NORTH-CAROLINA GAZETTE.

AND

* Ours are the plans of fair, delightful Peace, * Unwarp'd by party rage, to live like Brothers.*

FRIDAY, DECEMBER 24, 1819.

VOL. ALL.

GENERAL ASSEMBLY.

DEBATE ON The Convention Question.

CONTINUED. IN SENATE-Dec. 2. Mr. FRASER said, the Resolutions on the table were of momentous importance, the Committee ought to be cautious how they proceeded on so delicate a subject. Having sworn to support the Constitution, te could not give his vote in silence on a proposition which went to invade that sacred instrument.

Mr. F. did not mean to follow the genieman for Orange through the whole aihis remarks; but would notice some of the most exceptionable. And first, inrelation to the election of the Governor by the people. He thought such a change would be introducing a great gvil. The public atmosphere would soon become darkened by such a regulation. We now hear of an eastern and western interest, though we know but little of it; but give the power of electing the Governor to the People, and the whole Country will he agitated by party-spiri

It may be said, that the proposed mode of electing the Governor is more confor mable than the present to Republican principles. This may be. But the peopleare satisfied with the provision of the Constitution in this respect ; & to change it might be attended with danger. Every man when he enters into Society surrenders a portion of his liberty to the Government ; and we had done this in placing the power of electing our Governor in the Legislature, and do not complain of any abuse of it. Were the Constitution to be amended, as proposed, and a candidate from the East, and another from the West, should be proposed to fill the Govermental-Chair, the whole country would be in a state of agitation. If | gentlemen wish to see, instances of this, they need only look at the States of New of York and Pennsylvania. Duri g the late War, when the people ought to have been united to a man, they were divided by party-spirit, growing out of contested elections for their Governors. On the Rescharge providing for the election of the Sheriff's by the people, he should say but little. If this be a favorite measure of the mover, he may easily provide for it by an act of Assembly. But he considered it in the light of a bait thrown cut by an ingenious angler to hook, the ansuspecting Gudgeene in this committee. And in respect to the Judges, is it possible that the Gentleman can be serious in recommending such a mode of displacing a Judge? a course that would strike at the root of the independence of the Judiciary. Mr. F. said, he had been taught to consider the independence of our Judges as the greatest of blessings. But if they are to hold the tenure of their offices on the will of the people, or the General Assembly, you effectually destroy their independence. Any suitor defeated in his trial by the honest and independent decision of a Judge, might come forward to the Legislature with a charge of inability to discharge the duties of his office against. the Judge, and he might be thus ejected from his office for having performed his daty. Again. When the Legislature shall pass an unconstitutional law, to whom are we to look for redress? Are we not to look to an independent Judiciary ?-Suppose the Legislature were to pass a law, that when a debtor became insolvent, his wife and children should be sold to pay his debts, and the Judges were to determine the law unconstitutional & void. The Legislature might say to such a Judge, you have not executed our law, and we consider you incapable of discharging the duties of your office. The gentleman from Orange had enumerated a number of States which had heid Conventions for the purpose of amenting their Constitutions; and among others, Connecticut had been mentioned. That State, it would be recollected, was famous for a Hartford Convention. Is wis the object the Gentleman has in view? What, asked Mr. F. is the grievance under which the Western Gentlemen labor? The only one that he had heard named, is, that they do not possess their due weight in the Legislature. Suppose a Convention is held, do Gentlemen suppose that the scale of Eastern and Western power will be so equally balanced that neither will preponderate ? Certainy not. One or the other must have it.-We, said Mr. F. have hitherto held this power, and I would ask Gentlemen whether we have ever abused it to answer our owe purposes? We have not. Nathre has been lavish upon us, we are faored with every advantage for carrying on an extensive commerce. But have we bot gone hand in hand with Gentlemen from the less favored part of the State in Promoting Internal improvements? We have. But they call for a Couvention, in order to get this power from as and place " in their own hands. 'Fo this we object, Suppose a Convention called, what "ould be the consequence ? Every man " the State would claim his privilege to Propose amendments, and thus the Con-

