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THE WASHINGTON WHIG

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Advertisements will be inserted at the usual rates.

To the Governor and Members of the Legislature of the state of New-Jersey.

UNINFLUENCED by the slightest emotion of party feeling, and regardless of the party names by which you are distinguished, one of your humble constituents, unconnected with office of any description, a native of the state, and a descendant of one of the first settlers of the section in which he resides, whose bosom glows with an ardent attachment to his country, who is tenacious of her interests, and jealous of her honour, presumes respectfully to address you. In you is concentrated the collected power of the people of this state; to you is delegated the preservation of her dignity as an independent sovereignty, connected only with the other members of the union by the federal compact, and to you is confided the protection of the rights, the liberty and the property of her citizens. The trust is one of the most sacred importance. It should be fearlessly discharged with fidelity and honour. If, in the course of passing events, the state of New-Jersey should unfortunately, through conflicting interests, come in collision with another state, or with the government of the United States, it is a circumstance much to be regretted; but the experience of almost every state government in the union evinces, that such an event is neither uncommon, nor should be unexpected. When such an occurrence happens, the obligations imposed on the guardians of state rights is incalculably increased. Men of integrity and resolution never shrink from a duty on account of the delicacy or difficulty of its performance. An exertion of power over the impotent and unresisting, with an abject servility to superior or equal wealth, influence or strength, have ever indicated an imbecility of mind and viciousness of disposition. The greater the magnitude of the object, the more numerous and apparently insuperable the obstacles which present themselves, the more arduous the duties which are imposed, the more brilliant is the lustre which the talents, the genius, and the probity of the patriotic statesman shed on himself and his country.

The state of New-Jersey, from her geographical situation, is not only subject to the maritime depredations of an enemy during war, but in time of peace is peculiarly exposed to collisions of interests with neighbouring states. Bounded by the powerful state of New-York on the north, by the powerful state of Pennsylvania on the west, and as far south as the circular boundary of Delaware, and by the state of Delaware from thence to the ocean; successively owned by the Swedes, the Dutch, and the British; and her produce and her trade all absorbed in the vortices of the great cities of Philadelphia and New-York, it is not astonishing that disputes respecting boundary and jurisdiction, as well as the relative rights of her citizens should of necessity arise. The state of Pennsylvania, with the same liberality of principles and policy which characterized the wise institutions of her founder, foreseeing and desirous of avoiding the difficulties which might ensue from such unnatural conflicts, in the year 1763 appointed commissioners who met commissioners from New-Jersey, and entered into a treaty defining the jurisdiction and boundaries of the respective states, on the river Delaware. This treaty, from a variety of circumstances, was very favourable to Pennsylvania. In the release of the duke of York to Wm. Penn, in Aug. 1682, the soil of the river Delaware had been pretended to be granted to Penn. The ship channel runs close to the city of Philadelphia, and very near it an island capable of being fortified. The middle of the river was therefore assented to by this state as the line; but all claims of a combination of piscary over the line expressly prohibited.

By this cautious and prudent measure, a harmony has been preserved between the

two states, which, it is believed, has never been interrupted in a single instance by questions of boundary or jurisdiction. It is true, that a late act of the legislature has been complained of by the governor of Pennsylvania to the governor of New-Jersey, as being an infraction of the compact, by obstructing the navigation of the Delaware above the falls. But the moderation and mutual desire of rendering justice, which have ever predominated in the intercourse between the two governments, remove all doubt of a speedy and amicable termination of the dispute on liberal and equitable principles.

With the state of New-York the contest has been unceasing and unsettled. New-York has risen rapidly to wealth and power. She is rich in her resources, in the population of her territory, and in the activity, industry, and enterprise of her citizens. It would afford me unfeigned pleasure, could I with sincerity assert my belief, that her magnanimity and love of justice had kept pace with her progressive improvements. In private life instances frequently occur, of men whose too sudden elevation prompts them to treat with arrogance and injustice their weaker and less wealthy neighbours. Whether the same causes may not have produced the same effects in the body politic of a neighbouring state, does not belong to a Jerseyman to determine; he might probably be too much under the influence of state prejudices and feelings. Indeed the arbitrary conduct of some of the ancient governors of New-York might be urged in refutation of such an opinion: for as early as 1680, on a dispute about jurisdiction, gov. sir Edmund Andross sent a party of soldiers to Elizabethtown, seized gov. Philip Carteret of New-Jersey, in the middle of the night, in his bed, and, after much ill treatment and personal violence, conveyed him to New-York.

