



By Authority.

LAW OF THE UNITED STATES.

An ACT for the disposal of certain tracts of land, in the Mississippi territory, claimed under Spanish grants, reported by the land commissioners as antedated and to confirm the claims of Alexander Ellis and Daniel Harregal.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the several tracts of land in the Mississippi territory, the titles to which have been derived under Spanish claims, and which have been disallowed by the boards of commissioners east and west of Pearl river, on suspicion of the grants, warrants or orders of survey, on which the claims are grounded, being antedated or otherwise fraudulent, and which are embraced in the report of the said boards of commissioners laid before Congress, agreeable to the third section of an act, entitled "an act supplementary to the act entitled an act regulating the grants of land, and providing for the disposal of the lands of the U. States, south of the state of Tennessee," shall be, and the same are hereby directed to be sold, in the same manner, at the same price, and on the same terms and conditions, as have been, or may be by law provided for the sale of the other public lands in the said territory; and any person or persons claiming under a Spanish grant, warrant or order of survey as aforesaid, shall be entitled to institute, in the highest court of law or equity in the said territory, his or their suit or action for the recovery of the tract or tracts so claimed as aforesaid: Provided, that claimant or claimants shall institute his or their suit or action within the term of one year from and after the tract or tracts so claimed shall have been sold by the U. States, or in case the same is now inhabited and cultivated, in virtue of a pre-emption right, within one year from and after the passing of this act: and if any person or persons claiming lands as aforesaid, shall fail or neglect to commence or institute his or their suit or action, in the manner and within the time prescribed by this section, or shall be non-suited, or discontinue the same, his or their right to commence, such suit or action, in any court whatsoever, shall be forever barred and foreclosed.

Sec. 2. And be it further enacted, That if the person or persons claiming under such grant, warrant, or order of survey, shall make it appear to the satisfaction of the court, before whom such suit or action shall be pending, that the tract of land therein specified, was actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, then and in that case, the same shall be deemed and held to be good and valid, to all intents and purposes, any thing in this act to the contrary notwithstanding; but in case the claimant or claimants shall fail to prove the tract or tracts of land so claimed, to have been actually surveyed prior to the twenty-seventh day of October, one thousand seven hundred and ninety-five, or in case the same shall appear to be otherwise fraudulent or illegal, the grant, warrant or order of survey, granted by the Spanish government as aforesaid, by virtue of which such tract or tracts of land may be claimed, shall be, and the same is hereby declared null and void, to all intents and purposes, and shall not be read in evidence against any claim or certificate of pre-emption, derived from the U. States.

Sec. 3. And be it further enacted, That it shall be lawful, in the trial of such suit or action, for either party to introduce parole evidence for the purpose of supporting or invalidating the grant, warrant or order of survey as aforesaid; and the judgment, sentence or decree of the said highest court of law or equity, in the cases aforesaid, shall be final and conclusive between the parties, and may be plead in bar to any subsequent suit or action brought in the same or in any other court, for the recovery of the same land or any part thereof.

Sec. 4. And be it further enacted, That Abraham Ellis be and he is hereby confirmed in a tract of land granted by the British government of West Florida to Stephen Jordan, containing the quantity of two hundred acres, lying and being on the waters of Boyd's creek according to the metes and bounds of said tract of land set forth in the plat thereof made by the surveyor general of said province of West Florida: and that the amount of money which the said Ellis may have been compelled to pay to the receiver of public monies west of Pearl river, in the Mississippi territory, for said tract of land, be refunded to him by the receiver aforesaid.

Sec. 5. And be it further enacted, That Daniel Harregal be, and he is hereby confirmed in his title in fee simple to the tract of land whereon he resides, containing the quantity of five hundred and fifty acres, agreeably to a plat thereof filed with the register of the land office, west of Pearl river, in the Mississippi territory.

J. B. VARNUM, Speaker of the House of Representatives. JN. MILLEDGE, President of the Senate pro tempore. February 23, 1809. APPROVED, TH: JEFFERSON.

FRANKLIN ACADEMY.

THE Semi-annual Examination of the Students of the Franklin Academy, will commence on the third Monday in June next, and continue two days. On Wednesday following, there will be an Exhibition of Select Orations, Dialogues, &c. and in the evening, will be performed a Comedy and Farce, for the benefit of the Institution.

G. HILL, Sec.

Leesburg, May 15.

