

LEGISLATURE OF KENTUCKY.

IN THE HOUSE OF REPRESENTATIVES: Tuesday, December 2. [Proceedings against Judge Sebastian continued.]

This deponent having detailed every thing which occurred within his knowledge respecting Mr. Sebastian's receiving a pension, and the object which had induced him to descend the Mississippi in the latter end of 1795, or beginning of 1796, addressed this committee, and stated that he was going to make a communication which was not pertinent to the subject of the testimony he had already given, but in relation to the same matter; that he was induced to do it in consequence of the slanders which had been falsely and lavishly heaped upon him by the publications in the Western World; that he had been charged as a disorganizer of the government; that he had been charged in an indirect manner as having improperly received Spanish money, on account of his intimacy with and friendly agency towards general Wilkinson, after he joined the army. To make this communication was a duty he owed to his own character, and to the memory of the late col. Nicholas, whose character has also been attacked by the publications in the Western World; that he made a solemn appeal to the chairman of the committee, to his country, and to his God, that the accusations were false; that the communication he was about to make was of a delicate nature as it related to this deponent; because from the circumstances which attended it, much must depend upon his own veracity, as he could only prove the facts by circumstantial evidence, to wit; the declaration of col. Nicholas in his life time on the same subject.

This deponent then proceeded to state that a certain Thomas Power, who this deponent never saw, came from Louisiana in the summer of 1797, and made a communication to Mr. Sebastian in writing, which has a reference to the same characters that are named in the letter of Baron of Carondelet, herein before inserted; that Mr. Sebastian came to this deponent's house some short time after receiving the communication, and shewed it to him, upon which this deponent observed that it was a dangerous project, and ought not to be countenanced, as the western people had now obtained the navigation of the Mississippi, by which all their wishes were gratified. Mr. Sebastian concurred in sentiment, but observed that Power wished a written answer, and requested me to see col. Nicholas, saying, that whatever we did, he would concur in. I promised to visit the colonel in two or three days. This deponent never had any communication with Mr. Murray upon the business, nor does he know that Mr. Sebastian ever did inform Mr. Murray of it.

This deponent rode to Lexington, and had a conference with col. Nicholas, respecting the communication from Power, who agreeing with this deponent, that the proposition ought to be rejected; he, col. Nicholas, instantly wrote an answer, which was copied by this deponent, signed by both of us, and directed by me; that the copy of our answer was taken possession of by me, and has been ever since in my possession, except for a short time that I left it in the hands of Mr. Morrison, in August last, to have copied, as being the executor and friend of col. Nicholas, he wished to have a copy. Mr. Morrison having previously informed me that col. Nicholas, in his life time, had related all the circumstances to him, and that he had communicated it to James Ross, esq. of Pennsylvania, who in this country, in, I believe, 1798, who was then a senator in the congress of the U. States.

This deponent since making this communication, recollects that Mr. Sebastian informed him, when he gave up the original paper to be submitted to col. Nicholas, Mr. Power requested it to be returned to him with our answer, which was done, but not until this deponent took a copy, which, with the answer, are as follow:

"His excellency the Baron of Carondelet, commander in chief and governor of his Catholic majesty's provinces of West Florida and Louisiana, having communications of importance, embracing the interests of said provinces, and at the same time deeply affecting those of Kentucky and the western country in general, to make his inhabitants, through the medium of the influential characters in this country, and judging it in the present uncertain and critical attitude of politics, highly imprudent to lay them on paper, has expressly commissioned and authorized me to submit the following proposals to the consideration of Messrs. S. N. I. and M. and also of such other gentlemen as may be pointed out by them, and to receive from them their sentiments and determination on the subject. The above-mentioned gentle-

men are immediately to exert all their influence in impressing on the minds of the inhabitants of the western country a conviction of the necessity of their withdrawing and separating themselves from the federal union, and forming an independent government, wholly unconnected with that of the Atlantic states; to prepare and dispose the people for such an event, it will be necessary that the most popular and eloquent writers in this state should in well-timed publications expose in the most striking point of view, the inconveniences and disadvantages that a longer connection with, and dependence on the Atlantic states must inevitably draw upon them, and the great and innumerable difficulties in which they will probably be entangled, if they do not speedily recede from the union; the benefits they will certainly reap from a secession ought to be pointed out in the most forcible and powerful manner, and the danger of permitting the federal troops to take possession on the Mississippi, and thus forming a cordon of fortified places round them, must be particularly expatiated upon. In consideration of gentlemen devoting their time and talents to this object, his excellency the Baron of Carondelet will appropriate the sum of one hundred thousand dollars to their use, which shall be paid in drafts on the royal treasury at New Orleans, or if more convenient, shall be conveyed at the expence of his Catholic majesty into this country, and held at their disposal. Moreover, should such persons as shall be instrumental in promoting the views of his Catholic majesty hold any public employment, and in consequence of taking an active part in endeavoring to effect a secession, shall lose their employments, a compensation equal at least to the emoluments of their office, shall be made to them by his Catholic majesty, let their efforts be crowned with success, or terminate in disappointment.