The preceding observations have spontaneously arisen as preliminary to presenting to your view a recent instance of an apparent violation of the sovereignty of the state and the rights of her inhabitants on the part of the state of Delaware, and of the United States, more flagrant in its injustice, and more injurious in its ultimate consequences to our citizens, than the claim of New-York which has been with so much energy resisted. I allude to the cession of the state of Delaware, by an act of her legislature, of the soil and jurisdiction of the island called the Pea Patch, being on the eastern side of the main ship channel of the bay of Delaware, and the military force of the United States having dispossessed the owner claiming under New-Jersey, and taken it into possession for their own use. Not having access to the official records of the state of Delaware, to the documents filed in the adjutant general's office of the 4th military district, or those in the war department at Washington; not having even a personal knowledge of the owner, nor having ever heard his statement of the affair, it is possible that I may not be perfectly correct in detailing the circumstances attending this transaction. My information, is, however, derived from high authority, and although casually communicated, I am confident in all its material parts must be essentially correct.

During the late war, the committee of defence of the city of Philadelphia, whether on the suggestion, or by the advice of military men is not said, conceived that the erection of a fortification on the Pea Patch would contribute to the security of the city. They wrote to the secretary of war on the subject pressing its execution. The secretary informed them that if a good title would be made for the land, and its jurisdiction ceded to the United States, the sum of 20,000 dollars should be immediately advanced for the purpose. The opinion of Caesar A. Rodney of the state of Delaware, and of — Read of New Castle of the state of Delaware, both, if not at present, late public officers of the United States and of the state of Delaware, was then requested by the committee on the right of soil and jurisdiction, whose report that they were both vested in the state of Delaware was filed in the adjutant general's office at Philadelphia and forwarded to the war department. The legislature of the state of Delaware at Dover passed an act ceding it to the United States. When the military force of the general government came to take possession, they found a tenant holding under a lease from the owner in New Jersey, who refused to surrender its possession. One thousand dollars was offered to him to relinquish, and

on his refusal to accept that sum, it was occupied without his consent, and the fortification commenced. These proceedings, it is believed, all took place, without the advice, without the concurrence, without the knowledge, and without any reference to the constituted authorities of the state of New Jersey.

The eligibility or even practicability of erecting a fortification at this position, during war, was doubted by most men in the low part of this state. The depth of water rendered it at all times accessible to the enemy's shipping, and the width of the bay below evinces the impossibility of its defence by land batteries while the works were progressing. Its demolition after considerable sums had been expended and its works were sufficiently advanced to make it an object of attack was viewed as certain and unavoidable. So far from affording protection to the country, it was feared, that it would only operate as an invitation to the enemy's cruisers to visit the Delaware, and that the adjacent shores below would be laid waste by their predatory incursions. Some have been uncharitable enough to attribute the design of erecting a fort on the Pea Patch to motives very different from those assigned, and to believe that did not originate with the committee of defence of Philadelphia, but that they were drawn into it by the specious pretext of its affording protection to their city; held out to them by the citizens of Delaware. A singular peculiarity has long rendered the Pea Patch famous. It has been for many years the nocturnal rendezvous of innumerable flocks of crows who in the morning spread themselves over the surrounding country, to the great annoyance and injury of the farmers; and in the evening return to their accustomed residence. Recourse has been ineffectually had to a great variety of expedients to extirpate these noxious neighbours. Of such magnitude has the evil been viewed, that the state of Delaware some time since assumed a species of jurisdiction over the island or the crows by offering a reward of five hundred dollars to any person who would dispose of these daring adventurers from their accustomed roost. It will probably be effected at the expense of the United States. The poor crows must now infest some other neighbourhood, they must now seek some other residence, where they will not be opposed by a garrison of soldiers, where they will not be assailed by the armed force of the nation.

It is not my intention to engage in a diffuse discussion of the right of this state to the island in question, but merely to exhibit to your notice, this infringement on our state sovereignty, convinced that your foresight will discover the extent of the injury to which an admission of the principle must ultimately lead, your wisdom will point out the means of redress, and that your energy will apply them. If the soil and jurisdiction of the Pea Patch belonged to the state of Delaware, all the other islands, with the water, subaqueous soil, fisheries and products on the eastern as well as the western side of the main channel of the bay to the capes of the Delaware, must still belong exclusively to that state. Are you prepared to admit such a position? Can you consent to an encroachment which can alone be bottomed on such a presumption, and which must gradually tend, as population increases, and alluvial lands and the products of the water become more valuable, to wrest from your constituents and fellow citizens important privileges, which they now conceive they possess, and which they rely on you to protect.

