

# CAROLINA CENTINEL.

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## THE AFFAIR AT PENSACOLA.

WASHINGTON, OCTOBER 4.

The proceedings of Governor Jackson in relation to the ex-governor Callava, have not so far as our observation has extended, been impeached by the public; but, not acquiescing with the extent of the authority with which the Governor of Florida is clothed, (he exercising the powers of a Spanish captain general, under Congress take the subject up, and extend the laws of the Union to the Territory,) many individuals have been disposed not to acquiesce in the propriety of the governor's conduct towards the Federal Judge who issued the writ of habeas corpus. In regard, however, to the superiority, between those two officers, we are glad to find it stated in the New Orleans Advertiser, that upon a re-examination of the matter, as to the writ of habeas corpus, Judge Fromentin became satisfied that he had no right to issue the writ; and thus, we hope, the unpleasant collision of authority terminated.—*Intell.*

In this paper will be found General Jackson's proceedings against the Spanish Governor of West Florida, who is also commissioner on the part of his government for delivering possession of that province. Had an American citizen been thus treated, it would have excited universal indignation. Can the case be less aggravated, when a Spanish Governor, holding still an official situation under his government is the victim? If the papers really belonged to the American government, a peaceable demand was all which Jackson could be authorized to make—leaving ultimate proceedings to his government. But to follow up the demand with the imprisonment of a Spanish Governor and Commissioner, and then to enter his house and break open his private trunks, boxes, &c. is a stretch of authority, not certainly uncommon in General Jackson, but as inconsistent with the principles of a free government, as the absolute decrees of the Turkish Sultan. The account from the Pensacola paper, affords no ground for even a palliation of this act, and we doubt whether that city, under the despotism of Spain, ever witnessed its equal. Is it not to be regretted, that a man so justly great, should thus tarnish his well-earned fame.

Frankfort, (Ky.) Argus.

Don Callava, the Ex-Governor of West Florida, has made a formal exposition and protest against his treatment by General Jackson, of which a translation is given in Rel's Philadelphia Gazette. If the facts he alleges "on the responsibility of his head before a tribunal" are correctly given, little can be said in extenuation of the conduct of General Jackson, which even by the account published in the Florida paper, is liable to much censure. The station of Col. Callava, the amicable relations between the two countries, and the inadequacy of the offence to the degrading punishment inflicted, leave scarce a justification to an act of unnecessary violence, which under any circumstances would be derogatory to the character of the individuals concerned, and of the country which sanctioned it. Duly estimating the military qualifications of the defender of New-Orleans, we cannot concede that his apparently ruling maxim, "that the end justifies the means," renders him equally competent to the proper discharge of civil functions; nor while we are willing to believe that his conduct may be governed by views of public good, and even by a sense of abstract justice, do we think that the impetuous violence of his temper qualifies him to decide in nice points on what may be most conducive to either. The facts in the present case will doubtless be properly investigated, and it may be premature to form any decided opinion on them at present, but we should think that no explanation that can be given would exonerate General Jackson from blame.

New-York American.

## TRANSACTIONS AT PENSACOLA.

From the Richmond Enquirer.

The Intelligencer states, "that the proceedings of Governor Jackson in relation to the ex-governor Callava have not, as far as our observation has extended, been impeached by the public."—But as far as our observation extends, it has been impeached by the public sentiment. We have scarcely met with a person who

did not condemn it in 'pretty round terms.' We find too, that it has been impeached by some of the public prints. Besides the specimens we furnish to-day, the last New-York National Advocate takes the following strong ground:

"A formal demand should have been made for these documents, and if refused, measures have been adopted to prevent their being sent out of the territory, but the person of the ex-governor should have been held sacred. His public functions had ceased, but his private rights were in full force. Such proceedings are only known in despotic governments.—If, however, the imprisonment of Col. Callava can be justified, what defence is to be made at the suspension of the writ of Habeas Corpus. An infraction of the very palladium of our liberties; an act which General Jackson must be made to answer for by the Government, or his administration will be above all law and all restriction."