"2d. Immediately after the declaration of independence, fort Massac should be taken possession of, by the troops of the new government, which shall be furnished by his Catholic majesty without loss of time, with twenty field pieces, with their carriages, and every necessary appendage, including powder, balls, &c. together with a number of small arms and ammunition, sufficient to equip the troops that shall be expedient to raise. The whole to be transported at his expence to the already mentioned fort Massac. His majesty will further supply the sum of one hundred thousand dollars for the raising and maintaining the said troops, which sum shall also be conveyed to, and delivered at, fort Massac.

"3d. The northern boundary of his Catholic majesty's provinces of East and West Florida, shall be designated by a line commencing on the Mississippi, at the mouth of the river Yazoo, extending due east to the river Confederation, or Tombigbee; provided, however, that all his Catholic majesty's forts, posts and settlements on the Confederation, or Tombigbee, are included on the south of such a line; but should any of his majesty's forts, posts or settlements fall to the north of said line, then the northern boundary of his majesty's provinces of East and West Florida, shall be designated by a line beginning at the same point on the Mississippi, and drawn in such a direction as to meet the river Confederation, or Tombigbee, six miles to the north of the most northern Spanish fort, post or settlement on the said river. All the lands to the north of that line, shall be considered as constituting a part of the territory of the new government, saving that small tract of land at Chickasaw Bluffs, on the eastern branch of the Mississippi, ceded to his majesty by the Chickasaw nation in a former treaty concluded on the spot in the year 1795, between his excellency S'or. Don Manuel Gayoso De Dumas, governor of Natchez and Angalikabee, and some other Chickasaw chiefs; which tract of land his majesty reserves for himself. The eastern boundary of the Floridas shall be hereafter regulated.

"4th. His Catholic Majesty will in case the Indian nations south of the Ohio should declare war, or commit hostilities against the new government, not only join and assist in repelling its enemies, but if said government shall at any future period esteem it necessary to reduce said Indian nations, extend its dominions over them, and compel them to submit themselves to its constitution and laws, his majesty will heartily concur and co-operate with the new government in the most effectual manner, in attaining this desirable end.

"His catholic majesty will not either directly or indirectly interfere in the framing of the constitution or laws which the new government shall think fit to adopt, nor will he at any time, by any means whatever, attempt to lessen the independence of the said government, or endeavor to acquire an undue influence in it, but will in the manner that shall hereafter be stipulated by treaty, defend and support it in preserving its independence.

"The preceding proposals are the outlines of a provisional treaty, which his excellency the baron of Carondelet is desirous of entering into with the inhabitants of the western country, the moment they shall be in a situation to treat for themselves. Should they not meet entirely with your approbation, and should you wish to make any alterations in, or additions to them, I shall on my return if you think proper to communicate them to me, lay them before his excellency, who is animated with a sincere and af-

dent desire to foster this promising and rising infant country, and at the same time promote and fortify the interests of his beneficent royal master, in securing by a generous and disinterested conduct the gratitude and affections of a just, sensible and enlightened people.

"The important and unexpected events that have taken place in Europe since the ratification of the treaty concluded on the 27th October, 1795, between his Catholic majesty and the United States of America having convulsed the general system of politics in that quarter of the globe and wherever its influence is extended, causing a collision of interests between nations formerly living in the most perfect union and harmony, and directing the political views of so many states towards objects the most remote from their former pursuits, but none being so completely unhinged, and disjoined as the cabinet of Spain, it may be confidently asserted, without incurring the reproach of presumption, that his Catholic majesty will not carry the above mentioned treaty into execution; nevertheless the thorough knowledge I have of the Spanish government justifies me in saying that so far from its being his majesty's wish to exclude the inhabitants of this western country from the free navigation of the Mississippi, or withhold from them any of the benefits stipulated for them by the treaty, it is positively his intention, so soon as they shall put it in his power to treat with them, by declaring themselves independent of the federal government and establishing one of their own, to grant them, privileges far more extensive, give them a decided preference over the Atlantic states in his commercial connections with them and place them in a situation infinitely more advantageous, in every point of view than which they would find themselves in, were the treaty to be carried into effect."

