

# MINERVA; or, ANTI-JACOBIN.

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From the United States Gazette.

## AFFAIRS WITH SPAIN.

THE awkward and embarrassed situation in which this country has been placed, in relation to Spain, has excited much attention in every part of the union, and has induced us to attempt a recapitulation of some of the leading acts of our administration, which have contributed to bring us into this situation.

In the year 1802 a convention was negotiated between the court of Spain and our minister Mr. Pinckney, in which it was stipulated, on the part of Spain, that restitution should be made to our merchants for spoiliations committed on our commerce by the Spaniards, during the last war. One condition of the convention was that it should be ratified, on the part of the United States, within twelve months. Having been duly signed, it was immediately sent to the president of the United States. The first that was publicly known of the existence of this convention, so interesting to the commerce of our country, was about the middle of November last; and then, strange as it may seem to those not well versed in the secrets of democracy, not divulged by the government but through the medium of this Gazette. Having learned (not from an eastern senator, as has been asserted in one of Mr. Jefferson's prints, but directly from Europe) that such a convention existed and had been kept a profound secret by the administration for twelve months, we called loudly upon the government to lay it before the senate that it might be acted upon, and that our suffering merchants might know what protection they were to expect from the government. After a great deal of prevarication and contradiction on the part of the governmental prints, one day denying that any convention had been negotiated between the two powers; another, affirming that though a convention had been negotiated, it related merely to the limits of territory, and had nothing to do with commerce; on the third, confessing that such a convention as we described had been executed in Spain and sent to the president, and attempting to justify his conduct in withholding it a whole year from the senate and the country; then denying that it had been withheld, and declaring that it had, more than a year before, been laid before the senate and actually rejected by the federalists, who were then a minority in that body; after all this scandalous and impudent prevarication, which filled Mr. Jefferson's papers for months, behold! just before the close of the last session of congress forth came the identical convention, which, by the magick wand of democracy, had so often been carried thro' the various states of nonexistence, rejection, &c. &c. now actually ratified by the senate, the federal minority to the contrary notwithstanding. It was now promulgated with great pomp, as a proof of that guardian care which our government is ready to exercise for the protection of commerce, and was returned to Spain for a final exchange of ratifications. But mark the sequel. It had been kept in the pocket of the president till long after the twelve months originally stipulated had expired, and till after congress had authorised the president to establish one or more ports on the river Mobile, within the territory claimed by Spain. That court now refused to ratify the convention, alledging, that, after such a lapse of time, they had supposed the United States had abandoned the claim, and as the latter now manifested a disposition to make encroachments upon their territory, they would enter into no further negotiations on the subject of claims until other matters in dispute should be previously adjusted. Here the affair rests, and it is supposed that our minister has already left that court in despair of being able to bring about an accommodation.

That our readers may be able the more fully to comprehend the whole of this subject, and to judge how far the conduct of our own government has been censurable, we will here briefly recapitulate what we understand to have been the particular steps taken by the administration, while the convention remained a state secret.

That convention, as has already been mentioned, came into the possession of the president during the session of congress before the last. Instead of laying it before the senate, which is a constituent part of the treaty-making power, as we presume his duty required, he merely consulted certain favorite individuals of that body, who, it

seems, were of opinion that more ought to be demanded from Spain than was stipulated for: namely, that Spain should make restitution for American property taken by French cruisers and carried into Spanish ports. The convention made provision only for the payment of claims founded on captures by Spaniards themselves. In this situation an ordinary politician would have thought it best to make sure of what was offered, by accepting the convention, and, in the mean time instructing our minister to commence a negotiation relative to the other subject. Our wise ones thought otherwise, and very sagely concluded to keep this convention a profound secret, until that paragon of diplomacy, Mr. Pinckney, should either flatter or frighten the Spanish court into a compliance with their whole demand. This course was accordingly pursued: Pinckney commenced his operations: the Spanish Dons refused to comply: our government, when too late, concluding to make sure of what they could get, ratified the convention as it stood originally, and had the mortification of being told that it would not be agreeable to the Spanish court to hear any thing further upon the subject: so that our distressed merchants, while waiting for the money of which they have been plundered, will have abundant leisure to contemplate and admire the wisdom and profound policy of a democratic administration. The remainder of the story may be told after we shall have had time to pay fifteen millions of dollars for Louisiana, and then to conquer the territory.

