cluded between Spain and France, which was confirmed and inforced by another treaty of the 21ſt of March, 1801; and under the operation of theſe treaties, it was that France transferred the ſovereignty of Louiſiana to us, and in the expreſs words "Louiſiana with the ſame extent *as it had when France* poſſeſſed it," it is our right to claim, and to maintain it: which by the help of God, we truſt our government are determined to do.

The queſtion then would ſeem to be, what was the *extent* of Louiſiana when France *poſſeſſed it*?

A ſlight knowledge only of the enmities and jealouſies which prevailed for 30 years before our revolution, between the rival powers of France and England, is required to be able to arrive at a correct opinion on this ſubject. The French had formed a very ſplendid project of empire which was to embrace the whole range of our weſtern lakes from Canada to the Miſſiſſippi. The Britiſh perpetually cavilled at the French inroads on their territory; and their diſputes and ſtratagems to circumvent each other were inceſſant until the conqueſt of Canada by the Britiſh, annihilated the hopes of France in that quarter; only to leave their ſucceſſors in purſuit of the illuſions which France had raiſed to captivate their ambition.

The French deſcribed their boundary of Canada, by a line drawn along the weſtern waters through the ſouth weſt angle of Lake Huron, thence into Michigan, and thence down the Illinois to the Miſſiſſippi; comprehending all to the weſtward in Canada!

The negociations of M. Buſey and Mr. Pitt on this ſubject in 1761, exhibit a diſguſting picture of political wickedneſs, and conſidering what has ſince happened the folly of both negociators—and nations!

However theſe documents and the papers of M. Vadreul and governor Pownal, places the queſtion concerning "*the extent of Louiſiana when France poſſeſſed it*" out of all queſtion.

The French miniſter in his firſt general memoir, propoſed, that all which did not belong to Canada ſhould appertain to Louiſiana, and that Louiſiana ſhould be conſidered as extending to the frontier of Virginia.

The Britiſh miniſter on the other hand, declares he cannot ſubmit to this, that not only what lies weſt of the Illinois, but what lies weſt of the Ohio, ſhall be Canada! nay more, that ſome other countries (not deſcribed but by the word *intermediate*) ſhall form a neutral barrier, "even admitting them to have been previouſly included in Louiſiana!"

The French miniſter gave in his ultimatum on the 17th Auguſt followed by a note on the 18th. In which he agrees to the proportion concerning a neutral intermediate territory "between Canada and Louiſiana, as alſo between Virginia and Louiſiana"—and fixes the boundary of Louiſiana at the river Perdido.

The Britiſh miniſter however, rejects this propoſition, and upon this extraordinary ground, that the countries as far as the river Perdido, were "already ceded under the deſcription of Canada!"

It is very certain that there was in theſe negociations a want of information or ſomething elſe, which was not to be preſumed from the eminence and celebrity of the two ſtateſmen.

It was clear the Britiſh miniſter did not want peace at that moment, and the negociations were broken off; but we have abundant materials in Pownal's papers to ſhew what had been the real ſtate of things, and that Buſſy in fact claimed no more than had been already occupied.

In Pownal's papers on the adminiſtration of the colonies publiſhed in 2 vols. 8 vo. by Walter at London, in 1774—is a memorial drawn up in 1756, correſponding with preceding official memorials of 1754 and 1755, concerning the policy of Britain with regard to France. The work exhibits the mind of a profound and ſagacious ſtateſman, he ſurveys the country with the eye of a ſoldier and a political economiſt; points out the weak points of the French ſyſtem, and the commercial advantages to be derived from *totally extruding them!*

After deſcribing the whole of the Canada frontier, and the force in each of the French forts, he proceeds to Louiſiana—thus

"The eſtabliſhments, poſts, and ſettlements of Louiſiana, are as follows:

"Thirty-ſeven companies of 50 men each, and two Swiſs companies of 75 men each—

"1. *The garriſon of New-Orleans.*

"French,	900
"Swiſs,	75
	975

"Out of which are garriſoned the out poſts of the Baliſe, and other ſmall poſts.

"2. *Detour Anglais*—4 companies, &c. which have their tour of duty with the Mobile and Illinois, &c.

"3. *Mobile*—eight French companies and one Swiſs—475.

"4. *Tombigbee,*
'4. *Alibamous,*
One company each, a detachment from the garriſon of Mobile.

