

1-13-1800

Petition of Cato West, and others, on behalf of themselves and the other inhabitants of the Mississippi Territory. : With the documents accompanying the same. 13th January, 1800. Referred to Mr. Claiborne, Mr. Griswold, Mr. Henderson, Mr. Nott, and Mr. Bartlett. : (Published by order of the House of Representatives)

Cato West

William Ross, Philadelphia (Pa.)

United States. Congress (6th, 1st session : 1799-1800). House

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

*The undersigned, a Committee regularly chosen by the
inhabitants of this territory for the purpose of peti-
tioning for a redress of grievances, have the honor
respectfully to represent,*

THAT while we are penetrated with the deepest
reverence for your honorable body, we cannot but
regret the occasion which has dictated the necessity
of this address. We rejoice however that we have
it in our power to appeal to, and lay our just com-
plaints before that government, whose constitution
and equitable laws (the evident result of consummate
wisdom) dispenses to its citizens equal protection and
ample liberty.

We look forward with pleasure to the period li-
mited by the wisdom of your laws, when we shall
participate with the citizens of the elder states in
the full possession and enjoyment of those precious
privileges which constitute the sum of rational li-
berty, and upon which alone, as a solid basis, we
can hope to secure the good order, peace and hap-
piness of a free people.

The vast interval which separates this territory
from the seat of the general government, must have
produced its natural consequences, viz. a limited
and imperfect knowledge of the true circumstances
and

An estimate of the sum necessary to be raised in the county of Adams for the service of said county, to wit,

	<i>Dollars,</i>
For building the goal, iron work included, - - - }	3,500
Sheriff's expences including wood and water for the sustenance of the prisoners confined, - - - }	500
Timber for a kitchen for the goal building and nails included, - }	250
Pickets for inclosing the goal and court house, - - - }	80
Timber, planks and nails for building the court house, - . }	4,000
Four bridges over St. Catharine, -	2,400
Sheriff's fees for holding Coroners Inquest on the bodies of Ann Douglass and Joseph Duncan, previous to appointment of Coroner, - }	20
Milling Woolley, Esquire, for holding an inquest upon the body of R. Catton, killed by the Indians, - }	10

Dollars 10,760

No. 1.

To His Excellency, Winthrop Sargent, Esq. Governor of the Mississippi Territory.

The undersigned, a Committee chosen by the inhabitants of this territory, beg leave respectfully, to call your attention to the following important objects—

1st. The situation of this country with respect to our former parties, and the consequences which have grown out of them.

2d. Strictures upon some papers of record in relation to this country.

3d. A deduction, including our opinion what measures seem best adapted to inspire a reciprocal confidence between the people and the executive.

1. The present situation of this country as manifested in the late presentments of the grand juries of both counties, and aggravated by an involuntary impulse of the great mass of society, exhibits a crisis in politicks, which commands the attention of every lover of order and good government, and points directly at the propriety of enquiring into the causes which have conspired in producing these pernicious effects.

In recurring to a recital of former transactions in this country, it will necessarily involve a subject that all men ought to concur in reprobating: but we have no alternative left us—no possible prospect of a remedy, unless we strike at the radical source of the disease.

It is to be remembered then, that for a long time prior to the arrival of the American commissioner, two parties had actually existed in this country. The planters, mechanics, &c. chiefly natives of the United States constituted the one party. A number of miscellaneous characters, including informers and a train of court sycophants, who had been long in the habit of corrupting the officers at the expence of the honest and undefining subject, constituted the other.

There is too great a disparity in the character and importance of these parties to admit a parallel: the one

possessed all the essentials whereby we measure worth and importance in publick societies—the other possessed all the arts of seduction and intrigue : and happy had it been for this country, had the commissioner with all his apparatus, been able to penetrate and repel the nefarious designs which were laid to embroil him with the people, and the people with one another. But for want of a manly confidence in his own internal resources, or for want of personal courage and integrity, he fell into the snare ; and under a pretext that the people were doing wrong, he makes a voluntary sacrifice of all his natural connexions, (including every officer of the United States then in the country) and threw himself under the patronage and protection of Don Minor and his satellites, and became a principal and active instrument in that system of tumult, which has been so abundantly productive in this country.