(Signed) THOMAS POWER. Louisville, 19th July, 1797. To which the following answer was returned.

Sir, We have seen the communications made by you to Mr. Sebastian. In answer thereto we declare unequivocally, that we will not be concerned either directly or indirectly in any attempt that may be made to separate the western country from the U. States.

That whatever part we may be induced to take in the politics of our country, that her welfare will be our inducement, and that we will never receive any pecuniary, or other reward, for any personal exertions made by us to promote that welfare.

The free navigation of the Mississippi must always be the favorite object with the inhabitants of the western country—they cannot be contented without it, and will not be deprived of it longer than necessity shall compel them to its being withheld from them. We flatter ourselves that every thing respecting this important business will be set right by the government of the two nations—but if this should not be the case, it appears to us that it must be the policy of Spain to encourage by every possible means the freest intercourse with the inhabitants of the western country, as this will be the most effectual means to conciliate their good will, and to obtain without hazard, and at reduced prices, those supplies which are indispensably necessary to the Spanish government and its subjects.

True copy from the original, in the hand writing of colonel George Nicholas—which was deposited in my hands the day we wrote it, and continued therein ever since.

(Signed) HARRY INNES.

The original communication and joint answer of col. Nicholas and this deponent were forwarded to Mr. Sebastian, who has since informed this deponent that both were given to Mr. Power. Whether the letter was signed also by Mr. Sebastian this deponent does not know; it was sent open to him nor does he recollect that Mr. Sebastian ever informed him that he had signed it.

This deponent said that the reasons why he and col. Nicholas did not communicate the subject to the executive of the U. S. were these. 1st. That it was well known that neither of us approved of Mr. Adams's administration, and that we believed he kept a watchful eye over our actions, that the communication must depend upon his opinion of our veracity, and it would have the appearance of courting his favour.—2d. That we both had reason, and did believe that the then administration were disposed upon the slightest pretext to send an army to this state, which we considered would be a grievance upon the people, and therefore declined making any communication upon the subject, as we apprehend no danger from the Spanish government.

This deponent requests the committee to summon Mr. Morrison to prove the declarations of col. Nicholas respecting the transactions which relate to that gentleman, if any doubt exists as to the truth of the statement herein made.

(Signed) HARRY INNES. December 1, 1806.

This deponent requested that the committee would permit an address from the democratic society of Lexington, bearing date the 13th day of December 1795, & addressed to the people west of the Alleghany and Apalachian mountains, and a remonstrance from the people of

Kentucky to the President and Congress of the U. S. on the subject of the navigation of the Mississippi, as also a letter signed Auguste Lachaize, dated as is supposed from other papers some time in May, 1794, addressed to the democratic society in Lexington, stating that (2000) two thousand brave Kentuckians had been recruited to march against the Spaniards in Louisiana to assist the French to regain that country, in support of the statement made by this deponent in his deposition relative to the state of the public mind in Kentucky, in the year 1794, which was accordingly ordered and the papers read.

HARRY INNES. To the inhabitants of the U. S. west of the Alleghany and Apalachian mountains. FELLOW-CITIZENS,

The democratic society of Kentucky having had under consideration the measures necessary to obtain the exercise of your rights to the free navigation of the Mississippi, have determined to address you on that important topic. In so doing they think that they only use the undoubted right of citizens to consult for their common welfare. This measure is not dictated by party or faction—it is the consequence of unavoidable necessity. It has become so from the neglect shewn by the general government, to obtain for those of the citizens of the United States, who are interested therein, the navigation of that river.