In truth, take it in what light you please, we regard the treatment of Callava as unnecessarily harsh, and high-handed. If his public functions had expired, yet was not some little courtesy due to him from the station which he had so recently resigned? Was not some consideration due to the country which he had represented?—Let us then consider him only as a private person, yet why this unnecessary rigor towards him? General Jackson's advocates may cry it up as *energy*; yet why push it to such an extreme? Why seize Callava at all?—Why not confine the seizure to his papers alone? Why not do at first, what was done at last; seize the cases, break the seals, and select such documents only as corresponded with the schedule? Callava himself ultimately begged them to pursue this course, rather than to touch his person. But if the Governor's energy could not have been satisfied, without laying hands upon the person of Callava, why send him to a common and ignominious jail—the receptacle of the vilest criminal or meanest runaway? Why not have put him under a guard at his own house, or at the Governor's office, until the papers could have been seized and secured? And if we may believe his Spaniard upon his oath, why should he have been treated with that impassioned violence, which he ascribes to the Governor? Is this too a part of the Governor's energy? Is it becoming in the civil magistrate of a free people to play the Bashaw, even to the meanest criminal? to stoop from "the high estate" of his great office, and insult the man who is in the power of the law?

A judge should be like Mount Atlas—self-centered and unremoved." Firm in the administration of justice, but calm in the manner of it; he should soar above the common passions of common minds. He should never confound energy with rigor, nor dignity with violence. He should exercise no more authority, than the occasion requires; and he should exercise it in such a manner, as to command even the respect of those, whom his justice does not satisfy. It grieves us to say, that even according to the shewing of "the Florida," the Governor has treated Col. Callava, with unnecessary harshness; and according to C's statement, with a violence which does not even suit "the Captain-general and intendant of the island of Cuba, &c. &c." It is in truth a measure, which is more suitable to "despotic governments." It neither accords with the genius of our institutions, nor the character of our people. It violates "the regard which is due to reputation of the U. States." In the eyes of foreign nations, it is little calculated to enhance the character for moderation and courtesy, which should grace our liberty and our spirit. In the heart of Spain, particularly, it may produce alienation and disgust.

On Gen. Jackson's own account too, we could have wished that this thing could have been "ordered otherwise." He is unquestionably a man of great abilities. His glory is beyond the cavil of criticism, or the breath of enmity. He wears the brightest wreath which was worn during

\* An attempt has been made to shelter this case under the precedent of the Intendant at New-Orleans—but in vain!—as appears from the "Louisiana Advertiser" of the 10th ult.

"It is no doubt through an error that the Editor of the Pensacola Floridian, in publishing the statement of the transactions relative to Colonel Callava, which we extracted from his number of the 25th of August, has stated that the late intendant of Louisiana (Mr. Morales) had been imprisoned by Governor Claiborne, for a week, because he would not give up certain papers belonging to this country. It is well known to every one here, that such a circumstance never took place."

the last war. His defence of New-Orleans will never be forgotten, so long as gratitude can find an American heart, on which to engrave her inscriptions. But the gallantry, and even chivalry of Jackson, is not every thing. It is not "to be regretted, that a man, so justly great, should thus tarnish his well-earned fame?"

The case of Judge Fromentin is different from that of Callava. He is a Judge of the U. S.—he issued a writ of Habeas Corpus—for which act he was summoned before the Judge to answer for a contempt and misdemeanor. Is it true, we find it stated in the N. Orleans Advertiser, that the Judge has since become satisfied that he had no right to issue the writ. But we confess, we suspect those sudden conversions which are wrought at the point of the bayonet. Let us see the Judge's commission; and we may judge for ourselves. But at the first blush of this subject, it might be suspected, that as every U. S. judge, whether in a state or territory, has had the power in effect though not expressly under the law, to issue a Habeas Corpus, as it is a privilege besides which must extend to Florida along with the constitution of the U. States, it would go along with Mr. Fromentin in his character of Judge. If it be not so, there must be some oversight in his commission, which ought instantly to be corrected. In the case of Vidal and Innerarity, just decided at Pensacola, we have a peep at this commission; and it appears that the Judge "is expressly required by instructions contained in it, to consider himself as governed by the laws of the U. S."—though it is true that Governor Jackson, or his assistant Mr. Mitchell, has attempted to narrow down this phraseology to only two laws of Congress (touching revenue and slaves)—yet, still it is extremely doubtful, whether as this writ attaches to Florida by the constitution itself, it did not go by custom and usage with Mr. Fromentin into Florida.

Say, however, that it did not; say that Fromentin erred in the issuing of it, does it, therefore, follow, that the Governor should attach him for a contempt? Was it not enough to return upon the writ that it should not be served upon the prisoner? And thus to baffle the interference of the Judge? Why proceed against him for a contempt or a misdemeanor, as if he were a subaltern ministerial officer, or as if Gen. Jackson were again a chieftain at the head of his troops, imprisoning at his discretion the judges of the bench.