After deserting and betraying the people, and as we conceive, abandoning the best interests of the United States, we are to view him from this time under an implicit submission to foreign intrigue—nor can art or deception convince the people of this country to the contrary. While some of the satellites abovementioned, (now his most intimate friends) were propagating with great industry, an idea that the United States would never get possession of this country, he took particular care not to contradict the assertion : and while these opinions were operating to the utmost terror of the people, under the vile pretext of retaliating for injuries done him in his publick character, he makes a formal information to the Spanish government on several of the most popular characters in the country, who had advised him to measures for carrying the treaty into immediate effect. Many were amused with an idea that he was making discoveries of the greatest national importance, through the channel of his foreign connexions, until captain Guion began to cover his cannon and stores by a fortification : he then openly came forward and endeavoured to excite the people to take upon

them the control of the military; he assured them it was their right, and if they did not assert it they might bid adieu to their liberty.

This is the man who, we conceive, has greatly contributed (in order to finish a counterpart to his former labours) in giving this austere and unaccommodating tone to our government, so foreign to the genius of the Federal Constitution, and so humiliating to a people proud of their liberty. When he could profit no longer by fomenting quarrels in the first person, he has now reached us through the government, by leading it into all the perplexities inseparably attendant upon erroneous conclusions. The impressions he has latterly made of our character, is not only calculated to degrade us in the eyes of all the world, but it has a direct tendency to give confidence to the insolence of faction, and suffocate the germ of publick virtue in the upright citizen: for it is an indubitable fact, that the influence and exertions of this man has uniformly applied, as an unerring barometer to the commotions of this country—For instance, when captain Guion succeeded captain Pope in his command, by refusing to have any thing to do with him or his intriguers, tranquility was restored to the country, notwithstanding his unremitting attempts to create distrust and enmity between him and the people.

2. Upon your Excellency's arrival in this Territory the people were ready to embrace you as a father—rejoicings were heard throughout the country, that a Governor from the United States had at length arrived—we anticipated the happiness that we hoped would be derived from your administration, which was greatly heightened by the declarations in your address to the people of the Natches, of the 18th of August 1798—In which address you say (with many other flattering and agreeable things) that merit only, with strong and evident marks of attachment to the United States, can entitle a man to office; and that you postponed the same only for due information of characters suitable to commission, which information you hoped to obtain by

an acquaintance with the people : but without waiting for this, you went directly to Mr. Ellicott's camp on the line, and we heard no more of your acquaintance with the people. A list of appointments had been made out (as we have reason to believe) by the two commissioners; and as we have been informed, was handed you by Mr. Ellicott—a man as much devoted to Minor, as Minor is to foreign intrigue : yet it was natural for you to consider him worthy of your confidence ; but that confidence it is clear to us has been greatly abused.

It is reasonable to suppose that Minor, from the general tenor of his pursuits, would wish to create an influence in this territory ; and that he has done it is clearly demonstrable in the result : and we can assure you, sir, that insinuations have been thrown out to officers of considerable rank, that they were to thank Minor for their appointments. No man who has the least concern for the honor, dignity, and safety of his country, or has a spark of personal independence in his composition, but must recoil at an idea so full of debasement.

But could it be possible these suggestions were merely imaginary, and had no existence in reality, they operate as facts, and are worthy the attention of the wisest and most virtuous executive. And it is ardently to be wished, that the government would avail itself of the aid of publick opinion, in all future appointments, particularly in the militia : the advantages are prompt and full of consistency—the disadvantages have been felt by experience.

It is admitted nevertheless, that many good men have been appointed, and several of that description still continue in office : but others finding it impossible to acquit themselves, either with advantage to their country or with credit to themselves, have been borne down by the torrent of publick opinion, and resigned their appointments.

The retrograde effect that every measure has had, is an evidence that the people are either dissolute and corrupt,

that they are mistaken in their conclusions, or that the government has adopted and pursued improper measures : and as we cannot believe you capable of a direct intention to injure this country, or the government of the United States, we do most solemnly assure, you on our part, that if we stand chargeable with any thing inconsistent with the interest of the Federal government, we conceive it to have arisen from neglecting so long to make these declarations.

The President of the United States, in his letter to your excellency of the 7th of April, observes that the situation in which your country has placed you is at present of great importance to its interest and safety—we feel the full force and consistency of this remark—we are penetrated with the keenest sympathy in behalf of our mother states—and while we do most unfeignedly approbate them, for their vigorous and manly efforts to avert war and repel foreign influence—we feel regret at our own internal debility.