He then goes through the other military poſts, it is to be preſumed, that the poſſeſſions of Mobile, and Tombigbee and the Alibama, are here ſufficiently ſhewn upon the authority of governor Pownal, to be within the colony of Louiſiana, in the year 1756; three years before the ſeizure of Canada, and ſix years before the ſecret convention of Pardo in 1762, which appears to have been a meaſure taken in conſequence of the ineffectual negociations of Buſſy in 1761.

It ſeems that during theſe rivalries, the Britiſh agents contrived conſtantly to poſſeſs themſelves (a la mode de *Liſton et Drake*) of the diſpatches of the governor of Louiſiana, M. Vadreuil; and governor Pownal makes ample uſe of them, they are under dates from the year 1743 to 1752, in which the countries in the neighborhood of the Mobile, Alibama, &c. are treated of as part of Louiſiana. The various tribes of Indians are named, and their attachments, French, Engliſh, or neutral marked.

In a correſponding memorial of 1754, Mr. Pownal propoſes the plan for overturning the French power; among which are the following.

1. To disjoin and keep ſeparate Louiſiana and Canada.
2. To throw off the yoke of forts which the French are laying on our necks.

And he proceeds to ſhew the effect on Louiſiana in theſe words:

"I ſhould have extended my idea to an attempt on Mobile by a Weſt India ſquadron with troops raiſed in the iſlands—for nothing would more embarraſs the enemy's Indian affairs in Louiſiana than the taking this place."

The ſame able writer publiſhed a memorial of date the 22d October, 1759, which appears to have been the guide of the Britiſh negociations in 1761 and 1768.—The words of the memoir merit quotation:

"If the Engliſh policy does not extend to the obtaining and preſerving the entire poſſeſſion of Canada and Louiſiana, it will conſider *by what line it ſhall circumſcribe* thoſe parts." And he propoſes that the line be drawn down the Miſſiſſippi—'and directly to the north weſt corner of the Spaniſh rights at Penſacola." A point of termination that exactly correſponds with the account of Louiſiana by governor Pownal and M. Vandreuil.

We have not regarded method nor ſtyle in throwing together theſe facts;—we conceive, however, that they plainly ſhew, that what is called Weſt Florida, was "part of Louiſiana in the ſame extent that France poſſeſſed it," before the ceſſion to Spain. And that the uſe of theſe words "*originally ceded,*" as it relates to the peace of 1763, is in every ſenſe fallacious and inapplicable to the merits of our title to the countries as far as the Perdido.

1. Becauſe it was not true that the ceſſion was originally made by the peace of 1763—it having being made by France to Spain in the preceding year, after the failure of negociation with England.
2. Becauſe when France ceded the part of Louiſiana ſhe actually held the whole of Louiſiana, and the county on the Mobile was therein comprehended, as appears by the foregoing evidence.
3. That Spain having ceded the country of Louiſiana with the ſame extent as France had held it—and as ſhe did not hold it between the years 1762 and 1800, the date of the treaty of St. Ildefonſo—it is diſhonorable and faithleſs on the part of Spain to attempt a violation of the treaty which ſhe ſolemnly eſtabliſhed and reinforced by the treaty of Madrid, in March 1801.'

SPANISH AGGRESSIONS!

No. V.

What we have already urged on the queſtion—what was Louiſiana in the ſame extent as it was held by France? we apprehend, ſatisfactorily proves that the country ſurrounding the bay of Mobile, and as far as the Perdido, was comprehended within Louiſiana. But as every addition of information to the common ſtock ſtrengthens and invigorates it, we ſhall throw together, without regard to order, ſuch facts as are furniſhed by the materials which we poſſeſs.

In a work publiſhed under the name of "Memoires of John Ker, of Kerſland, in North Britain, Eſq. containing ſecret negociations," &c. and dedicated, with permiſſion to Sir Robert Walpole, we have much light thrown upon the hiſtory of Louiſiana. Ker was in fact a government agent, a court ſpy of Great Britain, and engaged in various purſuits for which an active and intrepid character fitted him;—from his memoirs we do not ſcruple to extract more that is required immediately by the preſent diſcuſſion, becauſe every authentic account of the early hiſtory and circumſtances of a country united in its future deſtinies with our own muſt have an intereſt. Mr. Ker gives with his work a map of Louiſiana and the eaſtern boundary is the river Apalachicola, or St Eſprit. The work bears date September 1726, and after relating the diſcoveries by Soto, Joliet, Sale, Hennepin, &c. gives the following account of Louiſiana:

"During the ceſſation of arms in 1712, the late (French) king granted letters patent, to his ſecretary, M. Crozat (the fitteſt perſon in France to ſupport and execute ſo great an undertaking) the ſole power to trade and ſettle colonies on the Miſſiſſippi, and in all the countries between Carolina on the eaſt and New Mexico on the weſt, which he called Louiſiana after the late king Louis. This grant Mr. Crozat reſigned about two years ago (this written in 1721) in favor of the (French) Weſt India company, p. 32.