BRITISH PARLIAMENT. HOUSE OF COMMONS, MARCH 6.

MR. WHITBREAD'S SPEECH In favor of an Accommodation with America. (Concluded.)

At the same time I do admit, that, on the unauthorised and wanton attack upon the Chesapeake, the secretary for foreign affairs did, as he ought to do, on a communication from the American minister, declare, that it was an act unauthorised and promised reparation. But there the propriety ends. A gentleman whom I see in his place (Mr. Rose) was sent to afford that reparation. Still it was visible, both from the time when he sailed, viz. the day after the issuing of the order of the 11th of Nov. and the manner in which he executed the commission, that any thing but conciliation was meant. No intimation was given by him to the American government of such orders having been issued by his Majesty's government; whilst the direct object of his mission was unaccountably coupled with the proclamation of the American government, relative to the interdiction of British ships of war from her domestic waters. G. Britain, the aggressor, in an aggravated attack upon a neutral power, refuses to enter into a discussion of those means of reparation which were due for such an attack, unless, as a preliminary, America consented to withdraw the very measure of defence, to which that power had resorted in her own defence against that very aggression. Could ministers seriously expect that any independent power could have submitted to such a degrading proposition? Did the right honorable gentleman fancy that he could call on the American government to crouch at his feet, in the same manner as we read of Louis XIV. calling upon the doge of Venice? In adjusting the intricate relation of Empires, were we to regulate our conduct by a studied attention to etiquette? Were nations, in the adjustment of differences, to advance with measured footsteps, as you, sir, in moving at the head of this house, in company with the Lord Chancellor, each attentive that the other should not precede him? Methinks, if such be the views of the present statesmen, it would be but proper to revive that system which prevailed under the See of Rome, where there were four different folding doors for different ambassadors to enter at the same time, that one should not complain of the precedence of the others. I dismiss this subject with one observation, that although for that aggravated and wanton attack upon the Chesapeake, Admiral Berkley was not only not bro't to trial, but immediately dispatched on another command—still we find the secretary of foreign affairs, in that master-piece of diplomacy of the 23d of September, 1808, finding fault that no overture was made to repeal an interdiction which was the very effect of this unauthorised and cruel attack of the Leopard upon the Chesapeake. We now proceed to the order of the 11th November; this drowned child that appears to have no father. The gentlemen opposite will probably answer by referring to the order of the 7th January preceding. I tell them that it is they who raised the superstructure, where no edifice was necessary. But the House must recollect, that at the time I opposed that very order of the 7th of January, as both improper & nugatory. And here again we were terrified with the Berlin decree. In the last session we told you from this side of the House, that to contend that America acquiesced in that decree, was a false and untrue assumption; that it was false & untrue is now fully proved. It is now proved, that on the issuing of that decree by the Emperor of France, America did all that she ought to do in defence of her independent rights. She did every thing necessary for her object, without being so foolish and insane as this country had proved itself, on this very subject. America took no notice of this idle menace, so long as she felt it was ineffectual. She knew the same object had been frequently held out to invigle her into hostility with each of the belligerents. But the moment that decree was put in force against her neutral rights, which was in the case of the Horizon, Gen. Armstrong immediately demanded a full explanation of its intentions from the government, accompanied with a remonstrance against the decision in the case of the Horizon. But such decision could be no motive for