3. A deduction from from the foregoing statement, will lead directly to the following conclusions—either that the people are secretly endeavouring to degrade and insult the constitution they have solemnly swore to defend, or that they are actuated by the clearest conviction, that the government has been surpris'd into precipitate and improper measures : we therefore conceive ourselves qualified in a particular manner to assure you, that if we have been rash or precipitate in our conclusions, it originates from an anxious solicitude for the interests of society, an incorruptible attachment to the government of the United States, and our hatred and contempt of foreign influence and intrigue.

What pity such a disposition should be distrusted and abused, while the spawn of corruption are basking in the sunshine of favour, fattening on the emoluments of office, and smiling at the downfall of publick confidence—that essential, that indispensable pillar, without the support of which, governments themselves could not exist.

A want of confidence on the part of the government is clearly demonstrated in the rigorous and unconstitutional measure of the criminal laws. We therefore pray that distrust on the mass of the people, be at least suspended, and fix it where nature intended it to rest.

This language, supported by these arguments, may bear peculiarly hard upon some who may mean well to their country; but let them reflect, that it is better to amputate a limb than that the whole body should perish. Let the country be divided into proper districts: let the people have the privilege of recommending the officers of militia—their interest will be the same, and their confidence mutual. Many who have been in the habit of voting for a President of the United States, think it peculiarly hard upon this occasion, that they cannot recommend a captain or subaltern in whom they can confide. Let your field officers be popular: let them be Americans, free from all foreign prejudice, and such as have never ploughed with the heifer of intrigue: the people will shew them to you, sir, if you will permit them. The justices of the peace and other civil officers should be of the same description—no foreign predilection.

Let the laws be cut down to a constitutional standard, or rather let the laws be adopted agreeably to the ordinance of 1787, and let them be administered with firmness, tempered with clemency and humanity.—

By extending an indiscriminate paternal confidence to the people, you embrace all and make them your own: the germ of patriotism would expand—and an emulation united with the utmost vigilance, would animate our military preparations—That the people may be happy and the government respectable, is the unceasing prayer of

Your Excellency's most obedient humble servant,

(SIGNED)

*Cato West,
N. Hunter,
William Erwin,*

*Alexander Montgomery,
Thomas Calvit,
Ebenezer Dayton,*

Thomas M. Green.

John Foster,

John Bolls,

Samuel Gibson,,

Ebenezer Smith,

David Greenleaf,

Francis Smith,

Gerard Brandon,

Israel Luse,

Hugh Davis,

Felix Hughes,

Joseph Calvit.

I certify this to be a true copy,

CATO WEST,

Chairman of the Committee.

August 26th, 1799.

No. 2.

*To his Excellency the Governor, and the Honourable
Judges of the Mississippi Territory.*

The undersigned, a committee chosen by the inhabitants of this territory, beg leave respectfully to represent :

That, when the Honorable the Congress of the United States were pleased to apply their ordinance of 1787, to this territory—though it did not entirely meet the wishes, or the local circumstances of the country—yet it was in a high degree flattering, because it embraced us as a member of the government we loved—and had the ordinance so applied, been constitutionally administered, and the discretionary power exercised with the liberality and beneficence we had a right to expect, there is no doubt but murmur and discontent had been banished the country; but instead of adopting laws in observance of the letter of the ordinance, we are presented with a code which are in many instances at variance with the constitution, capricious in their application, and has every criterion of laws made, in place of laws adopted. The ordinance says, explicitly, that the governor and judges or a majority of them shall adopt laws from the original states; and Congress seems to have been particularly guarded in this respect—the republican system requires a repre-

representative body to be able to make laws, they cannot be made by proxy, and we conceive the ordinance under no construction authorises such a power.

Were the laws legally adopted agreeable to the ordinance of '87, we have nevertheless an undoubted right to remonstrate against any which might not suit the circumstances of the country; but as they evidently want a constitutional medium, we are warranted in the conclusion that they are not literally adopted from the original states: under these impressions it is needless to discriminate between them, for if they were objectionable in no other respect, this itself would arrest them in their judicial operation, and subject them to the severest censure; for it is preposterous to conclude that men will not abuse a power which has been already assumed.

But, if this government has not had it in their power to adopt laws for want of the several state codes, (which is readily admitted) we conceive they might (in a dilemma like this) with great propriety have made it known to the people; who, on a request, would gladly have sent a number of the best informed men from the several districts, to assist in forming regulations for the time being, in aid of the common law; and regulations so formed, would have had all the force and authority of laws—the people would have viewed them as the organ of their own will, and would have given them every practical support; we should have felt the advantages of distributive justice, and this representation had been unnecessary.

