NATIONAL INTELLIGENCER,

AND

WASHINGTON ADVERTISER.

Vol. III. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. No. CCCXLIV.

FIVE DOLLS. PER ANN. FRIDAY, DECEMBER 31st, 1802. PAID IN ADVANCE.

National Intelligencer.

MESSAGE

FROM THE

PRESIDENT OF THE U. STATES,

Transmitting a Report from the Secretary of State, with the information requested in a Resolution of the House, of the 17th Instant, relative to the violation on the part of SPAIN, of the Twenty-second Article of the Treaty of Friendship, Limits and Navigation, between the UNITED STATES and the KING of SPAIN.

"*Gentlemen of the House of Representatives,*

"I now transmit a report from the Secretary of State, with the information requested in your resolution of the 17th instant.

"In making this communication, I deem it proper to observe, that I was led by the regard due to the rights and interests of the United States, and to the just sensibility of the portion of our fellow-citizens, more immediately affected by the irregular proceeding at New-Orleans, to lose not a moment in causing every step to be taken which the occasion claimed from me: being equally aware of the obligation to maintain, in all cases, the rights of the nation, and to employ, for that purpose, those just and honorable means which belong to the character of the United States."

"TH: JEFFERSON."

Dec. 22, 1802."

Report of the Secretary of State, to the President of the UNITED STATES.

THE Secretary of State, to whom the Resolution of the House of Representatives of the United States of the 17th instant, was referred by the President, has the honor to inclose to him, the letters and communications annexed, from the Governor of the Mississippi Territory, the Governor of Kentucky, and from William E. Hulings, formerly appointed Vice Consul of the United States at New Orleans. In addition to this information on the subject of the Resolution, it is stated from other sources, that on the 29th of October, American vessels from sea remained under the prohibition to land their cargoes; and that the American produce carried down the Mississippi could be landed only on paying a duty of 6 per cent. with an intimation that this was a temporary permission. Whether in these violations of treaty the officer of Spain at New Orleans has proceeded with or without orders from his Government, cannot as yet be decided by direct and positive testimony; but it ought not to be omitted in the statement here made, that other circumstances concur with the good faith and friendship otherwise observed by His Catholic Majesty, in favoring a belief that no such orders have been given.

JAMES MADISON.

Department of State, 21st *Dec.* 1801.

(COPY.)

New Orleans, 18th Oct. 1802.

SIR,

I have the honor to inclose you an extract from a decree this day published by the Intendant of the Province of Louisiana, by which you will see that the Americans are no longer permitted to deposit their merchandize in this city. No information of any other place being appropriated for an American deposit, is yet given; nor have we any reason to hope that the Government has such place in view. The season for the cotton from the Natchez, and other produce from the settlements higher up, to come down approaches. The difficulties, and risks of property that will fall on the citizens of the United States, if deprived of their deposit, are incalculable; their boats being so frail, and so subject to be sunk by storms that they cannot be converted into floating stores, to wait the arrival of sea vessels to carry away their cargoes.

The port is also this day shut against all foreign commerce, which can only be carried on by Spanish subjects in Spanish bottoms.

I am, Sir,

With the greatest respect,

(Signed) WM. E. HULINGS.

The HON. JAMES MADISON, *Esq. Secretary of State.*

Extract from a Publication made 16th October, 1802, by Juan Ventura Morales, Intendant of the Province of Louisiana, &c.

N. B. The preceding part of the publication relates only to the ratification of Peace and the shutting of the Port against foreign trade.

(*Translation.*)

As long as it was necessary to tolerate the commerce of neutrals which is now abolished, it would have been prejudicial to the Province, had the Intendant in compliance with his duty, prevented the deposit in this city of the property of the Americans, granted to them by the twenty-second Article of the Treaty of Friendship, Limits and Navigation, of the 27th October, 1795, during the limited term of three years. With the publication of the ratification of the Treaty of Amiens and the re-establishment of the communication between the English and Spanish subjects, that inconvenience has ceased. Considering that the twenty-second Article of the said Treaty, takes from me the power of continuing the toleration, which necessity required; since after the fulfilment of the said term this ministry can no longer consent to it without an express order of the King. Therefore, and without prejudice to the exportation of what has been admitted in proper time, I order, that from this date the privilege which the Americans had of importing and depositing their merchandize and effects in this capital, shall be interdicted: And that the foregoing may be publicly known, and that no body may alledge ignorance, I order it to be published in the usual places, copies to be posted up in the public stitoes; and that the necessary notice be given of it to the officers of Finance, the administrator of Rents, and otherwise as may be necessary.

