

Daily 7, and Outside 5 dollars per annum.

TUESDAY, JANUARY 22, 1803.

REPRESENTATION
AND
PETITION
Of the Representatives elected by the
Freemen of the
TERRITORY OF LOUISIANA.

To the honorable the Senate, and the honorable the House of Representatives of the United States, in Congress assembled.

The Remonstrance and Petition of the Representatives, elected by the Freemen of the District of Louisiana, humbly shew,

THAT your petitioners as well as those whom they represent, were filled with the most lively pleasure at the first rumour of the cession of Louisiana to the United States. When it no longer became a subject of doubt, and when we were informed that Congress were making laws to organize the newly acquired territory, we experienced emotions of gratitude, and anticipated for ourselves and our posterity, all the blessings which result to the people of the United States, from the wisdom and magnanimity of an enlightened and free government.

While we were indulging these fond expectations, unmixed with distrust or fear, the act of the last session of your honorable Houses, entitled "An act erecting Louisiana into two territories, and providing for the temporary government thereof," came to our knowledge, and snatched from our grasp, the anticipated good. The dictates of a foreign government; an incalculable accession of savage hordes to be vomited on our borders; an entire privation of some of the dearest rights enjoyed by freemen! There are the leading features of that political system, which you have devised for us, for those very men, whom in a solemn treaty, you had stipulated to call and to treat as fellow citizens: yet the American colours are hoisted in our garrisons, this far famed signal of liberty to all, to us alone, exhibits a gloomy appearance, and makes us more sensible of the immeasurable interval between us and political happiness. May we not be long doomed like the prisoners of Venice, to read the word LIBERTY on the walls of prisons: we trust to your wisdom and goodness; you are the guardians of our constitutional right, and we repose our hopes in you as in the sanctuary of hope.

The right of the people peaceably to assemble and petition the government for a redress of grievances, is declared and warranted by the fifth amendment to the constitution. To this constitution we appeal; we learned from you to assist by lawful means, every attempt to encroach on our rights and liberties: the day we became Americans we were told that we were associated to a free people. We cannot suppose that the language of men, jealous of their freedom, can possibly be unwelcome to your ears.

By the third article of the treaty between the United States and the French Republic, it is agreed "that the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States, and in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property, and religion they profess."

Your petitioners beg leave to represent to your honorable Houses, that according to the principles contained in the third article of the treaty above quoted, they conceive, that had not Congress thought proper to divide Louisiana into two territories, they would now be entitled by their population to be incorporated in the Union as an independent state.

In the ordinance for the government of the territory of the United States, north west of the river Ohio, Article the fifth is ordained, "that whenever any of the states to be formed out of the north western territory, shall have sixty thousand free inhabitants therein, such state shall be admitted by its delegates into the Congress of the United States, on an equal footing with the original states in all respects whatever; and shall be entitled to form a permanent constitution and state government. Provided, the constitution and government to be formed shall be republican, and in conformity with the principles contained in these articles, and so far as it can be considered consistent with the general interest of the confederacy, such admission shall be allowed at any earlier period, and which there may be a less number of free inhabitants to be made than sixty thousand."

Your petitioners are informed moreover, that at the time of the admission of the state of Ohio to the Union, said state, conformable to the clause of the fifth article of the ordinance above quoted, did not contain more than fifty thirty thousand free inhabitants, which proportion is adhered to in our case as it

seems to us it should have been, the United States having bound themselves by the third article of the treaty above quoted, to admit us as soon as possible into the Union, would have given us a right to be immediately incorporated in the Union of the United States.

We find neither in the constitution of the United States, nor in the treaty with the French Republic any provisions by which Congress may have been authorized to make such division.

We find in the treaty nothing but the plain and unequivocal obligation in Congress, to incorporate the ceded territory into the Union of the United States, and admit it as soon as possible according to the principles of the federal constitution to the enjoyment of all the rights, advantages and immunities of citizens of the United States; but if Congress had a right to divide Louisiana into two territories last year, they may claim next year the right to divide into four, into eight territories.—Whenever the population of one of those territories shall amount to very near the population required by the constitution of the United States, to entitle that territory to be admitted in the Union as an independent state, Congress may again exercise the right to subdivide said territory. Your petitioners, if the principle should be granted, see no end to the oppression likely to result from such a precedent, and ill fated Louisiana is condemned to drag along for ages the fetters of an endless territorial infancy, never (to use the expression of one of the most strenuous advocates of American independence) to be hardened into the bone of manhood.