And should the government be still unprepared for adopting laws in strict observance of the ordinance, we are clearly of opinion, that to take measures for forming regulations as mentioned above, would yet be highly proper, and would meet the wish of the community.

We, therefore, pray, that the laws may be literally adopted in conformity to the ordinance; or, that re-

gulations for the time being be adopted as aforesaid.

August 27th, 1799.

(SIGNED.)

Gerard Brandon,

Alexander Montgomery,

Ebenezer Smith,

Moses Bonner,

Felix Hughes,

Joseph Calvit,

Cato West,

N. Hunter,

Israel Luse,

Francis Smith,

William Erwin,

Ebenezer Dayton,

John Bolls,

Samuel Gibson,

Thomas M. Green.

A true copy,

Cato West, Chairman of the Committee.

No. 3.

GENTLEMEN,

We have to acknowledge the receipt of your address of the 27th August, and shall without preface reply to such remarks as most directly concern us.

Without laying open then the sources of your information, you have confidently asserted, that the laws now in force in this territory, have originated with us, contrary to the letter of the ordinance, which authorises us to adopt, but not to make laws—that they carry the marks of illegitimacy in the face of them, and that they are not only of base origin, but are oppressive in their nature, capricious in their effects, and at open variance with the constitution of our general government—so that in your opinion we have arrogantly assumed a power, which we have as wantonly abused.—These are charges of considerable magnitude, and which, although made with a degree of confidence, which nothing less than a conviction of their truth on your part, should justify: we undertake to say are badly supported.—There are few laws of this territory, either of a civil or criminal nature, but what are derived from some one of the state codes; and where we have ventured to depart from them, it has been in

D

and interests of this country; arising from inaccurate and partial statements; and in some instances the government has been imposed on and deceived by persons who were in their confidence, from whom they had a right to expect impartial truth. Of this stamp are some of the communications of Mr. Ellicott, and others; which have been erected upon the authority of his creed respecting this country.

Soon after his arrival in the Natches he applied to the general government, in the name of the people, for a government similar to that North-west of the river Ohio, but we confidently assert, that he had no authority for so doing; and unless the X. Y. Z's of this country are to be considered the arbiters of the people he could have no colour of authority. These characters well knew that if the munificence of the territorial government did not bear some proportion to the expectations of the people, that regret and disappointment would be the consequence. And they knew also, that from the pliancy of the Commissioner, and the complexion of his designs, that if he succeeded in fixing an indelible stigma on the people, the votaries of intrigue would succeed to an exclusive confidence with the government; and if we attend to the general character of his connexions in this country, and the manifest tendency of his actions, it admits of no other interpretation; and we believe there is no American in this country, who will say that he ever gave him such advice.

But by a strange concurrence of events, we have seen an unnatural order of things tolerated by our Executive. We have seen those who had an easy access to the Spanish garrison, and an unrestrained intercourse with the officers (at a moment when the safety of this country, and the best interests

favor of our citizens, by lessening of fines and penalties; but where it has so happened, that evils actually existed among us, for the remedy of which, no provision could be found in the laws to which we had access.— We have not so far distrusted our authority, as not to take immediate steps to prevent their growth and continuance.—Admitting your construction of the ordinance to be just, and that we have not a power to enact laws on any occasion—upon what principle, can you gentlemen, come forward and say that we ought to delegate a power to others, which you deny to exist in ourselves?—would not this (in either case) be making laws by proxy? and should we not subject ourselves to the severest censure, were we weak enough to be so far missed from the plain path of our duty?

Leaving then this doubtful point of right to be decided by our superiors, let us proceed to what is more certain—We certainly have a power to repeal laws of our own making, or adopting; and this power we shall not hesitate to exercise, whenever the good of our fellow citizens may require it.

(Signed)

WINTHOP SARGENT.
WILLIAM M. GUIRE.
P. BRYAN BRUIN.

Natches, October 5th, 1799.

Messrs. Moses Bonner, Felix Hughes, Joseph Calvit, Cato West, N. Hunter, Israel Luse, Francis Smith, William Erwing, Ebenezer Dayton, John Bolls, Samuel Gibson, Thomas M. Green, Gerard Brandon, Alexander Montgomery, Ebenezer Smith.