stitution would become a foot-ball for the populace. We should have no check on the Convention ; and the power might therefore be greatly abused. Mr. F. admitted that the Constitution was not perfect ; nor would any new one that could be made be perfect ; but he believed on? present Constitution is as good, and its Provisions as wise as any other that could be named. Grasping at a shadow, we may lose the substance. Innovations are dangerous; and Constitutions ought not to be tampered with, except it were to correct some crying evil. We have seen to what extremes the Reformersin France carried their schemes, and this ought to be a warning to all other Nations. Our Constitution was the work of our venerale Fathers; we have lived happily un der it for forty years, and he senerated their acts too highly, wantonly to destroy this instrument.

RALEIGH

Debate to be continued.

SPANISH TREATY.

The f llowing Project of a Treaty, appears amongst the documents communicated with the Message of the President to Congress, and is, we understand, a true copy of the Treaty ratified by our Government

Project of a Treaty delivered by Don Luis De Onis to the Secretary of State, 9th February, 1819.

[Translation, sent by Don Luis de Onici] His Catholic Majesty and the U. States of America, desiring to consoliciate, on a permanent basis, the friendship and good correspondence, which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate with precision the limits of the one and the other, the settlement whereof will be productive of general advantage and reciprocal utility to both nations With this intention, his Catholic Majesty has appointed the most excellent Don Luis de Onis Gonzalles y Vara, Lerd of the town of Ravaces, perpetual Regidor of the corporation of the city of Salamanca, Knight Grand Cross of the Royal American order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and distinguished Spanish order of Charles the Third, Member of the Supreme Assembly of the said royal order; of the Council of his Catholic Majesty, his Secretary with exercise of decrees, and his Envoy Extraordinary and Minister Plenipotentiary near the United States of America ; and the President of the United States, with the advice and consent of the Senate, has appointed Mr. John Quincy Adams, Secretary of State of the United States. And the Plenipotentiaries, after having exchanged their powers, have agreed upon and concluded the following articles : 1. There shall be a firm and inviolable peace and sincere friendship between his Catholic Majesty, his successors and subjects, and the United States and their citizens, without exception of persons or places. II. His Catholic Majesty, desiring to, give a distinguished proof of his friendship to the United States, cedes to them, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the names of East and West Florida, such as they were ceded to him by Great-Britain, in 1583; and with the limits by which they are designated in the treaty of limits and navigation, concluded between Spain and the United States, on the 27th-October, 1795. III. The adjacent islands dependent on said provinces, places, public squares, public edifices, fortifications, barracks, and other buildings which are not the property of some private individual, archives, and documents which relate directly to the property and sovereighty of said provinces, are included in this article.

perty and sovereignty, forever ; as also the islands in the river Sabina, Red River of Natchitoches, Arkansas; and Multnomah, that may be situated within the limits which are here pointed out ; both parties to maintain the navigation of all of them free as respects the parts thereof which constitute their frontiers.

V. To fix this line with more precision. and to place the landmarks which shall designate exactly the limits of both nations, each of the contracting parties shall appoint a commissioner and a surveyor, who shall meet before the termination of ene year from the date of the Fatification of this treaty, at Natchitoches, on the Red River, and proceed to ran and mark the said line, in conformity to what is above agreed upon & stipulated; they shall make out plans and keep journals of their proceedings and the result agreed upon by them shall be considered as part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree iespecting the necessary articles to be furnish ed to these persons, and also as to their respective escorts, should such be deemechnecessary.