But, so far from a claim of that nature being well founded on the part of the state of Delaware, from a careful examination of such authentic documents and public records as I have had an opportunity of consulting, it is evident to my mind that either

1st. The whole of the bay of Delaware with the islands, subaqueous soil, fisheries, and products belongs to the inhabitants and the state of New-Jersey; or

2d. That the main channel divides the rights of the citizens, and the jurisdiction of the states of New-Jersey and Delaware.

Were the first position incontrovertibly correct, and even admitted by the state of Delaware, I should very much doubt the policy or the justice of insisting upon jurisdiction to that extent; although we should be justified by the example of New-York in claiming jurisdiction of the Hudson to high water mark on the Jersey shore, and including Staten Island within her

boundaries. By the revolution the provinces were erected into thirteen separate and independent states, and acknowledged as such by each other. Whatever may have been their boundaries prescribed in the old regal charters, and which in many instances, from a want of knowledge of the country, were very vague and indefinite, sound policy and that mutual spirit of accommodation which imparts strength to the union of the states, obviously suggest that where two states are separated by navigable waters, that the rights of their respective inhabitants should be regulated by the acknowledged principles of the laws of nations, which in such cases would govern two distinct sovereignties; and a magnanimous and liberal construction of even the ancient grants could not militate against such a just and friendly arrangement. But, if the musty records of antiquity, which have survived the difficulties of preservation incident to a new country, are to be ransacked, if the intricacy and obscurity in which successive conquests by foreign nations, and repeated conflicts of governors and proprietors respecting rights, boundaries, and jurisdiction have involved the early history of these states are to be developed, to give colour to the claim of Delaware, I may certainly be indulged in the concise statement of a few historical facts tending to elucidate my positions. They will be unsupported by argument. They are necessarily crude and imperfect, from the very limited means of information my isolated situation permits me to possess, and are exhibited with a hope that it may induce some person of more leisure, of more capacity, and who has at his command more abundant sources of historical and legal knowledge, to pursue the subject.

In 1609, Henry Hudson, in the employ of the Dutch East India company, discovered Delaware bay, and sailed up Hudson's river in New-York. In 1614, the Dutch made a settlement and built a fort on Manhattan's island or New-York. They soon after erected fortifications in different parts of the territory to which they laid claim under the name of the New Netherlands, and, among other places, one near Gloucester in this state, on the Delaware, which they called South river. In 1627, a Swedish colony came to the Delaware, which they called New Swedeland, stream, and purchased the lands of the Indians on both sides of the bay and river to the falls. The Swedes and Dutch differed with each other, but united in expelling such English as had begun to settle on the east side of the Delaware. In 1630, the Dutch built a fort at Lewistown, and in 1631, the Swedes erected forts on Christina creek and on Finicum island, at Chester and at Elsinburgh.

In 1632, a grant was made by king Charles of England to Calvert lord Baltimore of a large tract of land, (now Maryland.) The south boundary ran easterly unto the main ocean, thence unto that part of Delaware bay on the north, which lies under the fortieth degree of north latitude; thence in a right line, &c. This grant to lord Baltimore was supposed by him to include all the state of Delaware and part of Pennsylvania, with the city of Philadelphia. It was the subject, for many years, of the most violent disputes between him and William Penn, which were not adjusted till Penn's death, nor finally settled till 1762. The grants to Baltimore and Penn, and the points of controversy to which they gave rise, will be found to have considerable bearing on the claim of Delaware. Notwithstanding this grant, the Dutch and Swedes still held possession and governed the country.

In 1655, the Dutch fitted out a fleet, came to the Delaware, and compelled the Swedes to deliver up their forts. The officers and principal Swedish inhabitants were taken prisoners to Europe, and the people generally submitted to the government of the Dutch. The country was governed by officers sent from New-York.