We cannot dismiss the subject without calling the attention of our readers to the article below, which is published in the Philadelphia Gazette of the 17th Sept. and in the Aurora of the 18th. We consider it as coming, decidedly, from an official source, and may therefore be relied upon as containing the real demands which the Spanish court makes on our government. From the circumstance of our minister having left that court, we may presume that our government determine not to comply with the demands: and it is hardly to be expected that Spain will consent to relinquish her claim to a territory to which she conceives herself entitled.—Time alone can disclose the consequences.

From the Philadelphia Gazette.

### No. I.

Although a thick veil appears to cover us, yet the particulars of our existing differences with the Court of Madrid it is not difficult to guess by a combination of previous events, and a comparison of what has been lately published, that the heads or points of our misunderstanding have been pretty correctly stated in some of the Virginia papers, and in two or three of those edited in this city. These accounts connected with the verbal information obtained from an American gentleman lately from Spain, will afford us materials enough to venture a few observations on a subject so important to our country. In this inquiry we will not lose sight, that justice should be the basis of our political proceedings, as more congenial to the principles which have hitherto honored our Nation, and in reality more calculated to promote our true interest and happiness.

It would appear as if Spain would refuse to ratify our last convention with her, whose principal object was to compensate those of our citizens and her subjects who in the course of the last war had suffered injuries contrary to the laws of nations, without our previously assenting to the following propositions.

First, that time be allowed to give notice to their subjects of the Convention, which has not yet been done, as they considered totally abandoned by the American government.

Secondly, that the article relating to prizes carried into Spanish ports by French cruisers be totally expunged, and all claims upon the Spanish government on that account be forever relinquished.

Thirdly, that the act of the U. States authorising the President to establish one or more ports on the river Mobile, be immediately repealed.

The first of these propositions cannot be considered as a very important one, but in as much as it appears to be grounded on strict justice. The Convention was signed in 1802, and sent over for its ratification, which did not take place on our part till towards the last period of the last session of congress. What the motives were with our government to delay the ratification for near

two years, it is not our intention to investigate, but whatever was the cause of it, it is but too true, that there has been on our side such a procrastination in the business, so as to justify on the part of Spain a suspicion of our government having given it up altogether. At all events, in such a state of uncertainty, the Spanish administration could not with propriety or without running the risk of committing itself, send into his Catholic Majesty's vast and distant dominions the official information which in justice should precede the meeting of the commissioners, and this not having been done it appears but just that, as we have taken our own time, for the ratification, a reasonable one may be allowed in favor of the subjects of the king of Spain.

The most important and interesting part of the Spanish opposition to ratify the convention lays on the second proposition.—The expunging altogether of our claims for the prizes carried into Spanish ports by French cruisers cannot but deeply affect the finances of some of our citizens; but let us not be led astray by our feelings, and let us proceed to the examination of this important topic, with candor and impartiality.

By our last convention with France, we entirely gave up, and without any limitation or modification whatever, our claims for the injury received from her, and obtained as a compensation the advantage of being relieved of the burthensome and heavy obligation imposed upon us by the treaty and convention with Louis the XVI, in the year 1778: Our demands would have been otherwise considerable; but we must confess, the retribution was also great. This business thus settled, it is evident we cannot call upon Spain for the injurious received from France, in her ports & coasts. Without entering into the examination of the peculiar situation of Spain towards France at that period, Spain cannot appear but as a mere accessory to the offence;—France being in reality the principal—and having by our last convention relinquished and abandoned all our claim upon the French republick, Spain then is evidently released from all obligation towards us, in the same manner, that if a creditor was by a compromise, to abandon his right over a debtor, his bail or security would become *ipso facto* equally absolved and free. Many striking observations could be made upon this. I shall content myself with bringing forward one which appears to me to be conclusive.

If Spain could be compelled to make satisfaction to the United States for the injury which the latter has released or relinquished to France, that release would be defeated to every useful purpose, as France would now be liable to Spain for the same damages which it was intended to be discharged by the release of the United States. Now, a release as well as every other contract or engagement implies that nothing shall be done by the grantor, directly or indirectly to defeat his *bona fide* intent or effect. If therefore the claim preferred by the United States upon Spain will, if admitted indirectly, defeat the release granted to France, such claim must be pronounced to be illegal.

It has been pretended, that Spain was in reality the principal aggressor, but this assertion totally unsupported, is too weak to deserve any notice. The principal aggressors were those who committed the first act of hostility, and in the cases complained of, it is notorious, that the French privateers were the first aggressors, the territorial jurisdiction establishing but a secondary responsibility or, properly speaking, a *post factum* responsibility.