VI. The inhabitants of the celled territories shall be secured in the free exercise of their religion without inv restriction; and all those who may desire to remove to the Spanish dominious shall be permitted to sell or export their effects, at any time whatever, without being subect in either case to duties. VII. The inhabitants of the two provinces foresaid, and those in all the territories which his Catholic Majesty cedes to the U.S. by this treaty, shall be incorperated in the Union of the U.S. as soon as possible, agreeably to the principles of the fed of const io and admitted to the enjoyment of al he privileges, rights and immunities of all the other VI 1. The territories of the two Flori das, which at the time of the celivery which is to be made of them to the U.S. should be occupied by the troops or authorities of the Republic, shaft be deliver. ed to the commissioners which his Catholic Majesty, or the Captain-General of he Havanna, may send for that purpose, in order that the said territories may be delivered up in a regular manner to the commissioners or officers appointed by the U. S. to receive them. IX. All the grants of lands made by his Catholic Majesty, or by his legitimate authorities, in the aforesa'rl territories of the two Floridas, and others which his Maesty cedes to the U.S. shall be confirmed and acknowledged as valid, excepting those grants which may have been made after the 24th Jan. of last year, the date that the first proposals were made for the cession of these provinces, which shall be held null, in consideration of the grantees not having complied with the conditions of the cession. X. The two contracting parties, animated by the most sincere desire of conciliation, and with a view of cradicating all the dissentions which have existed between them, and to secure that good harmony which they desire perpetually to maintain with each other, reciprocally renounce all claims for damages, or injuries, which they themselves, as well as their respective ubjects and citizens may have suffered until the time of signing of this treaty. The renenciation of the U. States will extend to all the injuries mentioned in the convention of the 11th August, 1802. 2. To all claims of prizes made by French privateers and condemned by French Consuls within the territory and jurisdiction of Spain. 3. To all claims of indemnities on account of the suspension of the right of deposit at New-Orleans. 4. And to all the claims of citizens of the U. States upon she government of Spain, in which the interposition of the government of the U. States may have been solicited before the date of this treaty, and since the date of the conventionof 1802, and which may have been made to the Department of State of this Reture, the territories of his Catholic Ma- | public, or to the Minister of the U. States | and the American consul in a Spanish The renunciation of his Catholic Ma

were exchanged the 21st December, 1818, 's annulled in that part which relates to the payment of the injuries which the U "tates and their citizens claim ; it being greed between the two high contracting plarties, that these injuries shall be paid, integrally, by the U. States, from the procheds of the public or grown lands of the wo Floridas & other territories cedea by I. C. M. in this Treaty ; so that both governments consider all their claims, and hose of their subjects and citizens, as ancelled from this date ; excepting those claims which the citizen, of the U. States may have against Spanish individuals, or which the latter may have upon the citizens of this Republic.

REGISTER,

XIL The treaty of limits and navigation of 1795, remains confirmed in all, and each one, of its articles, excepting the 2d, 3d, 4th, 21st, and the second clause of the 22d article, which, hiving been al tered by this Treaty, are no longer valid.