The present being given under my hand, and counterlsigned by the underwritten Notary of Finance, pro tempore, in the office of Intendancy of New Orleans, 16th October, 1802.

(Signed)

JUAN VENTURA MORALES.

By order of the Intendant,

PEDRO PEDESCLAUX.

Faithfully translated from the Spanish language.

JACOB WAGNER,

Ch. Clk. Dep. State.

Near Natchez, October 29th, 1802.

SIR,

I have the honor to enclose you a letter, which I last evening received from Mr. Wm. E. Hulings, together with a translation of an extract from a publication made by Juan Ventura Morales, Intendant of the Province of Louisiana, &c. dated October 16th, 1802. These dispatches announce that the port of New Orleans is shut against foreign commerce, and also the *American deposit.*

Not understanding from the Intendant's proclamation, whether or not another place on the banks of the Mississippi had been assigned by his Catholic Majesty, (in conformity to our Treaty with Spain,) for "*an equivalent establishment,*" I have by letter (a copy of which is enclosed) requested information *upon this point*, from the Governor General of the Province of Louisiana; when his answer is received it shall be forwarded to you.

This late act of the Spanish government at Orleans has excited considerable agitation at Natchez and its vicinity: It has inflicted a severe wound on the agricultural and commercial interests of this Territory, and will prove no less injurious to all the Western country.

There being at present an interruption in the post between this Territory and Tennessee, and supposing it of importance that the government should be early apprized of the late event at Orleans, I have forwarded this letter by express to Nashville, where it will be deposited in the mail.

I am, Sir,

With sentiments of esteem and respect,

Your humble servant,

(Signed)

WILLIAM C. C. CLAIBORNE.

The *Honorable*

The *Secretary of State*,

For the *United States.*

New Orleans, 18th October, 1802.

SIR,

I have to announce to you that this day the port is shut against foreign commerce, and not against foreign commerce only, but against the *American Deposit* in this city. In the decree posted up in the public places no mention is made of any other place appointed for a Deposit. You will use this information as you may think proper.

I am,

With great respect,

Your most obt. humble servant,

Wm. E. HULINGS.

Wm. C. C. Claiborne,

Governor, Mississippi Territory.

(COPY.)

Natchez, October 28th, 1802.

SIR,

I was this day informed, that in a proclamation issued on the 16th inst. by the Intendant of the Province of Louisiana, it was announced, "That the citizens of the United States should no "longer be permitted to deposit their "merchandizes and effects in the port of "New Orleans."

Information of an event so immediately interesting to the citizens of the United States, led me to peruse attentively "The Treaty of Friendship, Limits, and Navigation, between the United States of America and the King of Spain," and upon adverting to the twenty-second Article, I found it expressly declared, that "His Catholic Majesty will permit the "citizens of the United States, for the "space of three years from this time, to "deposit their merchandizes and effects "in the port of New Orleans, and to ex-"port them from thence, without pay-"ing any other duty, than a fair price for "the hire of the stores; and His Majesty "promises either to continue this permis-"sion, if he finds during that time, that "it is not prejudicial to the interests of "Spain, or if he should not agree to con-"tinue it then, he will assign to them, on "another part of the banks of the Missi-"ssippi, an equivalent establishment." I have here quoted the words of the Treaty, and find them too explicit to require comment, or to admit of a doubtful construction.