Under ordinary circumstances, your petitioners would have been disposed to sacrifice some of those rights, secured them by a solemn treaty, to the convenience of the United States; but the provisory laws enacted by Congress for the District of Louisiana seem to us to be characterized by such an unusual spirit of severity, as to ablige your petitioners (if those laws should be enforced) to pray for the unconditional fulfilment of those express engagements contained in the treaty of cession, and for those other benefits to which they are entitled as freemen of the United States. But had not your petitioners the unconditional provision of a treaty to rest their rights upon; still they might have expected a government founded on more liberal principles from the Representatives of a free people, who on a great occasion had previously declared to the world these truths to be self evident. "That all men are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness.—That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundations on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

Little as we are acquainted with the United States, we know by heart our declaration of independence; we recollect the noble deeds of the heroes who bled in your glorious revolution. We are no strangers to the constitution of the United States, and the bills of right, and constitutions of the several states in the Union, and it was upon those highly respectable and absolutely binding authorities, that we had anticipated the blessings of freedom.

In order to enforce their pretensions, your petitioners are sensible that it becomes incumbent on them to submit to your honorable Houses, a comparative view of the constitutions enacted by Congress, at different times for the different territories, which were erected previously to the erection of the District of Louisiana; from that statement, extracted from your own records, your honorable Houses cannot help being convinced, that the act respecting the District of Louisiana alone, instead of the open disinterested countenance of a fond adoptive mother exhibited to our sister territories, bears the stern distrustful look of a severe imperious master, and if your honorable Houses will be so good as to follow your petitioners through this interesting review, you will be fully satisfied that the humble remonstrances of your petitioners rest on the rock of American liberty and independence.

Al though your petitioners lament, that the principal should now appear consecrated by practice, that governors and judges should, contrary to every principle of liberty, and to the principles of the constitution of the United States, which took care to separate them, unite in their hands the powers, legislative, executive, and judicial, yet your petitioners would have submitted in silence to whatever had been adopted by Congress, and submitted to by the people. But arbitrary measures without a precedent, call loudly for the most energetic remonstrance to your honorable Houses.

By the twelfth section of the act erecting Louisiana into two territories, and providing for the temporary government thereof, "the executive power now vested in the governor of the Indiana territory, is to extend to, and be exercised in Louisiana." Your petitioners beg leave to state, that they have read with the most attentive perusal the laws enacted at different times, for the provisory govern-

ment of the several territories of the Union, and that far from observing in those laws any thing like trusting the governor of a neighbouring state or territory with the government of a newly erected territory, they find on the contrary, that Congress paid the most scrupulous respect to the interest and feelings of the inhabitants by the wisest precautions, in not only obliging the governor to reside in the territory which he governs, but also obliging him to hold a freehold estate in the same territory. In the ordinance for the government of the territory of the United States, north west of the river Ohio, we find this provision, "be it ordained by the authority aforesaid, that there shall be appointed from time to time by Congress, a governor, whose commission shall continue in force for the term of three years, unless sooner revoked by Congress; he shall reside in the District and have a freehold estate therein in one thousand acres of land, while in the exercise of his office."

In the act authorizing the establishment of a government in the Mississippi territory, we find, "and the President of the United States is hereby authorized to establish therein a government in all respects similar to that now exercised in the territory north west of the river Ohio." And in the act to divide the territory of the United States north west of the river Ohio, we find, "Section 2, And be it further enacted, That there shall be established within the said territory, a government in all respects similar to that provided by the ordinance of Congress, passed on the 13th day of July, 1787, for the government of the territory of the United States, north west of the river Ohio."

In the act of erecting Louisiana into two territories, the executive power in the district of Orleans is vested in a governor, who shall reside in the territory, &c.