the order of Nov. 11th, inasmuch as at the period of its issuing, no such event was known to his Majesty's minister—What course did the American government pursue, when acquainted with the decision of the Horizon? It immediately ordered its minister at Paris to renew his remonstrance, and at the same time to put in force its embargo laws against France. Then followed your orders in council. It will not now, I believe, be argued, that the American government were not in possession of your orders in council, before the embargo against G. Britain was passed into a law. That knowledge it had; and the immediate consequence was the adoption of the latter measure. But what was the most extraordinary feature in this transaction, was Mr. Rose sent out as on a mission of conciliation, after you had issued these orders, was totally silent upon them in his various communications, for the purpose of adjusting our differences with America.—What other feeling could such a circumstance provoke in the breast of any government, when it learned what had taken place here, but that it was the object of this country, by a specific mission for conciliation, artfully concealing other measures which vitally affected the independence of America, to insult and deceive them? Added to this, although an official notice was delivered on the 22d of November, by the President to Congress, that such orders were issued by the British government, yet it was not until the 23d of the following February, that his Majesty's minister to the United States communicated the existence of such orders to the neutral government most interested in their operation. There may, perhaps, exist in the minds of the great statesmen opposite, some good grounds for the delay; but in every plain view in which I have considered the subject, I could find no other motive than a desire to deceive, to insult and irritate America; and this is the course of policy which ministers too proper to adopt towards that country, at a moment when America was irritated against France. An irritation of which the French government was aware, as we find in the note of General Champagny to General Armstrong; a strong complaint of the inclination and partiality of America to Great-Britain. A partiality to either belligerent was peremptorily denied by the American government;—and perhaps the very best proof it could afford of its impartiality was its being accused by both at the same time, of being subject to an undue influence to its antagonist. This was not the first time that such charges were brought against America. Similar complaints were made during the Presidency of the immortal Washington. The enlightened patriot disregarded such accusations—he scouted every partial influence, and solely looked to the interest of his own country. I now proceed to the offer of America, as made by Mr. Pinkney, to suspend the embargo law and its supplements, as regards Great-Britain, provided you repeal your orders in council, as far as they regarded the U. States. She had continued her embargo with firmness and moderation. She did however avail herself of a proper opportunity to make to G. Britain a concession—a concession which the right honorable gentleman opposite (Mr. Canning) plumply refused, although one of its most salutary consequences would have been to arm the merchant ships of America against France. What, in God's name, would you have? What do you want of America? Have you any defined object in your policy with that country, and what is it? The blockade of the continent is raised, the system is broken up as harmless and contemptible;—the evil on which your orders were to retaliate its own injustice, has disappeared, as the secretary of foreign affairs has assured us; yet, in the same breath, he avows the determination of adhering to this unjust and disastrous system of retaliation. Whatever consequences may result from the perseverance, I am convinced that such a system will descend to posterity as a striking illustration of arrogance, imbecility and political folly, on the part of the advisers. Men who could not see what Mr. Pitt had so frequently seen before—that the Berlin decree was a stratagem on the part of the enemy, a mere ruse de guerre, tending to produce the very effects by your retaliating decrees which he had ineffectually hoped to produce by his own. No; even calamity cannot conquer the perverseness of his Ma-

esty's government, nor can concession induce them to retract their errors.—Most unfortunately, the last concession was made when the Spanish cause was fortunate, and it presented hopes of ultimate success. The right honorable gentleman, elevated by the temporary prosperity, disdained this conciliatory proposal and expressed the refusal of his sovereign in a note, which certainly savored very much of himself. (Laugh) for whether he is employed in discussions in this House; whether engaged in pacific overtures with hostile or in adjusting differences with neutral nations, in every sentence and every point, you are sure to see the author. It is true that he possesses all the stores of eloquence, that we cannot fail to admire the coruscations of his genius and the flashes of his fancy.—For my part, when considering the concerns of nations, I would prefer a portion of common sense, for how do all his brilliant qualities, tried by that, terminate!—They terminate in clouds, in vapor and in wind; yet even he complains of the tone of Mr. Pinkney's note; like a joker, who dislikes to be joked in return, particularly when the joke is against him, he feels uneasy under the tone of a communication. With Sir Anthony Absolute in the comedy, the right honorable gentleman cries, "What the Devil are you in such a passion for; why are you not as cool as I am?"—(Loud laughing.) Indeed, sir, I must declare my opinion, that, with every deference for the talents and acquirements of the right hon. secretary, I must still, in estimating the abilities of statesmen, in their political communications, contrasted with Madison on this subject, I must express my preference for the solid and able reasoning of the latter. I have only to refer to the right hon'ble secretary's letter of the 23d of September, to prove by an extract that the strain of irony is not best suited to the ends of political deliberation. The words are—"That in this attempt almost all the powers of the European continent have been compelled more or less to co-operate; and that the American embargo, though most assuredly not intended for that end, (for America can have no real interest in the subversion of the British power, and her rulers are too enlightened to act from any impulse against the real interests of their country) but by some unfortunate concurrence of circumstances, without any hostile intention, the American embargo did not come aid of the blockade of the European continent, precisely at the very moment when, if that blockade could have succeeded at all, the interposition of the American government would have most effectually contributed to its success." In this extract, there is a sarcasm conveyed not becoming a statesman, even were it just. They are not to be tolerated even to individuals, much less to a great and independent nation. But I will beg the gentlemen opposite to state, what benefits they propose to obtain from continuing in this system of retaliation?—What hopes do they now hold out to our manufacturers, to Ireland, to our colonies? Do they execute their orders in council? Are they playing fair with the country? Are they not following a trade they dare not own? Are they not at this moment carrying on, by means of lincencés, a trade with Holland and France, in those articles of the exportation of which the French government connives, and is it not by such a species of smuggling that they are enabled to support appearances and keep themselves afloat? There has been a report that some conciliatory measures are in progress between this country and America, and I have on that account been asked by several members whether I intended to bring forward this motion? If it be so, then I would willingly make a bonfire of rejoicing of my papers, & say, "proceed—conciliate America—let her, at all events, be your friend—and for that important object make every concession that may become a great nation." But I have seen nothing that can warrant such a conclusion. In spite of all the predictions to the contrary, the embargo has been continued. There have been some who have derived hopes from the commotions which have taken place in America—the question is, however, whether these commotions express the sense of the American people? But suppose there could be any just ground of hope of a repeal of the embargo from these commotions, nothing is gained unless the Americans can force Napo-