In 1663, Charles the 2d, fearful probably of the consequences of permitting a powerful Dutch settlement between the British colonies of New-England, and Maryland and Virginia, granted a patent to his brother James, duke of York, for sundry lands in America, and among others all the lands from the west side of Connecticut river to the east side of Delaware bay, together with all the islands, rivers, waters, fishings, &c. thereto appertaining. This grant does not include the state of Delaware; probably because it was conceived to be within Baltimore's patent. The next year a fleet was fitted out in England with

some land forces, and coming upon the Dutch unexpectedly, New York was taken, and the upper part of the country reduced to subjection. Sir Robert Carr sailed to the Delaware. The fort at New Amstel (Newcastle) surrendered by capitulation, of which the following is the title: "Articles of agreement between the honourable Sir Robert Carr on behalf of his majesty of Great Britain, and the burgomasters on behalf of themselves and all the Dutch and Swedes inhabitants on Delaware bay and Delaware river." By this capitulation the Dutch and Swedes acknowledged themselves British subjects, and took the oaths of allegiance, stipulating for liberty of conscience and the security of their property. The same year the duke of York conveyed to lord Berkeley and sir George Carteret the land now the state of New Jersey, and described as being to the westward of Long Island and Manhattan's island, bounded on the east part by the main sea and part Hudson river, and hath upon the west Delaware bay and river, and extendeth southward to the main ocean as far as Cape May at the mouth of Delaware bay. Thus New Jersey became divided from New York, while the state of Delaware, conquered from the Dutch, was governed by officers sent from New York.

In 1672 a new war broke out between Great Britain and Holland, and the next year the Dutch sent a fleet to America, and retook their former possessions. Deputies were sent from the Delaware to New York with the submission of the inhabitants.

Feb. 9th, 1674 the treaty of Westminster was signed, by which all the country called the New Netherlands was again restored to the king of Great Britain.

On the 29th of June in the same year, doubts having arisen respecting the validity of the duke of York's patent of 1663, on account of the country having since been conquered by the Dutch, and restored by treaty to his majesty, king Charles issued another patent for the same lands to his brother James, Robert Proud, in his history of Pennsylvania, in vindicating William Penn's title to the three lower counties, or state of Delaware, says, that the duke of York's second patent, dated in 1674, extended westward of Delaware river. Morse, in his historical account of the state of Delaware, asserts, that the patent to the duke of York from king Charles, dated June 29th, 1674, included that state. If there are not two patents bearing the same date, one of which I have never seen, and which is not very probable, the assertions of these historians are incorrect, and if such an impression has generally existed, it must have given rise to much misconception and many erroneous deductions. In the patent to James duke of York of June 29th 1674, as printed in Spicer and Leaming's edition of the grants, concessions and constitutions of New Jersey, the boundaries of the lands conveyed are precisely the same as in that of 1663, and does not include the state of Delaware.

In 1680 the duke of York made a second grant of the western division of New Jersey to William Penn and others, in whom the right had vested from lord Berkeley, and who had made a division of the province with Carteret. This grant conveys to them all the land allotted to them in the quintipartite deed of partition, extending along the sea coast and Delaware bay and Delaware river to north partition point, &c. also all the islands, bays, rivers, waters, &c. thereto appertaining, as "also the free use of all bays, rivers, and waters leading into or lying between the said premises or any of them in the said parts of America for navigation, free trade, fishing or otherwise." An English settlement at Salem had been effected about 5 years before by John Fenwicke, to whom Berkeley had in the first instance conveyed.

In 1681 William Penn obtained a charter for Pennsylvania from king Charles 2d. It was objected by the duke of York and lord Baltimore, as interfering with their grants, but approved of by the privy council and the lords commissioners of trade and plantations. In 1682 Penn obtained from the duke of York a release of all his supposed right to Pennsylvania and also a conveyance of his supposed right and interest to the three lower counties or state of Delaware. This latter conveyance I have never seen, and have no means of procuring. Proud, in his history of Pennsylvania, says it was contained in two deeds, the first of which was for "the town of New Castle and a district of 12 miles round it, as far as the river Delaware;" the second comprehended that tract of land from twelve miles south of New Castle to the Hoarkills otherwise called Cape Hinlopen." In the preamble to the act of union of the three lower counties with Pennsylvania, passed at Chester, the grounds on which the duke of York founded his right, (for he never had a patent from the king, I presume, for any lands westward of Delaware bay) are distinctly stated. The wary and sagacious Penn, possessed of a perfect knowledge, from personal intimacy, of the characters of the British sovereign and his