If therefore, his Catholic Majesty has discontinued his permission to the citizens of the United States, to deposit their merchandizes and effects at the port of New Orleans, will your Excellency be good enough to inform me, whether any, and what other place on the banks of the Mississippi has been assigned (in conformity to the Treaty,) for "An equivalent establishment." The subject of this enquiry is so interesting to the commerce of the United States, and to the welfare of her citizens, that I must request your Excellency to favor me with an *early answer.*

Accept assurances of my great respect and high consideration.

(Signed)

W. C. C. CLAIBORNE.

His *Excellency*

Manual de Salvado,

Governor General of the

Province of Louisiana.

The Governor of Kentucky to the President of the United States.

(COPY.)

State of Kentucky,

Frankfort, Nov. 30, 1802.

SIR,

Two days ago I received the inclosed letters from Doctor James Speed, and Meeker & Co. from New Orleans; together with a copy of a proclamation issued by Juan Ventura Morales, Intendant of the Spanish government of Louisiana; and which I do myself the honor to inclose, for your information. The citizens of this state are very much alarmed and agitated; as this measure of the Spanish government will (if not altered) at one blow cut up the present and future prosperity of their best interests by the roots. To you sir, they naturally turn their eyes, and on your attention to this important subject, their best hopes are fixed. Permit me to request you will give me information on this business, as soon as you can say with certainty what we may rely on; and let my solicitude on this occasion, be my apology for this request.

With sentiments of respect, &c.

(Signed) JAMES GARRARD.

CHARLES VARDEN,

TAYLOR,

FROM PHILADELPHIA.

HAS received from Philadelphia an elegant assortment of the best quality Superfine Cloths, Cassimeres, Silk florintine, Black and fancy silk moleskin velvet, white & figured Marielles, Swandowns, Toilinettes, Velvetteens, Fancy cords, Coating, &c.

With a variety of other articles suitable for the winter season.

N. B. Ladies Habits, Regimentals and Navy uniforms made in the first style of fashion.

New-Jersey Avenue, the second House from the Capitol Square.

December 8, 1802. tf.

CONSTITUTION

OF THE

STATE OF OHIO;

DONE IN CONVENTION,

Begun and held at Chillicothe, on Monday the first day of November, A. D. one thousand eight hundred and two, and of the Independence of the United States the twenty seventh.

[Laid before Congress December 23d.]

(*Concluded.*)

ARTICLE VI.

Sec. 1. There shall be elected in each county one sheriff and one coroner, by the citizens thereof, who are qualified to vote for members of the assembly; they shall be elected at the time and place of holding elections for members of assembly; they shall continue in office two years, if they shall so long behave well, and until successors be chosen and duly qualified; provided, that no person shall be eligible as sheriff for a longer term than four years in any term of six years.

Sec. 2. The state treasurer and auditor shall be triennially appointed by a joint ballot of both houses of the legislature.

Sec. 3. All town and township officers shall be chosen annually, by the inhabitants thereof, duly qualified to vote for members of the assembly, at such time and place as may be directed by law.

Sec. 4. The appointment of all civil officers, not otherwise directed by this constitution, shall be made in such manner as may be directed by law.

ARTICLE VII.

Sec. 1. Every person who shall be chosen or appointed to any office of trust or profit, under the authority of this state, shall, before the entering on the execution thereof, take an oath or affirmation to support the constitution of the United States and of this state, and also an oath of office.

Sec. 2. Any elector who shall receive any gift or reward for his vote, in meat, drink, money or otherwise, shall suffer such punishment as the laws shall direct; and any person who shall directly or indirectly give, promise or bestow, any such reward to be elected, shall thereby be rendered incapable, for two years, to serve in the office for which he was elected, and be subject to such other punishment as shall be directed by law.

Sec. 3. No new county shall be established by the general assembly, which shall reduce the county or counties, or either of them from which it shall be taken, to less contents than four hundred square miles, nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as a part of the county or counties from which it was taken, until entitled by numbers to the right of representation.

Sec. 4. Chillicothe shall be the seat of government until the year one thousand eight hundred and eight. No money shall be raised until the year one thousand eight hundred and nine, by the legislature of this state, for the purpose of erecting public buildings for the accommodation of the legislature.