We will not pretend to the claim of superior information when we shall affirm, that this business was before the Senate in the last session of Congress: the circumstance was perfectly known out of doors, and it was equally reported, that the observations on the part of the government of Spain upon the subject, were of a cast and solidity not to be easily answered or controverted.

Among other circumstances which have leaked out, it was whispered that the Spanish Ambassador here, had some months before proposed to some of the most eminent lawyers in the United States, a theoretical question upon this subject, exposing with accuracy and exactness, all the principal and collateral circumstances, and concealing the real interested powers by a substitution of alphabetical letters. The consulted Civilians, although good and true Americans, yielded notwithstanding to the impression of truth and justice; and although belonging to different political parties, unanimously

declared in substance that the United States had not the least claim upon the Spanish government for the injuries of the French privateers on the coasts and ports of Spain, after we had given up, by the last convention with France, all our right to the said claim. The Senate felt the impossibility of the recovery; nothing was done upon the subject, and it is more than probable it has only been brought forward again by our government, with the intention to give, through the means of this desperate pretention, some support to others of a different nature.

## GRAVIORA MANENT.

To the Editor of the Charleston Courier.

SIR,  
Please to insert in your paper, for the information of the public, the following circular letter and memorial, which have been agreed upon by the joint committee of the State Society of Cincinnati, and of the American Revolution Society, in pursuance of resolutions adopted by these Societies.

CHARLESTON, S. C. Sept. 12, 1804.

SIR,  
HAVING been appointed by the South-Carolina State Society of Cincinnati, and the American Revolution Society, a joint committee for draughting and circulating a memorial to the Legislature, praying for legislative interference to restrain the practice of DUELLING, we have agreed on the inclosed memorial, and transmit it to you, with our earnest request that you would use your most vigorous exertions to have it generally signed. It is unnecessary to dilate on the mischievous consequences of DUELLING, to induce your endeavors to check a practice so dishonorable to this state, in which it is our boast to be governed by laws and not by men. The necessity of applying to the Legislature, on the subject, is obvious; for it is well known, that the existing laws have never brought any Duellist to serious inconveniences, and there is well founded reason for believing that they never can, in consequence of the weight of precedents to the contrary. Our only alternative, therefore, is to acquiesce in the practice of DUELLING, or to restrain it by a new law. The difficulties of framing any law, that may afford an adequate remedy to the evil, are great, but not insurmountable.

It is not to be supposed that our Legislature is less wise than that of several of our sister states, whose laws have been so operative that in several of them DUELS are absolutely unknown. If a respectable number of the friends of good government, morality and religion, sign the memorial we have forwarded, or any similar one, the Legislature, ever attentive to the wishes of their constituents, will enter seriously on the business, and we doubt not of their ability, to frame such regulations, as will certainly abolish the evil.

Independent of any law which may be passed, the sentiments of the most respectable part of the community, in opposition to DUELLING, declared and avowed by signing the memorial, will have a very beneficial effect. It will tend to correct the public opinion, and to restrain all who wish for the esteem of their fellow-citizens, from engaging in a practice, which the virtue and good sense of the community have so pointedly denounced. These, and many other arguments, which must occur on reflection, will be sufficient to convince you, that in procuring signers to the memorial, you will do a service acceptable to God, and beneficial to man. We have further to request you, to forward the memorial to Columbia, by the 4th Monday in Novem. next, that they may all be presented together to the Legislature, on the first day of their meeting; when we hope for the sublime pleasure of seeing an abhorrence of duelling pointedly expressed by many thousands of our most deserving citizens.

We are, with great respect,  
Your most obedient servants,

CHARLES C. PINCKNEY, } Committee  
JAMES KENNEDY, } of the  
WILLIAM READ, } Cincinnati,  
DAVID RAMSEY, } Committee  
HENRY W. DESAUSSURE, } of the  
WILLIAM ALLEN DEAS, } American  
JAMES LOWNDES, } Revolution  
RICHARD FURMAN, } Society.

P. S. Impressed with a firm belief that many advantages would result from illuminating the public mind on the inconsistency of the spirit and principles of the practice, against which the memorial is levelled, with the spirit and principles of our holy religion, we earnestly request, as a particular favor, that you would, at some convenient early day, preach a sermon on the sin and folly of