With respect to the 15th article of the same Treaty, of friendship, limits and navigation, of 1795, in which it is stipulated that the flag shall cover the property, the two high contracting parties agree, that this may be so understood with respect to those powers who recognize this principle ; but if either of the two contracting parties shall be at war with a third party, and the other neutral, the flag of the neutral shall cover the property fenemies whose governments acknowledge this principle, and not of o XIII. In order to avoid frauds, and the great evils which arise from concealing the destination of vessels, by clearing out in general terms for the West Indies, Spanish Maine, Europe, &c, the two high contracting parties have abreed, that in future, all merchant vessels belonging to their respective subjects on citizens shall bu cleared out for a specified port, either at their respective, cust, m-houses, or in those of other powers from whose ports said vessels may depart in continuation of their primitive voyage ; or in case they should undertake a new one. And the merchant vessels of either of the two nations that, in violation of their clearances, should enter other ports without justifying the motives which incluced them to it, or should be met with on the high seas by their vessels of war or privateers cleared out in violation of this article, shall be detained, proceeded against, and, upon conviction, forfeited. XIV. In case there shall be just cause to suspect the character of the vessels, or which should not be cleared out for a specified port, as is stipulated in the preceding article, or that the cargo belongs to enemies of either of the contracting parties, whose governments do not recognize the principle that the flag covers the property, or which shall consist of articles of contraband of war, such vessels may be detained and sent to the nearest and most convenient port to which the hip of war or privateer that may have detained such a vessel, belongs; where she shall be adjudged agreeably to the law of nations, and the practice established by other matitime powers. And it is agreed that adjudication shall be had with the least delay possible; and if it shall be proved that the detention or capture was unjust, it shall not only be the duty of the tribunal where the case was tried to release the vessel and cargo, but it shall decide the corresponding indemnity for the damages and injuries that may have been sustained, to be paid by the captors, and, in their defect, by the government by whom they shall be commissioned. XV. Both contracting parties, wishing to favor their mutual commerce, by af tording in their ports every necessary assistance to their respective merchant vessels, have agreed that the sailors who shall desert from their vessels in the ports of the other, shall be arrested and delivered up at the instance of the consul, who shall prove, nevertheless, that the deserters belong to the vessel that claim them, exhibiting the document that is customary in their nation, that is to say, that the Spanish consul in an American port shall exhibit the roll of the vessel; port the document known by the name articles ; and if the name of the deser ter or deserters, who are claimed, shall appear in the one or the other, they shall be arrested, held in custody, and delivered to the vessel to which they shall belong. XVI. His Catholic Majesty baving condescended to make the cessions to the U. States which are specified in the present treaty, in compliment to the United States, wich the object of cancelling all ciaims they have demanded of the royal crown, the U. States will certify, in due form, that they have not received any IFTHE Stockholders of this Companyane compensation from France for the injaries they suffered from her privateers, consuls and tribunals, on the coasts and in the ports of Spain ; and they will present an authentic statement of the prizes made, and of their true value, that Spain may claim from France the return of this

ty cedes to the United States, in full pro- || August, 1802, the ratifications of which [| relating to commerce, which may be best adapted to favor the same, the two high. contracting parties agree that Spanish vessels which may arrive loaded solely with the produce or manufactures of Spain, directly from the ports or colonies, shall be admitted into all the ports of the two Floridas that may be lawfully open to the trade of other nations, for the space of twelve years, without paying more duties for their produce or merchandise, nor greater tonnage duty, than what are paid by vessels of the U. States.

NO. 1057.

During said time, no other nation shall be entitled to the same privileges in the cered territories. The twelve years shall begin three months after exchangiug the ratifications of the present treaty-at the expiration of said time, Spanish vessels shall be received in said territories on the same footing as the most favored nations.

XVIII. The present treaty shall not te in terce until ratified, in du torm, by the contracting ; arties ; and to: ratincations shall be exchanged in six months from this time, or sooner, if possible.

In witness wacroof, we, the underwritten Piengiotentiaries of his Catholic Majesty and of the Unnec States of America, have signed, by virtue of our powers, the present treaty of frandship and limits, and have thereunto affixed our seals respectively.

Done at . Washington, this ---- day of February, 1819.

Whilst directing the attention of our readers to the above Treaty, (say the Editors of the Nat. Intelligencer) we cannot forbear noticing one fact connected with its negociation, and non-ratification, If, say some commentators, the Spanish Minister had full power and authority for what he did, his sovereign is bound to ratify the Ireaty. We now have a copy of this power, granted by the King of Spain to Don Luis de Onis; and, to shew how conclusive that document is on this point, we subjoin a quotation from it: "I (the King) have granted, and by these presents do grant to you full power. in the most ample form, to treat, of yourself, and without other intermediate authority, with such person or persons as may be authorised by the President of the U S and on the principles of the most perfect equali y and hiness, to conclude and sign a Treaty of Amity, whereby past differences may be adjusted, and a firm & tasting peace established between the two governments. Obliging ourselves, as we do hereby oblige ourselves, and promise, on the word of a King, to anprove, ratify, and fulfil, and to cause to be inviolably observed, and fulfilled. nohatsoever may be stipulated, and signed by you; to which intent and purpose grant you all authority and full power, in the most ample form, thereby, and of right required.