If indeed the commission of Fromentin be so constituted, as they would have us believe it; if the privilege of habeas corpus be in the very teeth of the constitution, denied to the people of Florida; if it be "in the power of any the highest magistrate, to imprison arbitrarily whomsoever he, or his officers may think proper; there may soon be an end of all their rights and immunities." There is certainly no other guarantee for them, than the will of Gen. Jackson.—The same power, which yesterday imprisoned a Spaniard, may to-morrow seize an American citizen. The same power may lay his hands upon a press, which might oppose his edicts; or the church, which worships God according to the conscience of its followers.

Let no man tell us, that General Jackson will not do these things; that he has a soul far beyond those attempts—our reply is, we will not implicitly trust him nor any other public man. Jealousy, not unbounded confidence, is the very soul of a republic. We would put every man, as far as possible, under the shelter of the constitution. We will not put any "province" under the arbitrary power of a Proconsul. Even Florida, Spanish as she has been, is now a part of these free U. States; and must not be put under the ban of the empire.—If then this commission be so defective, let the President look to it. He now perceives the danger; and it is his duty to avert the mischief

† The laws organising the different territorial governments secure to the inhabitants of each territory the privilege of Habeas Corpus. They also organize a judiciary for each.—But they do not expressly charge the judiciary with the power of issuing the writ, &c. &c.

## COLONEL CALLAVA.

We shall not stop to enquire, whether the Governor had the authority to do as he has done, or whether there were any other legal process by which he might have reached the papers in question.—Granting him the full authority to act, we are however prompted to ask.

1st. Whether he might not have seized the papers in the first instance as well as the last, without touching Callava?

2d. Why not have confined him "in his own house, as was done in the case of the Intendant of New-Orleans?"

But say it was expedient to seize his person, why in the 3d place, rigorously doom him to an imprisonment in the common prison, the receptacle perhaps of runaway negroes and felons?—Why not put him under a guard in the Governor's office, or some public house, until the papers had been seized?—If this measure had proved too weak, then why not reserve the common prison as the *dernier resort*?

Let us, however, pass his case to come to the other feature in this transaction.

## JUDGE FROMENTIN.

It is a matter of regret, that *The Floridian* has not shed as much light upon this part of the matter, as it has so forcibly done in the case of Callava. For all that we know of it we are compelled to resort to certain articles in the New-Orleans Advertiser, National Intelligencer, and Baltimore Federal Gazette. The last purports to give the very words of the writ which the Governor had issued against the Judge.—The following queries embrace the very hasty view we have taken of this matter.

Is not Florida at this time a part of the United States?—Not a state, of course; but a part of the territory of the United States?

Does not Congress derive its authority to make laws for this territory from the constitution?

Must they not take this commission with all the restrictions which are attached to it—that is to say, to respect the freedom of the press and of religion, to pass no bill of attainder, to leave untouched the writ of habeas corpus, except in the cases specified by the constitution?

If Congress itself cannot, can the President—or one of his officers, curtail any of those rights to the inhabitants of Florida?

Can the officer, commissioned by the President, exercise any authority, or cause any Spanish laws to prevail, which are in direct opposition to the C. U. S.

Had not Judge Fromentin (a federal Judge) power to issue a writ of habeas corpus, and was he not bound to do so on application?

How then could the governor consider it as a contempt of his authority—as a "misdemeanor," &c. &c.?

If, on the return of the writ, and on hearing the case, Judge Fromentin should have decided to let loose Callava, would not that have been the proper time for the Governor to have arraigned Fromentin for a contempt, if it falls at all within the Governor's jurisdiction?

Can the Governor regulate religion—the press &c. &c. &c.? If it be said no; because Congress in their own law declare that the powers in Florida shall be exercised so as to maintain the inhabitants "in free enjoyment of their liberty, property and religion"—and that therefore religion must be free—why also it may be asked, is not the privilege of the habeas corpus equally essential to the liberty of its inhabitants? If a man may be taken up at a time, when there is no invasion or rebellion, and kept in jail as long as an executive officer pleases, where is the freedom of the people?

From Bell's Weekly Messenger.

The Turks appear perfectly frantic in their rage against Christians of every country and every denomination. They seem hurried on by their national belief on an absolute Predestination, to encounter every possible chance of provoking the governments of Europe to unite in such a league that would destroy their power, as the whirlwind sweeps away the locusts. And if this spirit continue, there will probably be a speedy end to the dominion of the Ottoman in Europe.

