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Senate of the U. States.

MONDAY, FEB. 14, 1803.

After the Senate had finished its deliberations upon the legislative business before it, Mr. Rois rose and said:

That although he came from a part of the country where the late events upon the Mississippi had excited great alarm and solicitude; he had hitherto forbore the expression of his sentiments, or to bring forward any measure relative to the unjustifiable, oppressive conduct of the officers of the Spanish government at New-Orleans. He had waited thus long in the hope that some person more likely than himself, to conciliate & unite the opinions of a majority of the Senate, would have offered efficacious measures for their consideration. But seeing the session now drawing to a close, without any such proposition, he could not reconcile a longer silence, either to his own sense of propriety, or to the duty he owed to his constituents. He would not consent to go home without making one effort, however feeble or unsuccessful, to avert the calamity which threatened the Western country. Present appearances he confessed, but little justified the hope, that any thing he might propose would be adopted; yet it would at least afford him some consolation hereafter, that he had done his duty when the storm was approaching, by warning those who had power in their hands of the means which ought to be employed to resist it.

He was fully aware that the executive of the United States had acted: That he had sent an Envoy Extraordinary to Europe. This was the peculiar province, and perhaps the duty of the president. He would not say it was unwise in this state of our affairs to prepare for remonstrance and negotiation, much less was he then about to propose any measures that would thwart negotiation, or embarrass the president. On the other hand he was convinced that more than negotiation was absolutely necessary, that more power and more means ought to be given to the president, in order to render his negotiations efficacious. Could the president proceed further, even if he thought more vigorous measures proper and expedient? Was it in his power to repel and punish the indignity put upon the nation? Could he use the public force to redress our wrongs? Certainly not. This must be the act of Congress. They are now to judge of ulterior measures. They must give the power and vote the means to vindicate in a becoming manner the wounded honor and the best interests of the country.

Mr. R. said he held in his hands certain resolutions for that purpose, and before he offered them to the Senate he would very fully explain his reasons for bringing them forward and pressing them with earnestness, as the best system the United States could now pursue.

It was certainly unnecessary to waste the time of that body in stating that we had a solemn explicit Treaty with Spain; that this Treaty had been wantonly and unprovokedly violated, not only in what related to the Mississippi, but by the most flagrant, destructive violations of our commerce on every part of the ocean, where Spanish armed vessels met the American flag. These violations were of immense magnitude, and demanded the most serious notice of our government. They had been followed by an indignity and a direct infraction of our treaty relative to the Mississippi which bore an aspect not to be dissembled or mistaken.

To the free navigation of that river we had an undoubted right from nature, and from the position of our Western country. This right and the right of deposit in the Island of New-Orleans, had been solemnly acknowledged and fixed by treaty in 1795. That treaty had been in actual operation and execution for many years—and now without any pretence of abuse or violation on our part, the officers of the Spanish government, deny the right, refuse the place of deposit and add the most offensive of all insults, by forbidding us from landing on any part of their territory;—and shutting us out as a common nuisance.

By whom has this outrage been offered? By those who have constantly acknowledged our right and now tell us that they are no longer owners of the country!!! They have given it away—and because they have no longer a right themselves, therefore they turn us out who have an undoubted right! Such an insult, such unprovoked malignity of conduct, no nation but this would affect to mistake. And yet we not only hesitate as to the course which interest and honour call us to pursue, but we bear it with patience, tameness, and apparent unconcern.

Sir, said Mr. R. whom does this infraction of the treaty, and the natural rights of the country most intimately affect? If the wound inflicted on national honour be not sensibly felt by the whole nation is there not a large portion of your citizens exposed to immediate ruin by a continuance of this state of things?—The calamity lights upon all those who live upon the western waters.—More than half a million of your citizens, are by this cut off from a market. What would be the language, what would be the feelings of gentlemen in this house, were such an indignity offered on the Atlantic coast? What would they say if the Chesapeake, the Delaware, or the bay of New-York were shut up, and all egress prohibited by a foreign power? and yet none of these waters embrace the interests of so many as the Mississippi.—The numbers and the property affected by shutting this river is greater than any thing that could follow by the blockade of a river on the Atlantic coast. Every part of the union was equally intitled to protection, and no good reason could be offered why our part should be less attended to than another.

In the last year goods to more than the value of two millions of dollars, had been carried into the western country. These goods were purchased on credit. The consumption of that merchandize afforded a revenue to our treasury of more than three hundred thousand dollars. The sale of western public lands was counted upon as producing half a million of dollars annually. Large arrearages of internal taxes were due from that country. The people had just emerged from an Indian war. They had overcome the most frightful obstructions which ever presented themselves in the settlement of a new country, and altho' yet in their infancy, we might promise ourselves an honourable and a vigorous manhood, if they were protected, as we had led them to expect—after a little while their strength and faculty of self-preservation would be complete. Certainly they yet needed the kind fostering hand of their parent states. But if that be now withdrawn, where is the revenue on which to calculate? How can they pay for your lands? How can they discharge the arrearages of taxes? How can they pay your merchants in Baltimore, or Philadelphia? They cannot go to market.—They have no resources but the produce of their

farms. You suffer the Spaniards to lock them up. You tell them that their crops may, may must rot on their hands, and yet they must pay you their debts and taxes.—Is this justice? Will it be submitted to? These men bought your lands in confidence that the Spanish treaty would be maintained—all sales since the date of the treaty—now you suffer a wanton violation of it without making an effort to remove the obstruction, and yet tell them they must pay you! This cannot be expected. It would not be the rule between honest individuals, for the seller of an estate suffering an eviction of the purchaser when he might and could prevent it, would not be permitted to recover the purchase money.