A true copy,

Cato West, Chairman of the Committee.

No. 4.

To His Excellency the Governor, and the Honorable the Judges of the Mississippi Territory.

The committee have the honor to announce to you the receipt of your favor of the 5th of October, in an-

swer to our address of the 27th of August, 1799; and the obligation conferred upon us on this occasion, shall be acknowledged with the gratitude due to the most distinguished favors:—For although we did not lay open to you the sources of our information, with respect to your making laws—you have abundantly justified the assertion, and our construction of the ordinance, that you had the power to adopt laws only.—It is necessary however to premise, that unless we are permitted to adopt your own method of quotation and inference, it will be impossible directly to reply to the answer before us.

You acknowledge that there are a few laws, which have not been derived from any of the state codes; but you say that every departure from them, has been in favor of the citizens, by lessening of fines and penalties.—How are we to reconcile this assertion to the several penal cases which requires a forfeiture of the whole estate, real and personal?—In our territorial code, any person or persons convicted of treason, shall suffer the pains of death, and moreover forfeit all his, her, or their estate, real and personal to this territory.—The constitution says that Congress alone shall have the power to declare the punishment of treason, and by their laws no forfeiture is required.—On conviction of arson, the person or persons so convicted, are to be whipt, pilloried, confined in goal not exceeding three years; and forfeit all his, her, or their estates, real and personal, to this territory.—The constitution says that excessive fines shall not be imposed, nor cruel and unusual punishments inflicted—It says moreover, that none of these offences shall work corruption of blood, or forfeiture of estate, longer than during the life of the person convicted, and that in the case of treason alone.—Is not this then a flagrant breach of the federal constitution? is it not a manifest assumption of power, (independent of the act of framing laws,) and is it not an insuperable argument, that the lessening of fines and penalties in favor of the citizen, are not the

leading features of your legislative labours?—though if evils actually existed, which made it necessary to overstep the constitution in order to provide a remedy, and prevent their growth and continuance, they were entirely unknown to us: for we had known this country when we were more than twelve months without the benefit of laws of any sort, and notwithstanding we had been divided by the designing schemes of foreign incendiaries, the general stock of virtue was sufficient to preserve peace, and awe the vicious; for crimes were not more frequent then, than they are at present—and if this fact is admitted (for it cannot be denied) it affords a hint to legislative bodies, that merits their deepest attention.

You have asserted gentlemen, that we wish you to delegate a power of making laws to others, which we deny to exist in yourselves: but, as this is a species of logic adapted only to the exigencies of the case, we would beg leave to deny the position—the act of making laws without the necessary qualifications for so doing, is greatly different from that of forming temporary regulations—there is scarcely any analogy in the cases—the one is an assumption of power for doubtful purposes—The other was only a temporary compact embracing (as we thought) the various interests of the country—The one has a tendency to generate distrust and enmity between the magistrate and the people—the other was calculated (in our opinion) to harmonise and restore the broken relations of the community—and whether it was an attempt to mislead you from the plain path of your duty, as you evidently insinuate, is a matter we leave with time and our superiors to determine.

But proceeding to what is more certain, you say, that you have certainly a power to repeal laws of your own making or adopting; *this will be admitted in its fullest latitude*—and the act of Congress which gives the Territorial Legislature the power of *repealing*, is an undeniable evidence that they *have not the power of making*

new laws: for had they the power of making, the act which provides the power of repealing, *would be a nullity*; for the framing and repealing powers are necessarily inseparable, and this rule has a universal application to all legislative bodies, whether *delegated or assumed*.

And that you may exercise the repealing powers, and every legitimate power of the government in a manner suitable to the circumstances of this country, and the general interests of our nation, is the unfeigned wish of this committee.

(SIGNED.)

Cato West,
William Erwin,
Thomas Calvit,
Samuel Gibson,
John Bolls,

Ebenezer Smith,
Joseph Calvit,
Felix Hughes,
Gerard Brandon,
N. Hunter,

A true copy,

Cato West, Chairman of the Committee.

October 21st, 1799.

Extracts from the several presentments of the
Grand Juries at the opening of our Courts
in the Mississippi Territory.

*At a Court of General Quarter Sessions for the county
of Adams, on the sixth day of June, 1799.*

WE, the Grand Jury for the county aforesaid, present, That whereas a law directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties, is, in several instances, oppressive, and may be attended with the most baneful effects; we consider it as an imposition upon the good people of this territory—and protest against the same.