court, no doubt conceived, that a conveyance of the right of the heir apparent, who must soon be king, even if he actually possessed, agreeably to the usage of the times, no legal right from having never received any grant or conveyance from the crown, would strengthen him in his contest with lord Baltimore, especially if the settlement could be deferred till the accession of the new king to the throne. The avaricious disposition of James duke of York (king of England three years afterwards) and his vanity in having Cape Hinlopen altered to Cape James offered no obstacle to his receiving a compensation for a supposed right which he knew conveyed no title. That an understanding on this subject, of a nature which it was an object not to make public, existed between James and Penn is evident from a letter of Penn to one of his friends in Pennsylvania dated 10th of 4th month, 1691, in which he says, "I would also you should know, I have a patent of the lower counties some years since, but when there is occasion for it, you may allege so, but not otherwise." The preamble to the act of union states, that it hath pleased "James duke of York, and Albany earl of Ulster, &c. for divers good considerations to grant unto William Penn, his heirs and assigns, all that tract of land from twelve miles northward of New Castle, on the river Delaware, down to the south cape, commonly called Cape Hinlopen, and by the proprietary and governor now called Cape James, lying on the west side of said river and bay and formerly possessed by the Dutch, and bought of them from the natives, and first surrendered upon articles of peace to the king's lieutenant governor colonel Nicholls, and a second time to sir Edmond Andrews, lieutenant governor to the said duke, and hath by him been quietly possessed and enjoyed, as also the said river of Delaware, and soil thereof, and all islands therein, &c."

February 6th 1686 Charles the 2d died, and James the 2d (late duke of York) ascended the throne. Lord Baltimore had petitioned the crown some years before on the subject of his dispute with Penn respecting the three lower counties of the state of Delaware. In November after the king's accession it was decided, by the king and council, the king being present, that "the tract of land lying between the river and bay of Delaware and the eastern sea on one side and Chesapeak bay on the other be divided into two equal parts, by a line from the latitude of Cape Hinlopen to the 40th degree of north latitude, and that one half thereof lying towards the bay of Delaware and the eastern sea be adjudged to belong to his majesty. This adjudication was granted on the presumption that king Charles had been deceived in his grant to Baltimore. Thus was settled the controversy between Penn and lord Baltimore, the one the patron and the head of the quaker, the other of the Roman Catholic emigrants to this country, and both men of enlightened understandings and liberal minds. The land comprised within a degree of latitude was taken away from Baltimore, and the same land, which James when duke of York had conveyed his pretended right as duke of York to Penn, was now declared to belong to the crown. No patent was ever granted for this land to Penn or any other person, to my knowledge, by James king of England, or his successors after this adjudication of the king and council.

The nature of this pretended sale by James when duke of York to Penn, of the state of Delaware, which by Penn's letter, before quoted was to be kept secret, is easily understood by the act of union above mentioned and an attention to the transactions of the times and the circumstances under which it was made. The whole of the New Netherlands, comprising New York, New Jersey and Delaware, was conquered after the patent to the duke of York by the Dutch. It was restored by the treaty of Westminster, and sir Edmund Andross being lieutenant governor, general, and vice admiral of New York and its dependencies under the duke of York, who held these commissions from the king, assumed the government of the whole. He was opposed by the governor of New Jersey, who claimed under the duke of York's deed conveying both soil and government to Berkeley and Carteret, and on an appeal to the crown, the right of the Jersey proprietors was confirmed. He still however held possession and government of the state of Delaware, as a military commander of a country restored to the king of Great Britain by treaty with Holland. But Charles the 2d did not give a patent for the land to his brother or any other person, perhaps conceiving it to be within Baltimore's grant; and the right sold by the duke of York to Penn could have been no more than the right to purchase or receive a patent from the crown, if Baltimore's grant should be vitiated.

From the preceding facts it is obviously deducible, that no regal grant or charter from the government of Great Britain was ever given for any part of the bay of Dela-