"How far the limits of Louiſiana extended is impoſſible to be known; but the part of which was granted to M. Crozat, and which is now veſted in the company is bounded by New Mexico and the *lands of the Engliſh of Carolina,* weſt and eaſt, and by the river Illinois and Gulph of Mexico, north and ſouth; wherein if it be meant as no doubt it is, that all the tracts of land not actually poſſeſſed by the Spaniards of Mexico and the Engliſh of Carolina, though claimed reſpectively by both ſhall be comprehended, it will make more than two thirds of the gulph, and reckoning from St. Fe, in New Mexico, to our moſt weſterly ſettlements in Carolina, about 24 degrees of longitude or 1440 miles, and from the mouth of the Illinois to that of the Miſſiſſippi, 150 or 160 leagues in a ſtrait line. p. 34.

"But this is only a part of Louiſiana, which the king of France (by a reſervation expreſſed in the patent) may enlarge when he thinks fit the whole extent of that immenſe country, reaching the ſouth ſea, Japan, and the Frozen ocean. Ib.

Father Hennepin in the account dedicated to king William of his travels *thro'* part of it poſitively aſſerts that Japan is contiguous to North America (the great *Graevius* was alſo of this opinion) and that an eaſy paſſage may be infallibly found it, from Louiſiana to the South Sea, through rivers that run beyond the Miſſiſſippi, deep enough to carry ſhips of burthen, &c. p. 34.

"The third unhappy circumſtance that attends the French ſettling in Louiſiana, with reſpect to us, is their being thereby maſters of the gulph of Mexico, and conſequently in a condition to ruin our trade to Jamaica, p. 66.

On Ker's map, Florida is confined to the peninſula.

It may be uſeful then to refer to the ſeveral treaties, which relate to the American poſſeſſions of Spain, France, and England, in order that we may, if practicable, diſcover what may relate to this ſubject therein.

The treaty of Utrecht of 1713 is the firſt that relates to American territory between Spain and Great Britain; and it is barely provided by the 8th article that Spain ſhould not alienate to France any of its American territories.

The treaty of Paris of 1763, between England France & Spain ſays, (art. 7.) to remove diſputes 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 his Britannic majeſty and thoſe of France in that part of the world, ſhall be fixed irrevocably by a line drawn along the middle of the 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 ſea; and for this purpoſe the (French) king *cedes in full right* to the (Britiſh) king the river and port of Mobile and every *thing which he poſſeſes* on the left ſide (eaſt) of the Miſſiſſippi, except the town of New-Orleans, and the iſland in which it is ſituated, which ſhall remain to France." &c.

Art. XX. "In conſequence of the reſtitution (Havannah) ſtipulated in the preceding article the (Spaniſh) king cedes and guarantees, in full right, to his Britannic majeſty, Florida, *with* fort St. Auguſtin and the bay of Penſacola, as well as all that Spain poſſeſſes on the continent of North America to the eaſt, or to the ſouth-eaſt of the river Miſſiſſippi, and in general every thing that depends on the ſaid countries & lands, &c. &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 they are ſpecified in the 7th article," &c.

The convention at Pardo, of date the 14th June, 1739, noticed in a former paper. Art. I. provides for the appointment of commiſſioners "to regulate the pretenſions of the two crowns, as well in relation to trade and navigation in America and Europe, as to the limits of Florida and Carolina," &c.

Art. II. "During the time of diſcuſſion, the limits of Florida and Carolina ſhall remain as they are at preſent, without increaſing fortifications or taking new poſts," &c.

The preliminary articles of peace, of date at Fontainebleau, 3d. Nov. 1762, and the definitive treaty of 10th Feb. 1763, are expreſſed in the ſame terms, as to the boundary fixed for the Britiſh and French limits in Louiſiana.