In the present age, when the rights of man have been fully investigated and declared by the voice of nations, and more particularly in America, where those rights were first developed and declared, it will not be necessary to prove that the free navigation of the Mississippi, is the natural right of the inhabitants of the country watered by its streams. It cannot be believed that the beneficent God of nature would have blessed this country with unparalleled fertility, and furnished it with a number of navigable streams, and that that fertility should be consumed at home; and those streams should not convey its superabundance to other climes. Far from it; for if we examine the wise diversity of the earth as to climate and productions, lands, seas and rivers, we must discover the glorious plan of infinite beneficence to unite by the exchange of their surplus, various nations, and connect the ends of the earth in the bands of commerce and mutual good offices. From the everlasting decrees of Providence, then, we derive this right; and must be criminal either to surrender or suffer it to be taken from us, without the most arduous struggles. But this right is ours, not only from nature, but compact. We do not mean to urge this, as if a compact could give an additional sanction to a natural right; but to shew that our claim is derived from every source which can give it validity. The navigation of the Mississippi was solemnly given and confirmed by Great-Britain to the citizens of the United States, by the provisional articles entered into at Paris between the two nations. More than eleven years have since elapsed, during which we have been denied the exercise of a right, founded upon such irrefragable grounds. What has been done by the former or present government, during that period, on our behalf? In the former, we have been able to learn of no attempt to procure from the king of Spain, even an acknowledgment of our right. Repeated memorials were presented to Congress upon the subject, but they were treated with a neglect bordering on contempt. They were laid upon the table, there to rest in endless oblivion. Once indeed, we know this subject was introduced into Congress under the former government; but it was by an unwarrantable and disgraceful proposition to barter away our right. The proposition was not adopted; the attempt being rendered abortive by the spirited and patriotic opposition of a part of the union. The time at length came, when the voice of the people called for a change in the general government; and the present constitution of the United States was adopted. We then flattered ourselves that our rights would be protected; for we were taught to believe, that the former loose and weak confederation having been done away, the new government would possess the requisite energy. Memorials upon the subject were renewed—six years have passed away and our right is not yet obtained. Money is to be taken from us by an odious and oppressive excise; but the means of procuring it by the exercise of our just right, is denied. In the mean while our brethren on the eastern waters, possess every advantage which nature or contract can give them. Nay, we do not know that even one firm attempt to obtain it has been made. Alas! Is the energy of our government not to be exerted against our enemies? Is it all to be reserved for her citizens?

Experience, fellow citizens, has shown us that the general government is unwilling that we should obtain the navigation of the river Mississippi. A local policy, appears to have an undue weight in the councils of the union. It seems to be the object of that policy to prevent the population of this country, which would draw from the eastern states their inducements. The conclusion inevitably follows from a consideration of the measures taken to prevent the purchase and settlement of lands bordering on the Mississippi. Among those

measures, the non-conditional interference which rescinded sales by one of the states to private individuals, makes a striking object. And perhaps, the fear of the successful rivalship in every article of their exports may have its weight. But if they are not unwilling to do us justice, they are at least regardless of our right and welfare. We have found prayers and supplications of no avail, and should we continue to load the table of Congress with memorials, from a part only of the western country; it is too probable they would meet with a fate similar to those which have been formerly presented. Let us, then, all unite our endeavors in a common cause. Let all join in a firm and manly remonstrance to the President and Congress of the United States, fixing our just and undoubted right to the navigation of the Mississippi, remonstrating against the conduct of government with regard to that right, which must have been occasioned by local policy or neglect, and demanding of them speedy and effectual exertions for its attainment. We cannot doubt, but that you will cordially and unanimously join in this measure. It can hardly be necessary to remark, that considerable quantities of beef, pork, flour, hemp, tobacco, &c. the produce of this country, remain on hand for want of purchasers, are sold at inadequate prices. Much greater quantities might be raised if the inhabitants were encouraged by the certain sale, which the free navigation of the Mississippi would afford. An additional increase of those articles and a greater variety of produce and manufactures would be supplied, by means of the encouragement which the attainment of that great object would give to the emigration. But it is not only your own rights, which you are to regard. Remember that your posterity have a claim to your exertions to obtain and secure that right. Let not your memory be stigmatized with a neglect of duty. Let your history record, that the inhabitants of this beautiful country, lost a most invaluable right and half the benefits bestowed upon it by a bountiful Providence, through your neglect and supineness. The present crisis is favorable. Spain is engaged in a war, which requires all her force. If the present golden opportunity be suffered to pass without advantage, and she shall have concluded a peace with France, we must then contend against her undivided strength.

But, what may be the event of the proposed application is still uncertain. We ought therefore to be still upon our guard, and watchful to seize the first favorable opportunity to gain our object. In order to do this, our union should be as perfect and lasting as possible. We propose that societies should be formed, in convenient districts, in every part of the western country, who shall preserve a correspondence upon this and every other subject of general concern. By means of these societies we shall be enabled speedily to know what may be the result of our endeavors to consult upon such other measures as may be necessary, to preserve union and finally by these means to secure success.