If it comports with your calculation of interest or convenience to submit tamely to this outrage, and to witness the ruin of one part of your country for the sake of peace in the residue, surely your ideas of justice will compel you to absolve the western people from all obligation to repay what it would ruin them to advance. Will you prosecute them in your courts? Will you tell their little all by your public officers? Will you not be content with the loss of all the lively hopes that they had entertained of gaining a new fortune and another name in the wild but auspicious new countries of the west? Is it not enough that their day is darkening and closing at noon? Surely it cannot be tho't reasonable to exact an impossibility. It is undeniable that in their ruin many of your merchants on the Atlantic coast will be inevitably involved. Great as this evil may be (and certainly it is of immense magnitude) yet the loss of the affections of a whole people, the destruction of enterprise of hope, and of industry, through all the western world is infinitely greater.

It may be said that this is an overcharged description of the evil side of our affairs without offering any remedy.

Mr. R. said that was far from his intention, and he would now examine that subject because to his mind the remedy was obvious.

The experience of all time has proved that with nations, as well as with individuals, submission to aggression and insult uniformly invites a repetition & aggravation of the mischief. To repel at the outset is more easy, as well as more honorable for the injured party.

Fortunately for this country there could be no doubt in the present case—our national right had been acknowledged and solemnly secured by treaty. The treaty had been long in a state of execution. It was now violated and denied without provocation or apology. Treaty then was no security. This evident right was one, the security of which ought not to be precarious, it was indispensable that the enjoyment of it should be placed beyond all doubt. He declared it therefore to be his firm and mature opinion that so important a right would never be secure while the mouth of the Mississippi was exclusively in the hands of the Spaniards. Caprice and enmity occasion constant interruption. From the very position of our country, from its geographical shape, from motives of complete independence, the command of the navigation of the river ought to be in our hands.

We are now wantonly provoked to take it.—Hostility in its most offensive shape has been offered by those who disclaim all right to the soil and sovereignty of that country—an hostility fatal to the happiness of the western world—why not seize then what is so essential to us as a nation? Why not expel the wrong doers?—Wrong doers by their own confel-

sion, to whom by a seizure we are doing no injury. Paper contracts or treaties have proved too feeble. Plant yourselves on the river, fortify the banks, invite those who have an interest at stake to defend it—do justice to yourselves when your adversaries deny it—and leave the event to him who controls the fate of nations.

Why submit to a tardy uncertain negotiation, as the only means of regaining what you have lost—a negotiation with those who declare they have no right at the moment they strip you of yours—they deprive you of yours? When in possession you will negotiate with more advantage. You will then be in a condition to keep others out.—You will be in the actual exercise of jurisdiction over all your claims;—Your people will have the benefits of a lawful commerce. When your determination is known, you will make an easy and an honorable accommodation with any other claimant.—The present possessors have no pretence to complain for they have no right to the country by their own confession. The western people will discover that you are making every effort they could desire for their protection.—They will ardently support you in the contest if a contest becomes necessary.—Their ALL will be at stake, and neither their zeal nor their courage need be doubted.

Look at the memorial from the legislature of the Mississippi Territory now on your table.—That speaks a language & displays a spirit not to be mistaken. Their lives and fortunes are pledged to support you. The same may with equal truth be asserted of Kentucky, Tennessee, and the western people of Virginia and Pennsylvania. Is this a spirit to be repressed or put a sleep by negotiation?—If you suffer it to be extinguished, can you recal it in the hour of distress when you want it? After negotiation shall have failed, after a powerful, ambitious nation shall have taken possession of the key of your Western Country and fortified it;—after the garrisons are fitted by the veterans who have conquered the east—will you have it in your power to awake the generous spirit of that country and dispossess them. No! Their confidence in such rulers will be gone.—They will be disheartened, divided, and will place no further dependence upon you. They must abandon those who lost the precious moment of seizing and forever securing their sole hope of subsistence & prosperity—they must then from necessity make the best bargain they can with the conqueror.

It may be added that the possession of the country on the east bank of the Mississippi, will give compactness, and irresistible strength to the United States, and in all future European wars we shall be more dreaded and of course be more courted and respected than we can ever hope to be without it—on that score therefore our security will be increased by this measure.

Suppose that this course be not pursued. Let me warn gentlemen how they trifle with the feelings, the hopes and the fears of such a body of men as inhabit the western waters. Let every honorable man put the question to himself how would half a million round him be affected by such a calamity, and no prompt measures taken by the government to redress it.—These men have arms in their hands; the same arms with which they proved victorious over their savage neighbours.—They have a daring spirit:—They have ample means of subsistence;—and they have men disposed to lead them on to revenge their wrongs. Are you certain that they will wait the end of negotiation?