Here then are the laws of the three territories erected previously to the erection of the district of Louisiana, and the laws of the district of Orleans, erected by the very same act. Those laws make it necessary for the governor, who is liable to be called upon for the discharge of his official duties by every citizen of the territory, to reside in the said territory. The law with respect to three of those territories does not stop there, Congress were fully sensible that the inhabitants of those territories would place more confidence in men who like the inhabitants themselves, should have a direct interest in the welfare of the country, by their own possessions in it, and to the indispensable condition of residence in the territory, they made it necessary for the governor while in the exercise of his office, to have a freehold estate therein in one thousand acres of land.

The extension of the executive power given to the governor of the Mississippi territory over the district of Orleans, can hardly be adduced as a precedent, for ever since the extension of his jurisdiction, the governor of the Mississippi territory has habitually resided in the district of Orleans, of which he was governor in fact; whilst the administration of the government of the Mississippi territory was left in the hands of a secretary; but admitting for argument's sake that it might be construed into a precedent, your petitioners beg leave to observe to your honorable Houses, that the circumstances of the two territories, cannot be compared. There are hardly two hundred and forty miles from Natchez to Orleans.—An easy and speedy communication can be had at all times between the two places both by land and by water. The laws of both territories may be very similar in many important respects, by which the property of the inhabitants may be effected. Slavery prevails in both territories. On the contrary, the point of Louisiana nearest to the place where the governor of the Indiana territory makes his habitual residence, is not less than one hundred and sixty five miles distant; there is not a house to be met with on the road; impassable at many seasons of the year owing to the number of creeks and rivers which sometimes overflow their banks, sometimes are entirely covered with ice; so that we may conclude, that did not justice and sound policy prohibit the alliance in contemplation, nature itself loudly proclaims its impracticability. Your honorable Houses may judge what an immense distance some parts of Louisiana must be from the governor to whom an appeal lies in many cases affecting the property and even the life of individuals.

What would it be, if arriving at Vincennes in those circumstances, an inhabitant of Louisiana was told of his excellency's being at Detroit, six hundred miles further? besides, the laws of both territories must be very dissimilar in a number of respects. Slavery cannot exist in the Indiana territory, and slavery prevails in Louisiana, and here your petitioners must beg leave to observe to your honorable Houses, that they conceive their property of every description has been warranted to them by the treaty between the U. States, & the French Republic. Your petitioners are informed that a law respecting slavery has been passed by Congress for the district of Orleans; similar in many respects to the one formerly made for the Mississippi territory. Is not the silence of Congress with respect to slavery in this district of Louisiana and the placing of this district under the governor of a territory where slavery is prohibited, calculated to alarm the people with respect to that kind of property, and to create the presumption

of a disposition in congress, to abolish at a future day slavery altogether in the district of Louisiana?

The same wise precaution which induced Congress to make the residence of the governor, and the holding of property in the territory where he exercises his office necessary, extends likewise in the three territories erected previously to the erection of the District of Louisiana to the secretary and judges of the said territories. In the same third section of the ordinance for the government of the territory of the United States north west of the river Ohio, we find, "there shall be appointed from time to time by congress, a secretary whose commission shall continue in force for four years, unless sooner revoked; he shall reside in the district, and have a freehold estate therein in five hundred acres of land, while in the exercise of his office," &c. &c.

And again, in the same third section, "there shall also be appointed a court to consist of three judges, any two of whom to form a court, who shall have a common law jurisdiction, and reside in the district, and have each therein a freehold estate in five hundred acres of land, while in the exercise of their office."

These provisions extend likewise to the Mississippi territory, as may be seen by a reference to an act authorizing the establishment of a government in the Mississippi territory; and to the Indiana territory as may be seen by a reference to an act of congress, to divide the territory of the United States north west of the Ohio into two separate governments.

(To be continued.)

From the REPUBLICAN ADVOCATE.

PRESIDENTIAL ELECTION.