Sec. 5. That after the year one thousand eight hundred and six, whenever two thirds of the general assembly shall think it necessary to amend or change this constitution, they shall recommend to the electors, at the next election for members to the general assembly, to vote for or against a convention; and if it shall appear that a majority of the citizens of the state, voting for representatives, have voted for a convention, the general assembly shall, at their next session, call a convention, to consist of as many members as there be in the general assembly, to be chosen in the same manner, at the same place and by the same electors that choose the general assembly, who shall meet within three months after the said election, for the purpose of revising, amending or changing the constitution. But no alteration of this constitution shall ever take place, so as to introduce slavery or involuntary servitude into this state.

Sec. 6. That the limits and boundaries of this state be ascertained, it is declared, that they are as hereafter mentioned, that is to say, bounded on the East by the Pennsylvania line, on the South by the Ohio river to the mouth of the Great Miami river, on the West by the line drawn due North from the mouth of the Great Miami aforesaid, and on the North by an East and West line drawn through the southerly extreme of Lake Michigan, running East after intersecting the due North line aforesaid, from the mouth of the Great Miami until it shall intersect Lake Erie or the Territorial line, and thence with the same through Lake Erie to the Pennsylvania line aforesaid; provided always and it is hereby fully understood and declared by this convention, that if the southerly bend or extreme of Lake Michigan should extend so far South that a line drawn due East from it should not intersect Lake Erie, or if it should intersect the said Lake Erie, East of the Mouth of the Miami river of the Lake, then and in that case, with the assent of the Congress of the United States, the Northern boundary of this state shall be established by, and extended to, a direct line running from the southern extremity of Lake Michigan to the most northerly cape of the Miami bay, after intersecting the due North line from the mouth of the Great Miami river as aforesaid, thence North-east to the Territorial line, and by the said Territorial line to the Pennsylvania line.

ARTICLE VIII.

That the general, great and essential principles of liberty and free government be recognized and forever unalterably established, we declare,

Sec. 1. That all men are born equally free and independent, and have certain, natural, inherent, and unalienable rights, amongst which are the enjoyment and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety; and every free, republican government, being founded on their sole authority, and organized for the great purpose of protecting their rights and liberties, and securing their independence; to effect these ends, they have at all times a complete power to alter, reform or abolish their government, whenever they may deem it necessary.

Sec. 2. There shall be neither slavery nor involuntary servitude in this state, otherwise than for the punishment of crimes, whereof the party shall have been duly convicted; nor shall any male person, arrived at the age of twenty-one years, or female person arrived at the age of eighteen years, be held to serve any person as a servant, under pretence of indenture while in a state of perfect freedom, and on condition of a *bona fide* consideration, received or to be received, for their service, except as before excepted. Nor shall any indenture of any negro or mulatto hereafter made and executed out of the state, and if made in the state where the term of service exceeds one year, be of the least validity, except those given in the case of apprenticeships.

Sec. 3. That all men have a natural and indefeasible right to worship Almighty God, according to the dictates of conscience; that no human authority can in any case whatever, controul or interfere with the rights of conscience; that no man shall be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent, and that no preference shall ever be given, by law, to any religious society or mode of worship, and no religious test shall be required as a qualification to any office of trust or profit. But religion, morality and knowledge being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.

Sec. 4. Private property ought and shall ever be held inviolate, but always subservient to the public welfare, provided a compensation in money be made to the owner.

Sec. 5. That the people shall be secure in their persons, houses, papers and possessions, from unwarrantable searches and seizures, and that general warrants whereby an officer may be commanded to search suspected places, without probable evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described, and without oath or affirmation, are dangerous to liberty and shall not be granted.

Sec. 6. That the printing presses shall be open and free to every citizen who wishes to examine the proceedings of any public officer, and no law shall ever restrain the right thereof. Every citizen has an indisputable right to speak, write or print upon any subject as he thinks proper, being liable for the abuse of that liberty. In prosecutions for any publication respecting the official conduct of men in any public capacity, or where the matter published is proper for public information, the truth thereof may always be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts,