NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

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Five Dolls. Per ann. MONDAY, OCTOBER 1st, 1804. Paid in advance.

TEN DOLLARS REWARD.

LOST on Monday the 24th inst. a RED MOROCCO POCKET BOOK, between the Washington Bank and George Town—It contained 30 dollars in notes, seven half Eagles and a Diamond Ring—Any person finding and depositing it at the Bank shall receive the above reward.

JAMES WALLIS.

Sept. 26.—3t.

THE Copartnership between Nicholas Voss and Charles Glover & Company, is this day dissolved—all those indebted to the said firm are requested to settle with Nicholas Voss, under the firm of

CHARLES GLOVER, & Co

FURNITURE AT AUCTION.

To be sold at public sale, on Tuesday the 2nd October, adjoining Stelle's hotel on Capitol hill, a large and complete assortment of Household Furniture, consisting of beds, bedding tables, chairs, kitchen utensils, &c &c. Terms of sale will be cash for all sums not exceeding forty dollars, and approved endorsed negociable notes at 90 days for larger, at either the bank of Washington or Columbia. Sale to begin at ten o'clock.

Washington, Sept. 24—4t

LOTTERY No. III.

For the encouragement of Literature.

SCHEME.

1	Prize of 25,000 dolls.	25 000
1	5,000	5 000
1	2 000	2 000
1	1,000	1,000
18	500	9,000
60	200	12 000
120	100	12,000
200	50	10 000
500	20	10 000
9000	10	90,000
1	first drawn no. 1st day	500
1	5th	1 000
1	10th	1,000
1	15th	1,500
1	20th	1,500
	25th	2,000
1	30th	10,000
1	35th	2,000
1	40th	1,000
1	45th	1,000
1	50th	500

9,913 prizes Dolls. 198,000

23,087 blanks.

33,000 tickets at 6 dollars is 198,000

Less than 2 1-2 blanks to a prize.

☞ Subject to a deduction of 15 per cent.

The drawing of the above lottery will certainly commence in the city of New York, on the first Tuesday in December next, and will be continued at the rate of 600 tickets each day until completed

The managers having disposed of twenty thousand tickets to a company of contractors in the city of New York, the remainder will be sold for cash only, by the respective managers, until the first Tuesday in October next. This is the third of five lotteries, directed by an act of the Legislature, passed the 3d of April, 1801, entitled an "act for the encouragement of Literature"—and "an act making further provision for improving the navigation between the villages of Troy and Waterford, and for other purposes."

DAVID GELSTON,
THOMAS STORM,
DANIEL HALE,
PHILIP TEN EYCK,
S. SOUTHWICK,
Managers.

June 6.—*

NOTICE.

THE subscriber intends to petition the next General Assembly for an act of insolvency to release him from debts he is unable to pay. SAMUEL S. HARWOOD.

Montgomery County, Maryland.

September 21—3t

Bank of Columbia.

THE Board of Directors having declared a Dividend for the half year, ending this day, at the rate of 8 per cent. per annum, the same will be paid to the Stockholders or their representatives.

WM: WHANN, Cash'r.

September 21, 1804.—4w

ENTERTAINMENT FOR MAN AND HORSE.

THE Subscriber takes this method to inform the public, and particularly those, whose business, calls them to the city of Washington, that he has opened a house, opposite the Bank for the accommodation of travellers, where he has provided himself with good stabling, and other requisites for that purpose, and on reasonable terms.

THOMAS THORPE.

September 28—3t

Wanted Immediately,

A GOOD BLACKSMITH,

Who will meet with generous encouragement and steady employ—Enquire of the Printer.

Washington Sept. 28—3t

FROM THE AURORA.

SPANISH AGGRESSIONS!

No. III.

Since the two preceding numbers were written, a series of articles, purporting to be letters from Spain, have appeared in the Philadelphia Gazette—some of which merit particular attention.

The letters are declared to be from "*characters of the first respectability*"—we have not the least doubt of this fact, and they are said to have been received by an *intelligent character* here—which is still more certain! we could wish that they had fallen into the hands of an editor either intelligent himself or capable of discerning what was due to the honor and interest of his own country; or who possessed a knowledge of the subject to be capable of forming an opinion upon it. The opinion of the Philadelphia Gazette here is certainly of no more importance than the chirping of the locust, but when it is well known that foreign governments have taken pains to obtain and make use of the opinions of certain American individuals for the purpose of delaying or denying the just claims of American citizens made by the American government—we should not be at all surprised to hear of the equally inconsistent and imbecile opinions of a mercenary Gazetteer, being employed for the same purposes as the opinions of mercenary lawyers.

We have not the least doubt that the Madrid letter of the 12th July, comes directly from an official source; and in this view we shall offer a few remarks upon it.

It now appears notwithstanding all the previous exultations of major Jackson and other wise acre editors, that Spain "does not dispute our title to Louisiana properly so called," and that all the exultation on the injurious consequences resulting from the purchase are reduced to a simple dispute about boundaries!

That some negociation would necessarily arise, and some difference of opinion follow, upon the final settlement of boundaries which have never yet been settled, were incidents that might naturally have been expected; and it was as natural to pre-suppose that in the negociation Spain would employ all the means usually resorted to by European diplomatists to procure for itself, as good terms as possible.

But it was not therefore a necessary consequence that a war should be the effect of this negociation; and it will scarcely be supposed that the menace of war, would be the most likely method of obtaining from us the best terms for Spain. Whatever therefore has been said in the papers in the nature of menace, we conclude to be mere *brutum fulmen*; and that the whole will be amicably settled by the more pacific system of negociation—we find in the letter from Madrid, that Spain is disposed to do this for "*a fair equivalent.*"

What then are the objects upon which negociation will principally hinge? They appear to be founded in the following propositions.

1. That East and West Florida were originally ceded by France to England in 1763, who at the same time ceded to Spain the island of New-Orleans, and the territory west of the Mississippi.
2. That in 1780, Spain conquered the country east of the Mississippi, then divided into E. and W. Florida, which conquests were confirmed by the peace of 1783.
3. That West Florida formed no part of Louisiana as originally ceded by France to Spain.

These propositions will be found perhaps to contain the essence of the dispute, so far as it concerns territory; but it should be kept in view, that while Spain affects to carry a lofty port on these particulars, there are other subjects, upon which Spain has to render justice and retribution to the United States; and it is very apparent, that she assumes a more arrogant tone upon these points, only because our government has in the most decisive manner, demanded satisfaction for the insult and injury done us, by the Spanish intendant at New-Orleans, and by the pillage of our vessels at sea.

Spain in fact appears to wish for a general compromise of differences, to obtain an oblivion of injuries, and to make that oblivion the price of a settlement of boundaries—but in the course she pursues, she defeats her own purpose—either her ministers are misinformed or very much mistake the character of our government—from what we know we are rather disposed to think them mistaken.

Let us now examine the principles laid down in support of the pretensions of Spain, as expressed in the Madrid letter—

The first proposition sets out with stating in a manner and in words incorrect, what is not in fact true. It states, that "East and West Florida were originally ceded by France to England." This is incorrect in terms, because there was no division of the territory into East and West, until after the English took possession of Florida in 1763.—The treaty bears date the 10th day of February, 1763, and the British king's proclamation is of date the 7th October of that year, the 7th and 24th articles contains all that relates to this subject therein.

Art. VII. In order to establish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America, it is agreed, that for the future, the confines between the dominions of his Britannic Majesty and those of his most Christian Majesty, in that part of the world shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain to the seas, and for this purpose the most Christian King cedes in full right and guaranties to his Britannic Majesty the river and port of Mobile, and *every thing which he possesses or ought to possess* on the left side (east side) of the Mississippi, except the town of N. Orleans and the island on which it is situated, which shall remain to France, &c.

Art. XXIV. Great Britain shall at the end of three months after the exchange of ratifications enter into possession of the river and port of Mobile, and of all that is to form the limits of the territory of Great Britain on the (East) side of the Mississippi as specified in the 7th article.

These we presume are the foundation of the assertion that East and West Florida were originally ceded by France to England, "*who at the same time ceded* to Spain New-Orleans, and the territory west of the Mississippi—which Spain is alleged to have held ever since without any alteration of boundaries whatsoever."

Now this is altogether either wilfully misrepresented or palpably mistaken. The country here specified was ceded to Spain by France in virtue of a secret convention dated the 3d of November, 1762, which preceded what is called the "*original cession.*"

Neither is it a fact that the country now called E. and W. Florida, was held ever since and without alteration of boundaries by Spain; for it is well known that during our revolution, the British took possession of Florida, and so far from its remaining without boundary, the British did actually divide the country into two provinces, which they called East and West Florida.

But it may be proper in this place to advert to the original condition and names of those countries. The whole of the territory south of Virginia was first called Florida, and it was with a view to its conquest that Soto set out from Cuba in the voyage wherein he discovered the Mississippi. The plantations of Carolina and of South Carolina and subsequently of Georgia, took from the countries theretofore called Florida.

The success of the British plantations, and the disputes which arose between their southern neighbours, and the disputes which arose upon the seas, between the two nations, produced a variety of negociations. Those which took place in 1738, arose from the Spaniards insisting on the right of "visiting, searching" British vessels, and the counter complaints of Britain, that Spain was encroaching upon British boundaries, in convention concluded at Pardo, on the 14th January, 1739, wherein it was stipulated "that commissioners should be appointed to regulate the pretensions of the two powers in relation to the limits of Florida and Carolina."

It appears that commissioners were appointed, and that they determined the limits of Florida, to be a line drawn from fort St. George on the mouth of the river San Matheo, due west to the mouth of the river Vasita, in the bay of Apalachee. We have before us the convention of Pardo, and the map with the boundary line thus drawn, published in 1755.

The river St. Matheo, is now called the St. John's river and is in latitude 30, 35 north.

This boundary it will appear was a sacrifice on the part of Great Britain, which plainly shews that she thought it necessary to make some reparation to Spain; for the Carolinians had by two very desperate battles in 1702 and 1703 in which the Spaniards were overcome, obtained possession of the country of the Apalachees, and had extended their conquests to the full limits of the Carolina charter, by the destruction of the Timoogua Indians and the Spaniards who had joined them in 1706.

The Carolina Charter extended the boundary to the 29th degree of north latitude and these several victories of the Carolinians had secured what by charter they had been granted. Great Britain in granting to Spain by the operation of the convention of Pardo territory, which she held to the extent of a degree of latitude ceded towards Spain so far liberally, But what is important to the present question is, that the line settled by the convention at Pardo, limits Florida simply to the Peninsula, and does not extend it even as fars as the St. Marks or to the Apalachicola rivers.

From thenceforward to 1732, when the charter for Georgia was passed, the whole of that country from the Curritück Inlet, the south boundary of Virginia, to Cape Canaveral, in latitude 28 54, was called Carolina; and after Georgia had been established, the country north of the river St. John's, and as far as Savannah on the sea coast was called Georgia, as well as the interior to the river Abama, and all the countries of the Creeks; and thence beyond called and claimed by the French as Louisiana up to the Alleghany mountains.

It appears then that the Madrid letter is not incorrect in its position, that *East* and *West* Florida was originally ceded by France to England in 1783.

1. Because neither the treaty of 1763 nor the convention of Pardo of 1739 even mention any such subdivision.
2. Because as it appears by the facts, the whole of Florida, after the convention of Pardo, was necessarily limitted to the Peninsula, part of what is now called East Florida.
3. Because as is evident from this convention that even the occupation of that part of what is now called East Florida which lies north of the 30 deg. 35 min.—was an usurpation and contravention of the pre-existing convention, which ought not to be brought up even if it would be of use in support of a claim to a still more extensive innovation.
4. It is not a correct position to assert, that any part of Florida was originally ceded by France to England, because the original cession was made by France to Spain in 1762.
5. Because the division into two provinces was made by the British after the treaty of 1673, their intention being to extend their frontier along the Mississippi, and to combine their political and commercial operations from Canada by the Lakes with the Mississippi.

SPANISH AGGRESSIONS!

No. IV.