BY the 2d paragraph of the 2d article of the Constitution of the United States it is ordained, that "each State shall appoint, in such manner as the legislature thereof may direct, a number of Electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress."—In the year 1800, the whole number of Electors amounted to 138, and were chosen in the several States in the following proportions:—New Hampshire, 6; Massachusetts, 16; Rhode Island, 4; Connecticut, 9; Vermont, 4; New York, 12; New Jersey, 7; Pennsylvania, 15; Delaware, 3; Maryland, 10; Virginia, 21; Kentucky, 4; Tennessee, 3; North Carolina, 12; South Carolina, 8; Georgia, 4. The contest then lay between Thomas Jefferson and Aaron Burr, on the part of the Republicans, and John Adams and Charles Cotesworth Pinckney, on the part of the federalists; and the electoral votes were divided among those candidates in the following manner:—

| | JEFFERSON. | BURR. | ADAMS. | PINCKNEY. |
|-----------------|------------|-------|--------|-----------|
| New-Hampshire, | 6 | 6 | 6 | 6 |
| Massachusetts, | 16 | 16 | 16 | 16 |
| Rhode Island, | 4 | 4 | 4 | 4 |
| Connecticut, | 9 | 9 | 9 | 9 |
| Vermont, | 4 | 4 | 4 | 4 |
| New-York, | 12 | 12 | 12 | 12 |
| New-Jersey, | 7 | 7 | 7 | 7 |
| Pennsylvania, | 8 | 8 | 8 | 8 |
| Delaware, | 3 | 3 | 3 | 3 |
| Maryland, | 5 | 5 | 5 | 5 |
| Virginia, | 21 | 21 | 21 | 21 |
| Kentucky, | 4 | 4 | 4 | 4 |
| Tennessee, | 3 | 3 | 3 | 3 |
| North Carolina, | 8 | 8 | 8 | 8 |
| South Carolina, | 8 | 8 | 8 | 8 |
| Georgia, | 4 | 4 | 4 | 4 |
| — | 73 | 73 | 65 | 64 |

Leaving a Republican majority of eight.

Thus stood parties in the year 1800. The 2d section of the 1st article of the Constitution of the United States provides that "the actual enumeration of the inhabitants of the several states shall be made within every term of ten years." And further ordains, that "the number of representatives shall not exceed one for every thirty thousand." In obedience to the first cited passage, an enumeration of the inhabitants of the different States was made in the year 1800, when it was found that the population of many of the States had increased so much that it was necessary to increase also the number of their representatives. Accordingly the ratio was fixed at one representative for every 33 000 persons in each State, and agreeably to this determination it was found that New Hampshire was entitled to 5; Massachusetts, 17; Rhode Island, 5; Connecticut, 7; Vermont, 4; New York, 17; New Jersey, 6; Pennsylvania, 18; Delaware, 3; Maryland, 9; Virginia, 22; Kentucky, 5; North Carolina, 12; Tennessee, 3; South Carolina, 8; and Georgia, 4; and at the session of Congress which commenced in December, 1802, a new State (Ohio) was admitted into the Union, and which furnished one member more to the house of representatives, and two members to the senate. By this increase in the federal legislature, the electors of the Executive were necessarily increased from 138 to 176, making an addition of 38 electoral votes. These 176 votes have been given in the following manner:—Thomas Jefferson and George Clinton being the Republican candidates, and Charles Cotesworth Pinckney and Rufus King the federal candidates.—John Adams, notwithstanding the hypocritical professions of the federalists, having been entirely neglected:

| | JEFFERSON. | BURR. | ADAMS. | PINCKNEY. | King. |
|-----------------|------------|-------|--------|-----------|-------|
| New-Hampshire, | 7 | 7 | 7 | 7 | 7 |
| Massachusetts, | 19 | 19 | 19 | 19 | 19 |
| Rhode Island, | 4 | 4 | 4 | 4 | 4 |
| Connecticut, | 9 | 9 | 9 | 9 | 9 |
| Vermont, | 6 | 6 | 6 | 6 | 6 |
| New-York, | 19 | 19 | 19 | 19 | 19 |
| New-Jersey, | 8 | 8 | 8 | 8 | 8 |
| Pennsylvania, | 20 | 20 | 20 | 20 | 20 |
| Delaware, | 3 | 3 | 3 | 3 | 3 |
| Maryland, | 9 | 9 | 9 | 9 | 9 |
| Virginia, | 24 | 24 | 24 | 24 | 24 |
| Kentucky, | 8 | 8 | 8 | 8 | 8 |
| North Carolina, | 14 | 14 | 14 | 14 | 14 |
| Tennessee, | 5 | 5 | 5 | 5 | 5 |
| South Carolina, | 10 | 10 | 10 | 10 | 10 |
| Georgia, | 6 | 6 | 6 | 6 | 6 |
| Ohio, | 3 | 3 | 3 | 3 | 3 |
| — | 161 | 161 | 14 | 14 | 14 |