We, the Grand Jury aforesaid, consider it a grievance, that a law should be passed to levy a tax on the county of Adams previous to a census of the people being taken—we present as a grievance that the amount of the sums, proposed to be levied, should be vested in the Governor and one Judge alone.

We present as a grievance, that money should be levied for the purpose of repairing roads and bridges, which can be more easily effected, and less burthensome, by the manuel labor of the inhabitants and negroes, as was the custom heretofore practised.

We present as a grievance, that any Sheriff of this territory be vested with power (according to the 8th. section of a law passed to levy a tax, for defraying the expences of the same in each county,) to commit any citizen of this territory to the common goal, without sufficient proof of his or their default, and without a complaint, warrant or commitment.

We

We present as a grievance, that any one person should be vested with the sole power of contracting, on his own terms, for the erecting of the public buildings in this territory—and, that proper persons be not appointed as commissioners to examine their accounts and inspect the said buildings, during the time of their erection, on failure of which great frauds may be committed, to the manifest injury of the good people of this territory.

We present as a great and enormous grievance, the operation of a law which prohibits many of our good citizens from removing their slaves out of the Spanish dominions, and we conceive an exception in that case ought to be provided.

We present as a grievance, that we have not even the opportunity of being advised with in matters which respect our own immediate concerns and welfare—a privilege always enjoyed heretofore under a despotic government; and as guardians of the people, we totally disapprove of the unexampled, oppressive and enormous fees, demanded by the law for licences, &c. which surpasses any thing ever yet heard of. At the same time, we think it a duty incumbent on us to acknowledge our loyalty and attachment to government, with zeal and firmness, declaring our determined resolution, to support and defend it with our lives and fortunes.

In testimony whereof we have hereunto subscribed our names.

SUTTON BANKS, <i>Foreman.</i>	DAVID FERGUSON,
JAMES STEWART,	ANTHONY GRASS,
ADAM BENGAMAN,	RICHARD KING,
JAMES STEWART,	JESSE CARTER,
HENRY HUNTER,	BENJAMIN FARRAR,
WILLIAM CONNER,	THOMAS LOVELACE,
JOHN FOSTER,	JOSEPH CALVIT,
JOHN BOLLS,	CHARLES SURGETT,
PATRICK FOLIA,	

Extracts from the presentments of the County of Pickering, held on the 17th. of June 1799.

WE present as a grievance, that so respectable and numerous a body of people as inhabits the Mississippi Territory, are allowed in no shape or form to interfere in their own government; in consequence of which, our population is rapidly decreasing and our inhabitants moving off to the Spanish dominions.

We present as a grievance, that the Governor and Judges should assume to themselves the power of making laws, whereas the ordinance of Congress of the 13th. of July 1787, impowers them only to adopt laws already made, in the original states, best suited to the circumstances of the country.

We present as a grievance, that the Governor and Judges should ascertain the sum proposed to be levied on the county, or that any tax should be layed on the county, previous to a census of the people being taken.

We present as a greivance, from the late and impolitic appointments of officers, civil, and military, all confidence appears to be destroyed between them and the people.

We present as a greivance, that persons, well known to be hackneyed in Spanish duplicity and drudgery, should be nominated to posts of profit, honor, and trust, and we have reasons to believe are the Governor's greatest confidants.

We cannot conclude our declarations without imploring the Divine assistance on the arms, and superintendance on the measures, of Congress;—
and

and may they be so sincerely inclined to do us justice—and permit us to be inrolled under the endearing appellation of fellow citizens;—as we are strenuously resolved to merit and support the character of good Americans.

(Signed)

CATO WEST, *Foreman.*
GEORGE SULSER,
JAMES TRULY,
PARKER CARRADINE,
ROBERT THROGMERT,
ALEXANDER MONGOMERY,
T. M. GREEN,
FELIX HUGHES,
JESSE HARPER,
ROBERT MILLER,
THOMAS WHITE,
GIBSON CLARK,
EBENEZER SMITH,
MATTHEW TURNAN,
THOMAS CALVIT.

As the above presentments were made prior to the formation of the committee, they not only evince the necessity of such a convention; but they afford an undeniable evidence that the change in the government, prayed for in the petition of the committee, are consistent with the wishes of the people, essential to their happiness and welfare, and truly congenial to the best interests of the general community.