ware, (lord Baltimore's, perhaps, excepted, which was afterwards annulled) except to the state of New Jersey. It is probable, that to this position the release to Penn in 1582 of the duke of York of his pretended right to the three lower counties, and of the river Delaware and the soil thereof, will be opposed. On the nature and validity of this secret conveyance, it is unnecessary to make any further observations. The jurisdiction of the river and its subaqueous soil has been settled by treaty with Pennsylvania. From the circular boundary of Delaware to the capes is the present subject of controversy. It is far from my intention to make any captious dispute about words, or to substitute a quibble upon terms for important and radical principles; but the distinction between the river and bay of Delaware must necessarily be kept constantly in view. It is a distinction made in all the original grants and charters, and was carefully observed by William Penn. The duke of York conveyed to Penn his pretended right to the river Delaware and its soil, but not the bay, the use of that having been before granted by himself to the assigns of lord Berkeley. William Penn's perfect understanding of this circumstance is apparent from his memorial to the lords commissioners of trade and plantations, in his controversy with lord Baltimore, of which the following is the 9th article. "But in the next place, the lord Baltimore hath no warrant to run his line to the river Delaware; neither by the king's letter, nor his own patent, if he peruseth them well, where he will find the bay, but not the river, of Delaware." By a decision of queen Anne, on the controversy between Baltimore and Penn, Proud, the great champion of Penn, in his History of Pennsylvania says, that the three counties of Kent, Sussex, and Newcastle "became bounded on the east by the river and bay of Delaware, and partly by the ocean; on the south, by an east and west line, drawn a few miles south of the Indian river, in latitude about thirty-eight and a half; which line extends half way between the ocean on the east and Chesapeak bay on the west, thirty-five miles; and from thence on the west of the said counties, by a right line nearly in a north direction to the south boundary of Pennsylvania, which is in a parallel of about 15 miles south of Philadelphia; so that the said line touch the arch of a circle drawn at twelve miles distant from Newcastle to the river Delaware; and thence from the end of said line; on the north-eastward to the river Delaware by the said arch." From this definition of the boundaries, it is evident, no claim can be made to the Pea Patch, on the presumption that the radii of the imaginary circle, drawn from the centre of Newcastle, extended easterly into and over the Delaware in the county of Salem in this state.

The state of New Jersey having the earliest, and, it is believed, the only regal charter for the bay of Delaware, exercised her jurisdiction in the infant state of the colony undisputed. In 1693, when Pennsylvania and "her territories," as the state of Delaware was called, were in a state of separation, the legislature of West Jersey passed "an act relating to fishing." This act recites, that "whereas the whalery in Delaware bay has been in so great a measure invaded by foreigners and strangers," &c. and enacts, that "all persons not residing within the precincts of this province, or the province of Pennsylvania, who shall kill or bring on shore any whale or whales within Delaware bay or elsewhere within the boundaries of this government, shall pay," &c.

But the exclusive jurisdiction of New Jersey over the bay of Delaware as high as Newcastle was not only claimed and exercised, but admitted and acceded to by Pennsylvania and "the territories." The following circumstance is illustrative of the fact. In 1706, the assembly of "the territories" passed an act for maintaining her majesty's government by erecting a fort at Newcastle. By this law, every vessel passing upwards was to pay half a pound of gunpowder for every ton burthen, and every vessel passing down was compelled to stop at the fort and obtain a permit. This law Richard Hill, Isaac Norris, and Samuel Preston, eminent men of the society of friends, and inhabitants of Philadelphia, determined to resist, as not warranted by law. A narrative of the transaction from Proud's History of Pennsylvania cannot subject me to an imputation of representing it unfavourably to Pennsylvania, or "the territories," or partially for the rights of New Jersey.

Hill had a vessel, named the Philadelphia, then loaded, and just going out to sea, but doubting of his captain's resolution to pass the fort, without submitting to the imposition, he, in company with the other two, went in the vessel down the river, and dropt anchor a little before they came to the fort; Norris and Preston went on shore, to inform the officers at the fort, that the vessel was regularly cleared, and to use such persuasion as they were capable of, that she might pass without interruption, &c. but to

no purpose. Hill, therefore, taking command of the sloop, stood to the helm, and passed the fort without receiving any damage, though the firing was kept up till he was clear; and the guns were pointed in such a direction, that a shot went through the mainsail. As soon as the sloop was got clear of the fort, John French, the commander of it, put off in a boat manned and armed, in order to bring her to in that manner. When he came alongside, Hill ordered a rope to be thrown him, upon which they fastened the boat, and French went on board; the rope was then immediately cut, and the boat falling astern, French was conducted a prisoner to the cabin; who now seeing his situation, pleaded his indisposition of body: upon which Hill asked him, if that was really the case, why did he come there?

"Lord Cornbury, governor of New Jersey, and as such claiming to be vice-admiral of the river Delaware, happened, at that time, to be at Salem, a little lower down, on the Jersey side of the river: to him the prisoner was brought to give an account of his conduct. In this place, after French, in a coarse manner, had been sufficiently reprimanded by lord Cornbury, upon suitable submission and promises made, he was at length dismissed, but not without marks of derision from some of the attendants. This put a finishing stroke to these proceedings of the fort at Newcastle."

The assembly of Pennsylvania unanimously addressed the governor on this arbitrary proceeding of "the territories." It ought here to be remarked, that lord Cornbury, whose proceedings were acquiesced in and applauded by Pennsylvania and Delaware, was the first governor after the surrender of the government of New Jersey to queen Anne, and was acting solely as governor of New Jersey.