Thus in the year 1804, the Republicans have a majority of one hundred and forty-eight votes, whilst in the year 1800, they only obtained a majority of eight.

On examination and comparison, we find that all those states which were republican in the year 1800 have remained unchanged in political sentiment, whilst several of those which gave the most decided votes for the federal candidates in that year have given their entire support to the republican interests in 1804. The last are New-Hampshire, Massachusetts, Rhode Island, Vermont and New-Jersey, which in the year 1800 gave their undivided votes for Adams and Pinckney. Other states which have been divided in sentiment on a former, have become united on this occasion. Such are Pennsylvania and North-Carolina, which in the year 1804 gave, the first 8 for the republican and 7 for the federal, and the latter 8 for the republican and 4 for the federal candidates; but which in the year 1800, have voted for Jefferson and Clinton as a man. Maryland, although she has somewhat advanced in the republican scale, has not yet attained that point at which it is desirable she should arrive. In the year 1800 her electoral votes were equally divided, 5 for the federal and 5 for the republican ticket, but at the recent election she gave 9 to 2 in favor of republicanism.

This auspicious result, wherein we find that all have advanced (some of the states having entirely changed their position) and none have retrograded, affords the most ample room for rejoicing, and the most solid grounds for congratulating the friends of civil and religious freedom throughout the United States; whilst it must serve to awaken serious and proper reflections in the minds of those who yet remain in a state of hostility to the government, on the utility as well as the impropriety of continuing their opposition to an administration so universally supported as the present. Nor is it among the most ignorant of the citizens of the union, nor amongst the most irreligious part of the American people, that so many converts have been made; but in the heart of the most enlightened portion of the community, where schools are numerous and ecclesiastical discipline more rigid than in any other quarter of the country. It is the New-England states, remarkable for the most strict adherence to the christian doctrine, that have undergone the change; which has yielded to great an accession of strength to republicanism. These remarks are not invidiously made, nor uttered with a view of depreciating the respectability of other states; but barely to expose the vanity and emptiness of those boasts so often and so triumphantly expressed by federal writers, that the best informed part of the union, (meaning the New-England states) would remain firm in their interest. These fallacies have been done away completely.—There was always in New-England a respectable opposition to federal principles, and nothing less than a combination of monied men and priests, prevented the downfall of those principles in that quarter long since: But the artificial bonds created by such a combination have at length been broken in all but one of those states, and the consequence has been that a flood of success has poured in upon republicanism, which twells its glory to a height that we hope will render it imperishable.

Of all the states in the union, only three remain decidedly federal, to wit; Connecticut and Delaware. They stand alone, insulated as it were, by free trade principles, and present to the view of the people of the United States the wreck of that administration which proved so fatal to four years to the inhabitants of this free and prosperous country. Surely there must be something more than empty professions of patriotism in those men that have conducted the national affairs since the year 1800; surely there must be something more than the phantoms of delusion in the actions of the administration; something more substantial than the perjured dreams of a fanciful innovator in that system of policy, which has won so much upon the credulity of the people as to have changed altogether the political opinions of so many states. That change, too, be it forever remembered, was effected, not by a federal law that forged chains for the press, and held in "duration vile" men who dared boldly to proclaim their sentiments; nor by an extension of presidential patronage to a system of favoritism and back-slabbing; but by means of a radical contraction of political abuses by a diffusion of the "holy writ" that preyed upon the industry of the nation; by the most economical regulation of the civil list, and