The second proposition of the letter from Madrid, that Spain conquered the country east of the Mississippi in 1780 and was confirmed in the possession by the peace of 1783, may be admitted in its fullest latitude; but what does this prove; does this conquest from the British (by the bye with the aid of the Americans) shew that the French did not previously possess that country? Does it prove what were or what were not the boundaries of Louisiana, under the French? In a word does it prove any one fact upon which the question of the limits of Louisiana depends?

The simple amount of this proposition is, that all those countries before 1712, were all called Florida. That Crozat gave the name of Louisiana to part of the country, the limits of which never have been accurately defined to this hour. That France possessed the countries of Louisiana and Florida until the secret convention of Pardo, of November, 1762, when she conveyed to Spain a part of those countries, at both sides of the Mississippi, and that the remainder was, by the 7th article of the treaty of 1763, ceded to Great Britain; and that a Spanish force combined with an American force, expulsed the British in 1780.

This is the whole value of the proposition, it neither settles limits nor defines the extent of one or another territory; if it could amount to any thing, it would amount to more than is pretended to be asked, for while the British possessed the Floridas during our revolution, they did not confine themselves to the provincial boundaries, which they had originally fixed in 1763, but extended their rule over the country as far as Natchez, and called that West Florida, which had before been known by the name of Florida, in common with Louisiana, and by the name of Louisiana, after it had been granted to Crozat and settled by him.

The question then wholly depends upon a correct examination of the import and value of the third proposition of the Madrid letter—which is to be found more fully expressed in this paragraph.

"In 1780, we (Spain) conquered from Great Britain all the country east of the Mississippi, then divided into East and West Florida, which conquests were confirmed to us by the definitive peace of 1783. It is here to be observed that West Florida, has ever since retained that name, and formed no part of Louisiana, as *originally* ceded by France to Spain, but having been conquered by the latter it remained a separate government as when under the dominion of England, and independent of Louisiana in possession of a governor appointed by the crown, who was in a certain degree as well as the governor of Louisiana dependant on the government of Havana."

This article merits discussion. And the first question to be examined is—whether the incidents of war, the capture of a country, temporary retention, and a subsequent expulsion, if any power can give validity to the acts of the invader after his expulsion? The import of the third proposition depends upon the affirmative. But what are the real merits? Britain had taken possession of the country of Florida, with a view to the annoyance of Spain, newly embarked in the war of our revolution, and to create such a diversion of our force on the south as would weaken our resistance towards the center of the union. Spain had then with us a common interest; she had Cuba and her part of St. Domingo to protect against the cruisers of the British which hovered in the bays of Apalachee and Mobile; she had to protect her frontier of Mexico from British ambition; and we had to co-operate in self-defence with an ally become of some importance to us from the hostility which she had experienced from our common enemy. By common efforts we succeeded, and it no longer became a consideration whether the convenience which had dictated the peace of 1763, and the secret cession of 1762, still prevailed or not; it was not for the name of the country but its possession the ousting of the British was made; and that the country should during the remainder of the war do no more than adopt the system of government practised by their predecessors was in the ordinary nature of things so unsettled.

That the peace of 1783 transferred the Floridas to Spain, we apprehend does not alter the nature of the case, which does not at all depend even the peace of 1763, nor upon any measure or event subsequent thereto. The convenience of the belligerent powers might adopt new limits or bestow new names at discretion on territories uninhabited by civilized man, but these new and temporary regulations, always subject to the mutation of fortune cannot be urged against a definite principle established upon a pre-existing state of those countries; and which those subsequent changes, never constant nor consistent in themselves, could neither alter nor abrogate.

Spain, by the joint operation of her own force and ours, came into possession of the whole of Florida and Louisiana according to its ancients limits. As parties in the war, France and the United States consented to her possession of those territories; but that consent neither altered the pre-existing facts, with relation to the original possession by France; nor did it prevent Spain from re-consolidating Florida with Louisiana, had Spain chosen so to have done.

These considerations then lead back to the true ground, or that upon which the cession of Louisiana was made by Spain to France, the terms of which are—"the colony or province of Louisiana, with the same extent that it actually has in the hands of Spain, *that it had when France possessed it.*" These words, it should be particularly remembered, are the words of the treaty of St. Ildefonso of 1st October, 1800, con-