The next official notice of Florida, is the proclamation of the Britiſh king, of October 1763, eſtabliſhing for the firſt time into *two* provinces, Eaſt and Weſt.

The treaty of Verſailles of the 3d Sept. 1783, ſays Art. V. "His Britannic majeſty likewiſe cedes and guarantees in full right to his Catholic majeſty Eaſt Florida, as alſo Weſt Floride."

From all theſe facts—from *Ker's* ſtatements, as well as from thoſe of gov. Pownal and gov. Vandreuil, it appears that Louiſiana did extend even beyond the Perdido; and that the French negociator Buſſy in offering to limit the boundary to the Perdido, did in fact abandon a conſiderable portion of territory including the bay of Penſacola, and thence to the Apalachicola, and that in fact Louiſiana, in 1721, was the next country to Carolina, with the definite name of Louiſiana.

That it appears from the preliminary articles of 1762 and the definitive treaty of 1763, the country eaſt of the Miſſiſſippi (excepting N. Orleans) was not abandoned to England, becauſe it was Louiſiana, but as is ſtated in the XXth article, in reſtitution of the Havannah and other parts of Cuba which the Britiſh reſtored to Spain.

And it is further to be remarked, that the phraſeology of the treaty corroborates the general principle; for in fixing the new boundary theſe particulars are prominent, and would not have been neceſſary had there exiſted before any province under the denomination of Weſt Florida.

1. Boundaries are fixed, where they had not been previouſly known.
2. In addition to Florida, Mobile and the country eaſt of the Miſſiſſippi are ſtated particularly to be ceded with
3. The exception of N. Orleans—which tho' at the ſame ſide of the ſame ſide of the Miſſiſſippi with Florida is ſtiled Louiſiana.
4. In the 20th article the words are "cedes Florida *with* fort St. Auguſtin and the bay of Penſacola," a mode of expreſſion which would not have been proper had Penſacola been previouſly part of Florida.
5. The 24th article provides for the period of entry upon the poſſeſſion of Mobile, and all that *is to form* the limits of Great Britain, ſeparately from the entrance upon Florida.

It therefore appears that the pretences which the Madrid letter alleges for refuſing to ratify our convention with Spain for indemnities and injuries done us; are not alone injurious but inſulting, becauſe abſurd and fallacious.

It is in vain that the Madrid letter (which we conſider as decidedly iſſuing from an *official ſource)* ſays, that ſhe does not diſpute our title—when in fact ſhe not only does diſpute it, but denies us a common right of remuneration for wrong, and erects her pretences for refuſal upon the very diſpute.

The Madrid letter is written in the ſpirit of an artful ſophiſtry; it aſſumes a principle the truth of which you cannot deny, but the terms in which it is expreſſed, carry an aſſumption of fact that is totally falſe.

Thus for example the letter ſays:—"In regard to Eaſt and Weſt Florida, they were originally ceded by France to England by the peace of 1763."

Here is a truth expreſſed in terms not conſiſtent with truth: but calculated to bear up the falſe pretenſions of Spain. There can be no doubt, that the country afterwards called Eaſt and Weſt Florida, was ceded; but it is not true that any ſuch diſtinction into Eaſt and Weſt, at that time prevailed; nor that the country was originally ceded under the names of Eaſt and Weſt Florida.

That the countries retained the names given them by the Britiſh proclamation of October 1763, is beyond doubt; but it is alſo true, that after the expulſion of the Britiſh from Florida in 1780, the whole country of Florida (Eaſt and Weſt) together with the whole of Louiſiana, fell into the hands of Spain, and enabled Spain to negociate her treaty of St. Ildefonſo, of October 1ſt, 1800, and her treaty of Madrid, of 21ſt March, 1801, by which ſhe could re-cede and did re-cede to France "the colony or province of Louiſiana, with the ſame extent that it actually has in the hands of Spain, and that it had when "France poſſeſſed it."

It is calculating very humbly indeed upon the American diſcernment, in the writer of the letter from Madrid, to preſume that it would paſs for granted that becauſe France ceded only a part of Louiſiana to Spain, by the ſecret convention of 1762, ſhe muſt be conſidered as having held no more; while the treaties exiſt by which ſhe ceded what was not therein reſerved. And it is equally inſulting to ſuppoſe that the ſame arguments which are uſed in the Spaniſh letter againſt American rights, are not to be uſed in their ſupport.