Remember, that it is a common cause which ought to unite us, that that cause is indubitably just, that ourselves and posterity are interested, that the crisis is favorable, and that it is only by union that the object can be achieved. The obstacles are great, and so ought to be our efforts. Adverse fortune may attend us, but it shall never dispirit us. We may for a while exhaust our wealth and strength; but until the all important object is procured, we pledge ourselves to you, and let us all pledge ourselves to each other, that our perseverance and our firmness will be inexhaustible.

(Signed) JOHN BRECKENRIDGE, Chairman. December 13, 1795. Thomas Todd, } Clks. Thomas Bodley, } [To be Continued.]

A Friend to all concerned. Frederick county, January 1, 1807.

COMMERCIAL.

Extract of a letter from a respectable mercantile house in Naples, dated October 3, 1806. "The requisition of enemies' property has been taken up, on the merchants conferring to pay 60,000 ducats, which, of course, was complied with. We had to pay 200 for our share, and thought ourselves well off. Another contribution of 1,200,000 ducats, for a forced loan, was imposed in July; but there of which was 1500; you therefore see that our purse has thus far been pretty well pleased, which is rather hard, as we have been able to do little or no business since the arrival of the French forces in this country. Our ports continue to be freely blockaded, and nothing has succeeded in relieving, excepting some small crafts, and a few large Greek Gallies, which came in un-

measures, the non-conditional interference which rescinded sales by one of the states to private individuals, makes a striking object. And perhaps, the fear of the successful rivalship in every article of their exports may have its weight. But if they are not unwilling to do us justice, they are at least regardless of our right and welfare. We have found prayers and supplications of no avail, and should we continue to load the table of Congress with memorials, from a part only of the western country; it is too probable they would meet with a fate similar to those which have been formerly presented. Let us, then, all unite our endeavors in a common cause. Let all join in a firm and manly remonstrance to the President and Congress of the United States, fixing our just and undoubted right to the navigation of the Mississippi, remonstrating against the conduct of government with regard to that right, which must have been occasioned by local policy or neglect, and demanding of them speedy and effectual exertions for its attainment. We cannot doubt, but that you will cordially and unanimously join in this measure. It can hardly be necessary to remark, that considerable quantities of beef, pork, flour, hemp, tobacco, &c. the produce of this country, remain on hand for want of purchasers, are sold at inadequate prices. Much greater quantities might be raised if the inhabitants were encouraged by the certain sale, which the free navigation of the Mississippi would afford. An additional increase of those articles and a greater variety of produce and manufactures would be supplied, by means of the encouragement which the attainment of that great object would give to the emigration. But it is not only your own rights, which you are to regard. Remember that your posterity have a claim to your exertions to obtain and secure that right. Let not your memory be stigmatized with a neglect of duty. Let your history record, that the inhabitants of this beautiful country, lost a most invaluable right and half the benefits bestowed upon it by a bountiful Providence, through your neglect and supineness. The present crisis is favorable. Spain is engaged in a war, which requires all her force. If the present golden opportunity be suffered to pass without advantage, and she shall have concluded a peace with France, we must then contend against her undivided strength.

But, what may be the event of the proposed application is still uncertain. We ought therefore to be still upon our guard, and watchful to seize the first favorable opportunity to gain our object. In order to do this, our union should be as perfect and lasting as possible. We propose that societies should be formed, in convenient districts, in every part of the western country, who shall preserve a correspondence upon this and every other subject of general concern. By means of these societies we shall be enabled speedily to know what may be the result of our endeavors to consult upon such other measures as may be necessary, to preserve union and finally by these means to secure success.

Remember, that it is a common cause which ought to unite us, that that cause is indubitably just, that ourselves and posterity are interested, that the crisis is favorable, and that it is only by union that the object can be achieved. The obstacles are great, and so ought to be our efforts. Adverse fortune may attend us, but it shall never dispirit us. We may for a while exhaust our wealth and strength; but until the all important object is procured, we pledge ourselves to you, and let us all pledge ourselves to each other, that our perseverance and our firmness will be inexhaustible.

(Signed) JOHN BRECKENRIDGE, Chairman. December 13, 1795. Thomas Todd, } Clks. Thomas Bodley, } [To be Continued.]