" was predicated; and the other, "The address and remonstrance of the legislature of Georgia." These two publications, it is presumed, contain the substance of what has hitherto been made public, either for or against this claim; & will occasionally be referred to, in order the better to bring the true point before you—indeed a large portion of the report, will of necessity be incorporated into this letter: But there are many things in this letter which, it is believed, were never brought into view before the committee who framed the report. Without further preface or observation, then, I proceed to give you a concise history of West Florida, and to consider the nature of the above claim. In doing this, it is unnecessary to go back to the clashing pretensions of England and Spain, and their ancient disputes about the limits and boundaries, between the British colonies & the Floridas. It is sufficient for the present purpose, to begin with the character of the lords proprietors of Carolina, which it is said included originally the territory lately ceded to the United States.

King Charles the II. by letters patent under the great seal of Great Britain, dated the 20th of May, 1662 granted unto Edward, Earl of Clarendon, and seven others, "all the territory or tract of ground, situate, lying and being within his dominions in America, extending from the north end of the island called Luche Island, which lieth in the southern Virginia seas, and within six and thirty degrees of northern latitude, & to the west in a direct line to the South Seas; and so, southwardly, as far as the river St. Mathias, which bordereth on the coast of Florida, and within thirty one degrees of northern latitude; and so west in a direct line to the South Seas aforesaid, establishing therein a province called Carolina, as by a reference to Trist's

collection of the ancient Carolina laws, may appear. Two years afterwards, the same monarch gave the same lords proprietors another charter, with the same boundaries, north and west, but extending the southern boundary as far south as the 29th degree, adding two degrees to the original boundaries of Carolina, which then extended from 36 to 29 degrees of northern latitude, and in a direct line from those two points on the Atlantic ocean, westward to the South Seas. This tract remained under the government of the lords proprietors till the year 1726; when growing tired of it, seven out of the eight, surrendered their right to the crown; (lord Cartaret retaining his one eighth or share) which surrender was confirmed by act of parliament, in the second year of king George II. by which means seven-eighths of the country reverted to the crown.

Soon after this surrender, this immense territory was divided into two provinces called North and South Carolina; and governors were appointed and sent on to each province accordingly: (lord Cartaret's share having been laid off in North Carolina, where it is said some of his descendants have claims to this day.)

In 1732, king George II. thought proper to create out of South Carolina, a new province, called Georgia, which was given to trustees on certain conditions therein mentioned, & was bounded on the river Savannah to the east, and extending along the sea coast to the river Altamaha, and westward from the heads of these rivers respectively, to the south seas. This therefore may be considered as the origin of the Georgia claim. About 18 or 20 years after this newly created province was granted to trustees above mentioned, they, like the Lords proprietors of South Carolina, surrendered it to the crown of Great Britain; after which, it remained a British province, till it became an independent State, by the revolutionary war. It must however be recollected, that as the southern boundary of Georgia was fixed to the Altamaha, all the territory between that river and the 29th degree of latitude, still remained a part of South Carolina: and large grants of land were occasionally made to different people there, by the different governors of South Carolina, till that portion of territory, south of the Altamaha, was, by the King of Great Britain's proclamation in 1763, annexed to Georgia; but the western limits were undefined. At this stage of this brief history, two things are well worthy of observation—the first is, the extravagant nature of these ancient charters; and secondly, the power of the crown in creating, dividing and sub-dividing colonies, and again in adding portions of one colony to another, at his pleasure. First then, it can scarcely be imagined that the framers of these charters, had any adequate idea of the geography, or extent of America at that day; for it must be obvious to any man, who will take the trouble to look upon the map of the globe, that the distance from the shores of the Atlantic, in a direct line west to the South Seas, can be little less than from 3 to 4000 miles; an extent so great, and so much beyond the possibility of extending the blessings of civil government, throughout every part of it; that the mind of man cannot suppose, but they must have been founded in ignorance of the true position of the continent, across which they were to run. It is said by an historian that an English adventurer from a promontory on the Straits of Darien, about that period, saw the waters of the pacific ocean to the west, and those of the Atlantic to the east.

(See last page.)