For example the writer alleges, that becauſe the words Weſt Florida are not employed by the treaty of ceſſion to us that therefore Weſt Florida is not comprehended. With more propriety he might have referred to the total omiſſion of Weſt Florida in the convention of 1762, and the treaty of 1763. The object contemplated by our government in the negociation, was in fact rather the whole of Florida than the whole of Louiſiana; and our negociators would have ſtopt ſhort had not the ancient limits been expreſſed in the Spaniſh treaty of 1800, "in the ſame extent that it had "when France poſſeſſed it." Now when did France poſſeſs it? Surely not after the ceſſion of a part of it to Spain! Of conſequence it muſt be before that ceſſion, when France held the whole of Louiſiana—and what the whole of Louiſiana was in the extent held by France, we apprehend, upon the authority of the ableſt ſtateſmen, Britiſh as well as French, there can be no queſtion that it extended to the boundary of the Perdido.

The concluding paragraph of the Spaniſh letter, though it might form a handſome termination of a ſchool boy's declamation; is of too futile a caſt to merit ſerious examination.—If the pretenſions of the American government are unjuſt, then the treaty of St. Ildefonſo muſt be a nonentity, and France was guilty of an impoſture, an accuſation which it is preſumed no loyal Spaniard would deem it decorum to aſſert at leaſt publicly. On the other hand if the country bordering on the Mobile is that 'barren and unimportant tract,' which the Spaniſh writer deſcribes, muſt not the flagrant folly and injuſtice of the Spaniſh government be more odious and offenſive, in denying us reſtitution of our plundered property—in denying us ſatisfaction for the inſolence of her officers in America—when the pretence for theſe denials of juſtice, is no more than "a barren and unimportant tract of country."

WASHINGTON CITY.

MONDAY, October 1.

Yeſterday arrived in this city, the PRESIDENT of the UNITED STATES.

By *JAMES MADISON, Secretary of State of the United States.*

PUBLIC NOTICE is hereby given, in purſuance of the Act of Congreſs paſſed on the 26th March laſt, entitled "An act ſupplementary to the act, entitled "An act relative to the election of a Preſident and Vice-Preſident of the United States, and declaring the officer who ſhall act as Preſident, in caſe of vacancies in the offices both of Preſident and Vice-Preſident."—That the amendment propoſed, during the laſt ſeſſion of Congreſs, to the Conſtitution of the United States, reſpecting the manner of voting for Preſident and Vice-Preſident of the United States, has been ratified by the Legiſlatures of three-fourths of the ſeveral ſtates, to wit: by thoſe of Vermont, Rhode-Iſland, New-York, New Jerſey, Pennſylvania, Maryland, Virginia, Ohio, Kentucky, Tenneſſee, North-Carolina, South-Carolina and Georgia, and has thereby become valid as part of the Conſtitution of the United States.

Given under my hand at the City of Waſhington, this twenty fifth day of September, 1804.

(Signed)

JAMES MADISON.

The Printers of the laws of the United States are requested to publiſh the above notification and the annexed law, three times in their Gazettes.

AN ACT

Supplementary to the act, entitled "An act relative to the election of a Preſident and Vice Preſident of the United States, and declaring the officer who ſhall act as Preſident, in caſe of vacancies in the offices both of Preſident and Vice Preſident."

Be it enacted, by the Senate and Houſe of Repreſentatives of the United States of America, in Congreſs aſſembled, That whenever the amendment propoſed during the preſent ſeſſion of Congreſs to the conſtitution of the United States, reſpecting the manner of voting for Preſident and Vice Preſident of the United States, ſhall have been ratified by the legiſlatures of three fourths of the ſeveral ſtates, the ſecretary of ſtate ſhall forthwith cauſe a notification thereof to be made to the executive of every ſtate, and ſhall alſo cauſe the ſame to be publiſhed, in at leaſt one of the newſpapers printed in each ſtate, in which the laws of the United States are annually publiſhed.—The executive authority of each ſtate ſhall cauſe a tranſcript of the ſaid notification to be delivered to the electors appointed for that purpoſe, who ſhall firſt thereafter meet in ſuch ſtate, for the election of a Preſident and Vice Preſident of the United States; and whenever the ſaid electors ſhall have received the ſaid tranſcript of notification, or whenever they ſhall meet more than five days ſubſequent to the