leon to rescind his decrees—unless they could perform an impossibility—unless they could heap mountain on mountain—place Pelion on Ossa—scale the Heavens, and thus accomplish an enterprise which transcended the power of the giants. But then we shall be told of what has been done by the embargo-breakers. What have they bro't to this country? Some cotton wool. But have they bro't flax-seed? Have they brought turpentine—and many other articles of essential importance to the trade and manufactures of Great-Britain? I can see little ground of consolation in this system of embargo-breaking. But if the embargo were raised—if Mr. Jefferson's authority should be overturned—would the Americans ever bring their goods here to be taxed? This odious tax had been paid only in one instance, and the ship had been burnt by the hands of the populace. A report was brought to this country that the federal party was likely to prevail. The very reverse of this turned out to be the fact, and Mr. Madison was elected President, & there existed no hope that the government of America would relax in their measures. If the Americans raise the embargo, they cannot come here to be taxed, and the consequence must be war; and if a war breaks out, what becomes of the scheme, of the gentleman opposite, to make the enemy contribute to our resources for carrying on the war? And I certainly entertain the most serious apprehensions that a war between this country and America will be the result. I am aware that there may be some who wish for such a war. The Americans are not popular in this country; and the American character is not regarded with favor or respect. Of this I can state a remarkable instance.—The health of Mr. Jefferson was proposed at a meeting last summer, and was received with great disapprobation, although at that moment America was not a hostile nation; and though we professed to be anxious for more intimate relations with that country. That there are some interests which must flourish by a war with America I allow. That our own possessions in America may derive some temporary advantage from it is very probable. But what will be the state of the West-Indies in the event of a war—what the state of many other valuable interests—and how are you sure that you could retain your American possessions? The probability is, that we could not retain them; and for this reason, that the whole would then be united against us. And yet under such circumstances we were endeavoring to extend our possessions. A force has been brought together to reconnoitre Martinique; and whatever opinion may be entertained of the propriety of prosecuting the object, this system of reconnoitering must be very creditable. I recollect another instance of reconnoitering, under the honorable gentleman opposite (Sir J. Pulteney) at Ferrol. The honorable gentleman landed; he astonished the Governor & townsmen, who wondered what he had come for; but finding that the place was fortified, he embarked again. The mention of Ferrol brings to my recollection another most important feature of this case.—The enemy are now in possession of Ferrol, where they have found several ships of war, and you have been refused admission into Cadix, have you not? The navy of Spain may be brought against you—all the arsenals of the continent are in the hands of the enemy, and the thousand arms of your navy may have work enough. And yet, under these circumstances you are to go to war with America upon a point of honor; and that too not to be satisfied unless America compels Napoleon to rescind his decrees, a thing entirely out of their power! Recollect to what the greatness of this country is owing—recollect the debts due from America to your merchants, who are anxiously waiting for the result of this night's proceeding—recollect the state of your manufactures—recollect that the greatness of your country is in a great measure fictitious. That this country would be great, independent of commerce, I believe; but it would not by any means be so great; recollect that its greatness depends essentially upon that commerce, which your measures are about to destroy. Throw France back again into the situation in which it stood before its commerce commenced; throw America back again, and they can still do without you; but Great-Britain has risen through her commerce, to a de-