In the consideration of this subject, two questions seem chiefly to offer themselves:—The first, whether the probable events of this insurrection justify any reasonable apprehension of an interruption of the general peace; and the second, whether the Greeks have a fair chance to success.

With respect to the first of these questions, it will be best answered by a brief statement of the relative situation of the three great Continental powers with the Turkish empire. The powers are Russia, Austria and Prussia. Now, with regard to the two former of these powers, the point of jealousy and contention is, that each deems herself to have a common claim, and each has certainly an equal interest, in the Greek provinces of Wallachia and Moldavia, and the acquisition of these provinces would carry the Austrian territory immediately to the banks of the Danube, through the greater portion of its course; Wallachia, and Moldavia being two extensive elbows of land, which jut from the banks of the Danube towards the Austrian frontier.

On the other hand, the inhabitants of these provinces being Greeks and professing the same religion, and in the same mode with the Russians, the Russian Cabinet, have always deemed itself to have the best right to their possession when fortune should afford the opportunity. Again, the Russian outposts already touch upon this portion of the course of the Danube, and the acquisition is more certainly prompt and at hand to the Russians than to the Austrians. This is one point of jealousy between Austria and Russia.—Another is that Vienna itself is situated upon the Danube, and the possession of Redschuck, and of the other fortified places still remaining to the Turks, by the Russians, would bring the Emperor of Russia and his garrisons too much in contact with the capital of the Austrian dominions. It is one thing to have the Turks as neighbors, and totally another thing to have the Emperor Alexander a neighbour. About an hundred years ago, the possession of this line of the Danube, enabled the Turks to besiege Vienna itself; and the city, and even the European continent itself; were then saved, and, with extreme difficulty, by the united skill and gallantry of the best generals in Christendom. But is there any power on the Continent, who, in such an event, could save Austria from Russia? This is the question as regards Austria and Russia?

As regards Prussia, her concern in the question is two-fold, the first as respects the general aggrandizement of Russia, already too strong and too near as a neighbor—the second as regards the danger of her Polish provinces, from this augmentation of the power of Russia, in their immediate neighborhood. Under present circumstances, the force of Russia, though infinitely exceeding that of Prussia in amount, is less compact, prompt and effective—its regular stations are very remote, and are distributed thro' many distant & unconnected posts. In any branch between Russia and Prussia, at present, the most consolidated power in Europe, could assemble, within a fortnight, an army of 120,000 men on any part of her frontiers. She might not only assemble them here, but, (which is of more importance) without any difficulty, might keep them in station there, in her posts and garrisons, for six or nine months. On the other hand, it would take Russia at least three months to march up a similar army—and the Russians would then have to encounter the still greater difficulty of maintaining them in the field for any length of time. But this difficulty would be wholly removed by the acquisition of the acquisition of the provinces of Wallachia and Moldavia: and still more so by the possession of that portion of the Danube, which still remains in the hands of the Turks. Russia therefore would gain so much additional strength, and Prussia so much new and just cause of apprehension from her powerful neighbor. This is the relation between Russia and Prussia as regards the present question.

As respects the probable success of the Greeks, the present aspect of the war is much in their favor; but it is extremely difficult to give any satisfactory answer to this part of the question, from the inconsistency of the accounts which reach us, and which vary according to the parties from whom we receive them. Such of these narratives as come from the Greeks, Russians, or constitutional French press, are uniformly in favor of the Greek cause.—On the other hand, such as pass through Austria, Prussia, or through any parts of Germany, under the control of these powers, are as uniformly unfavorable, and give such a color to the events and circumstances of the war, as may discourage the public spirit in their favour. Two events of great importance are, however, confirmed by the one, and acknowledged by the other party. One of these is, the total destruction of the Turkish fleet—the second is, that the Greeks are in possession of the whole of Corinth. The first of these events almost secures, in itself, the entire liberation of the Greek Islands. The latter is equally promising as to the successful conquest and retention of the greater portion of the sea of Negropont, and Gulf of Lepanto.

LONDON, AUGUST 19.

The following entry was made yesterday in the books at Lloyd's:—

"By a letter from Leghorn of the 14th inst. we learn that the Turkish ship Cara Soliman, belonging to the captain of the port of Alexandria, on her return from Leghorn, had been taken off Cape Passaro, and arrived at Idra, and converted into a fire ship. The Turks were thrown into the sea; the Greeks alleging that their countrymen met the same fate at Constantinople. It is stated that four other ships belonging to the Pasha of