N. HUNTER,

Agent of the Mississippi Territory.

rests of the United States were bleeding at every pore) now enjoying exclusive privileges in the government, with monopolies of the most important and interesting appointments, while those who put all to risk at the nod of the commissioner (in order to support his suit, and enforce the execution of the treaty) are suspected and held in a grade, little better than a conquered people.

The citizens of this country have felt in practice what others have only known in theory, and when a prospect opened for an union with our mother states, which we had long expected, we were determined not to lose sight of the object; and this position fairly digested, accounts at once for our ardor upon former occasions, and our solicitude upon all constitutional questions. To men who are determined to abide the fate of their government, be it good or ill, these things are not unimportant, for we declare to the world that were it threatened with any public disaster, either of foreign or domestic origin, we would rush forward under all the disadvantages we complain of, to repel the intrusion—and our addressees, number I. and II. accompanying this petition, applies with the strongest analogy to these principles.

Your petitioners beg leave to observe that we have no hopes of seeing a militia capable of effectual operation for the service of their country, upon the unprecedented plan of the Executive.

The officers were appointed in groups and frequently detached from their companies; many of whom were scarcely known to the Men they were destined to command; and when we take into view the persons from whom the Governor derived his information of characters, the consequences are too palpable to need a further detail.

That

That the Governor had a right to appoint and commission the officers, was readily admitted; but as he must have information from some quarter, it was a general opinion, that recommendations for officers of corps, would appear as proper, supported by the signatures of sixty-four rank and file, as from two or three persons, who never were recognized as Americans until they received appointments.

And the people fortified with that pride which never fails to animate the breast of integrity, would view it as a less evil, to depend for a moment on the general stock of society for support, than to submit without discussion, to coercive precedents, so utterly subversive of the liberty of the citizen, and so fatal to the reputation of a government founded upon a national association for the general good of the community. And may this national monument of human wisdom never be made subservient to the vanity, the petulance, or ambition of individuals.

The Governor's letter of the 20th. of December 1798, to the Secretary of State, does us much wrong. In it, we are represented as being soured with the general government on account of their inattention to us. But we are qualified to say, that his information was extremely incorrect. We have long considered that government as our only and ultimate resource. And we conceive it has done all it could do for us, consistent with a due attention to greater and more important concerns. It is not with the government we are soured; it is with caprice, oppression, and intrigue; and a previous experience of its effects, have taught us to guard against its approaches. Upon his Excellency's arrival in this country, we had the highest hopes of his administration; we thought him capable of
soaring

soaring above the polluted atmosphere that surrounded him. And that every atom of public virtue would soon gravitate to its center, and find a certain and secure asylum in the efficiency and promptitude of his resources! but unfortunately our conjectures have not yet been realized.

Your petitioners beg leave to remark, that the measure of this government in framing and enacting laws, in direct violation of the ordinance of 1787, excited considerable alarm, but when it was found that we were to be taxed at the will of those, who had no concern in the operation of the act, and that no regard was paid to the constitution itself, our affairs began to wear a more serious aspect.

Under these impressions the Committee was formed and instructed to proceed in a regular and constitutional manner for redress, and our addresses, No. 1 and 2, before mentioned, were accordingly presented to the Governor; but no direct answers have been received.

Your petitioners beg leave to remind your honorable body, that many of the citizens of this Territory have fought and bled in the cause of America; a cause which had for its origin, the usurped power of Britain, to compel Americans to obey laws and pay taxes which had not their own consent. And the triumph of America has established the following fundamental maxims in American politicks, viz. That it is the birth right of every citizen to have a voice by himself or his representative in the framing of laws and imposing of taxes. The late Honorable Congress has composed for us a form of Government in which not even a shadow of this precious privilege is retained in its first grade; the executive, legislative, and judicial authorities, so carefully separated and
limited

limited by the constitutions of the elder States, are here mingled together in the hands of three or four individuals, who have but a partial interest in the laws which have been made; for, except the Judge who has been long an inhabitant of the country, none of the officers appear to have the qualifications, directed and prescribed by the wisdom of the ordinance, in order to blend their interest with that of the permanent citizen. No lands in their own proper right are held by them.

Judge Tilton came to this country and remained only until a code of laws could be framed, in the operation of which he had no concern whatever; he then left us, we presume, to return no more. Judge M'Guire, after a few months residence here, is about to return to the state of Virginia, and he being the only Judge of any considerable law knowledge, which has been appointed for this Territory, our situation will be pitiable indeed. But in the ample variety of your resources, we have not a doubt but you will find a sufficient and effectual remedy.