But I find my observations have been protracted to a length which I did not anticipate, and of which I was not aware. I hope they may not have been so tedious as to defeat their object, which is solely to request your attention to a subject of the most serious future importance to the state and a respectable portion of your constituents. On the contest respecting jurisdiction between N. Jersey and N. York, the western members were among the foremost to support the rights of the state. On the members from the eastward, then, rests a peculiar obligation to defend the rights of the inhabitants and of the state, when they are assailed in the lower counties. I entertain the most perfect confidence, that they will cheerfully co-operate in any measure to protect the citizens in their rights, and to preserve the honour, and secure the sovereignty of the state. If encroachments on her rights and jurisdiction must be submitted to, which in their tendency must ultimately seriously injure her inhabitants, and destroy her independence, the state hath better at once be partitioned between N. York and Pennsylvania. Such a sacrifice would be less pusillanimous, would be more honourable, and more advantageous to her citizens, than a gradual surrender. But if this, as there is no necessity, there can be no fear. There is virtue and energy sufficient in the representatives of the people to defend the rights of the state and her inhabitants. An inquiry by our senators in congress, (instructed by the legislature,) of the general government, by what authority they occupy the Pea Patch, and a demand of compensation to the owner, might, during the war, possibly have subjected the state to the imputation of disaffection. It can now have no such effect. One good consequence, it is hoped, may at all events result from this controversy, if the state of Delaware is disposed to be governed by the dictates of reason and of justice. If commissioners are appointed by the state of Delaware, the boundaries and jurisdiction of each may be defined by treaty, so as to prevent future collision and dispute.

A regard for my own feelings, as well as a respect for your official stations, extracts an apology for these detached, undigested, unsystematized remarks, hastily thrown together on the impulse of the moment and in the hurry of business. If they will only have the effect of exciting your attention to the subject, I shall be amply rewarded in the pleasing reflection of having been of some service to my country. Its neglect may at present be attended with no bad consequences to your popularity, or to eccentriking views, but it will probably occasion the execration of your memories by the posterity of the present inhabitants, by the future citizens of

Salem, Cumberland, and Cape May.

WANTED,
A PERSON qualified to teach Reading, Writing, Arithmetic, and English Grammar. One acquainted with Surveying would be preferred. The situation is eligible. For particulars apply to
AMOS WESTCOTT,
Cedarville, Feb. 15, 1816-31

WASHINGTON WHIG.

BRIDGETOWN, JANUARY 15, 1816.

Several articles have been unavoidably omitted.

CONGRESSIONAL.

Extracts of Letters to the Editor.

Washington Monday Evening, Jan. 8th 1816.

SINCE my last, many petitions have been presented and referred; a great proportion of them from the manufacturing interest, praying protection.

Two bills are before the house for the admission of new states into the union;—one in favour of the Mississippi, and the other of the Indiana territory. Neither have as yet been acted upon.

Several bills for the relief of private individuals have been reported, and are in various stages; among the rest one in favour of John Redman Coxe, professor of chemistry in the university of Pennsylvania, which proposes to remit the duties on certain philosophical and chemical apparatus, imported for the use of his lecture room, provided a previous arrangement be entered into with the trustees of the university, whereby Coxe shall obligate himself to pass them to his successor at the original cost, with allowance for the wear and damages they may have sustained.

A bill has been reported by Mr. Cannon, proposing to give to the widows and children of officers and soldiers of this militia and volunteers that have been killed in battle, a donation in lands.

A resolution, offered by Mr. Pleasant, requesting the president of the United States to cause to be laid before congress, if in his opinion it will not be inconsistent with the public welfare, any communication that may have passed between this government and the government of Great Britain, in relation to the transactions at Dartmoor prison in April last, so far as the prisoners of war there confined were affected by them, and also all documents in possession of the government relating to the subject not connected with the correspondence, has been agreed to and the president has returned for answer that he will comply, without delay, with the request.

On motion of Mr. King of Massachusetts, the committee on the judiciary have been directed to enquire into the expediency of establishing a uniform system of bankruptcy in the United States.

Mr. Pickens of North Carolina, after a few prefatory remarks, offered for consideration the following resolutions.

Resolved, by the Senate and House of Representatives of the United States, in Congress assembled, two thirds of both Houses concurring therein, That the following amendment to the Constitution of the United States, be proposed to the legislatures of the several States, which, when ratified by the legislatures of three fourths of the said States, shall be valid to all intents and purposes, as a part of the said Constitution.