IV. That at no time whatever there may be any dispute or mistake in the boundaries, which shall separate, in fujesty and those of the United States, to in Spain. the westward of the Mississippi, the two high contracting parties have agreed to fix them in the following manner :- The boundary line between the two constries shall begin on the Gulph of Mexico, at the mouth of the river Sabina in the sea; continuing north, along the middle of that river, to the 32° of latitude ; thence, by a line due north, to the 35° of latitude where it strikes the Rio Roxo of Natchitoches, Red River, following the course of the Rio Roxo to the westward to the 100° of longitude ; and the 331° of latitude, where it crosses that river; thence, by a line due north by the said 100° of longitude from London, according to Mellish map, till it enters the river Arkansas; thence, along the middle of the Arkansas, to the 42° of latitude; thence a line shall be drawn to the westward by the same parallel of latitude to the source of the river San Clemente, or Multnomah, follow. ing the course of that river to the 45° of latunde; and thence, by a line due west to the Pacific Ocean. All the country belonging to his Catholic Majesty included in said line to the eastward, his Majes- Il-

After this, it is presumed we shall hear no more surmises of a defect of power in Don Luis de Onis to conclude a Treat, which his Sovereign was bound, by the most sacred ties, to ratify.

BEWARE OF THE SWINDLER.

E went off from Caswell County, N. C. on Thursday night the 18th of this instant, some time in the night. It is supposed he will make for Tennessee. He has gone away very considerably in debi, besides what he owes me, wh ch is about Forty or Fifty Dollars. The Swindler is known by the name of DAVID life L, and his wife and family with him. The said Beil is about forty-five years of age, about five fect ten. inches high, of a very dark complection, drinks spirits very freely, fond of gambling. but a very bad hand at it. All persons will do well to be guarded against him,

S. COUHRAN. Caswell Count , Nov 26. 53 3w Richmond, Va. Raleigh, N. C. &c. &c From Philadelphia.

RE respectfully informed, that the nearest, the most expeditions T&

jesty extends-

1. To all the injuries mentioned in the convention of 11th August, 1802.

2. To the sums which his Catholic Ma-jesty advanced for the return of Captain Pike from the Provincias Internas.

3. To all injuries caused by the expedition of Miranda, fitted out and equipped at New-York.

4. To the revenue collected by the U. States in the territories of Florida that have been occupied by their troops, and to the indemnities which his Catholic Majesty is entitled to for the injuries caused to his royal crown by those invasions. Finally ; to all claims of subjects of H. C. M. upon the government of the United | States, in which the interposition of his Catholic Majesty's government has been] solicited, before the date of this Treaty. I amount. and since the date of the Convention of h 1802, or which may have been made to the Department of Foreign Affairs of his l H. M. or to the Minister in the U. States. Hactween both nations for a limited time,

XVII. It being mutually advantageous to the commerce of Spain and of the U. States, to facilitate the communication XI. The Convention entered into be- in the territories ceded by this treaty, unween the two governments on the 11th ful they can agree upon the regulations

est route from Philadelphia to Richmond and Raleigh, N C. is through the City of Washington.

The fare on the route is certainly as good as can be found on any Line in the U. States : nor has this Line been interrupted by asingle failure during the summer. Passengers go South, from Washington city, every day escep the Sabbath

Philadelphia, Oct. 22 59 Gw Cape-Fear Aavigation Company.

a noticed that the Eighth Instalment of the original Capital, and the Fourth of the Subscription of Dec. 1818, of S10 on each and every Share is, pursuant to an order of the President and Directors, " quired to be paid to JOHN W. Whishey, Treasurer, in Fayetteville, on Transday the 27th day of January, 1820, and that the provisions of the Charter will be the forced upon every delinguisacy.

JOHN CLARK, Pres't. Fayetteville, Oct. 12 47 JJ27 BLANK BUNBA Sc. For sale at this other,