Your petitioners would further remark, that the Judges and Governor being justly restrained by the ordinance from making new laws, having only the power to adopt; and that small internal taxes, however necessary, cannot be drawn from the pockets of the people without their consent, unless a precedent or example thereof can be found in the State Codes.

This wise and constitutional limitation of power is nevertheless pregnant with local disadvantages, small internal taxes are absolutely necessary. In order to obviate these inconveniences, to extend the fundamental principles of civil liberty, to defeat foreign collusion, and to draw to the salient point of the constitution and government of the
United

United States every congenial particle that exists in the country; we think ourselves justified in praying for an amelioration of our present political system, suitable to the magnitude and expediency of the object.

We therefore pray, that the Honorable Congress will be pleased to take our situation into serious consideration, and that they will enact, that the ordinance of 1787, in its second grade, may immediately operate in this Territory with such amendments and modifications as the wisdom of your Honorable Body may judge proper and suitable to our remote and singular situation.

It is for these precious privileges, that we have fought under your banners; and shall the Congress of the United States refuse to their children, the same measure of liberty and rights which, by force, we have contributed to wrest from Britain?

The presumption is, they will not.

Natches, October 2d. 1799.

(Signed)

CATO WEST,	N. HUNTER,
SAMUEL GIBSON,	JOHN BOLLS,
WILLIAM ERWING,	EBENEZER SMITH,
THOMAS CALVIT,	JOSEPH CALVIT,
HUGH DAVIS,	GERARD BRANDON,
FELIX HUGHES,	EBENEZER DAYTON,
DAVID GREENLEAF,	THOMAS M. GREEN,
FRANCIS SMITH.	

I certify the above to be a true Copy of the original.

N. HUNTER,

Agent of the Mississippi Territory.

January 10th. 1800.

T H E undersigned, a General Committee regularly chosen by the inhabitants of the Mississippi Territory, in the several old districts of the same, for the purpose of seeking (by the constitutional mode of petition) a redress of the grievances which oppress this country.

The Committee having drawn up and signed two petitions of this date to be laid before Congress, one for a confirmation of the rights of our lands, &c. the other against the oppressive and improper measures of the Territorial Government, and praying for a legislative Assembly, do, agreeably to our instructions for transmitting the same to the seat of the Federal Government, by a special Agent or Agents, hereby nominate and appoint our fellow Citizen Nathworthy Hunter our said Agent (distinguished for his zeal to the welfare of this Country, and his firm attachment to the United States,) to convey and lay before Congress the aforesaid petitions intrusted to him, in full confidence that he will to the utmost of his power and abilities execute the important trust reposed in him by his country, and he is authorized by this committee, to make such explanations and further representations to the General Government, on behalf of this country, as he may find necessary and proper during his continuance at the seat of that Government as Agent for this

this Territory, and we pray the Honorable Congress to give full credence to what he may represent or say in our behalf.

Natches, October 2d. 1799.

CATO WEST.
GERARD BRANDON.
HUGH DAVIS.
EBENEZER SMITH.
SAMUEL H. GIBSON.
JOHN FOSTER.
WILLIAM ERWING.
JOSEPH CALVIT.
JOHN BOLLS.
THOMAS CALVIT.
FELIX HUGHES.
THOMAS M. GREEN.
EBENEZER DAYTON.
FRANCIS SMITH.
DAVID GREENLEAFF.

17

P E T I T I O N

OF

C A T O W E S T,

AND OTHERS,

IN BEHALF OF THEMSELVES AND THE OTHER
INHABITANTS OF THE

MISSISSIPPI TERRITORY.

WITH THE DOCUMENTS

Accompanying the same.

13th January, 1800.

Referred to

MR. CLAIBORNE,
MR. GRISWOLD,
MR. HENDERSON,
MR. NOTT, and
MR. BARTLETT.

[Published by order of the House of Representatives]

Handwritten text at the top of the page, possibly a title or header, including the word "MISSISSIPPI" and other illegible characters.

MR. B...
MR. D...
MR. H...
MR. S...
MR. S...

13th January 1800

Witnessed by me

WITH THE DOCUMENTS

MISSISSIPPI TERRITORY

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AND OTHERS

AND OTHERS

OF

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