For the purpose of choosing Representatives in the Congress of the United States, each State shall be divided, by its legislature, into a number of districts equal to the number of Representatives to which the State may be entitled. Each district shall contain, as nearly as may be, equal numbers of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons. In each district the qualified voters shall elect one Representative.

For the purpose of choosing electors of President and Vice-President of the United States, each State shall be divided, by its legislature, into a number of districts equal to the number of electors to which the State may be entitled. Each district shall contain, as nearly as may be, equal numbers which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three fifths of all other persons. In each district the persons qualified to vote for Representatives in the Congress of the United States shall choose one elector. The legislature of the State shall have power to regulate the manner of holding elections, and making returns of the electors chosen. In case all the electors should not meet at the time and place appointed for giving

their votes, a majority of the electors met shall have power, and forthwith shall proceed to supply the vacancy.

A division of the States into districts for choosing Representatives in the Congress of the United States, and into districts for choosing electors of President and Vice-President of the United States shall take place as soon as conveniently may be after each enumeration and apportionment of Representatives shall be made; which district shall remain unaltered until after the succeeding enumeration and apportionment of Representatives.

Which from the importance attached to questions of a national nature, and especially those proposing to make alterations in the constitutional charter by which we are governed, had the honour of being referred to the committee of the whole house on the state of the union.

Mr. Calhoun, from the committee on the subject of a uniform national currency, this morning reported a bill "to incorporate the subscribers to the bank of the United States." This being a long bill was not read in the house.—I have understood in general, that it is proposed to locate the bank at Philadelphia;—That the capital stock is to be thirty-five millions of dollars, of which the government to subscribe one fifth, and appoint five directors; the other stockholders, to pay seven millions in specie and the remaining twenty one millions in government and other stock, and elect twenty directors.—The whole stock to be paid in eighteen months from the organization of the bank, &c. When I know more about the details of the bill I will advise you thereof.—The bill has been referred to a committee of the whole house and made the order of the day for Monday the 15th instant.

Mr. Pinkney of Maryland, Mr. Randolph of Virginia, and Mr. Blount of Tennessee, who was elected to supply the place of general Sevier deceased appeared this day, were qualified, and took their seat.

Gen. Armistead T. Mason has been chosen a senator in Congress by the Virginia legislature in the place of Mr. Eppes who declined to accept the appointment. Gen. T. Mason is a son of general Stevens T. Mason, deceased, formerly of the Senate of the United States.

Washington, Tuesday, Jan. 9, 1816.

"THE bill for carrying into effect the commercial stipulations between this country and Great Britain according to the convention of July last, has occupied the attention of the house of representatives for three or four days past almost to the exclusion of every other subject. The object of the bill is simply to do away the discriminating duties in favour of American tonnage, and to regulate and fix the charges and duties hereafter to be demanded and received in perfect conformity with the provisions of the treaty.—Very little has been said in the able and animated debate which I have witnessed on the merits of the bill abstractedly considered, or of the treaty on which it is founded.—The discussion was principally on this question, Is it necessary to legislate on the subject? thereby bringing up the old question so ably discussed in 1795 during the pendency of Jay's treaty, respecting the independency of the treaty-making power.

The principal advocates of the bill were Messrs. Forsythe, Barbour, Lowndes, of Massachusetts; Gholson, Randolph, and Reynolds.

Those who opposed it were Messrs. Gaston, Gold, Hopkinson, Throop, Pickering, Mills, Hardin and Calhoun.—The opposition was raised on this broad ground. The constitution delegates to the president and senate the exclusive power of making and ratifying treaties with foreign nations; that it is a power in the exercise of which the house of representatives cannot participate, and over which they have no control. Emanating from higher authority, and being moreover in the nature of a contract, it is altogether unimpaired by any act of a body possessing, in this respect, subordinate power. A treaty, when ratified by the senate, and promulgated by the president, is *ipso facto* the supreme law of the land—paramount law. Therefore all intermeddling of the legislature in the business was useless. It was also pernicious, as it discovered a disposition in one branch of the legislature to travel out of their own sphere into that of a higher branch of the government, which ought not to be countenanced.—It was admitted, that where an appropriation of money was necessary to carry a treaty into effect, the house must order the grant, and that they were under a constitutional obligation to do so, if the president

corruptly bartered away the interest of the nation, the remedy was impeachment, &c. The principal speakers on this side of the question were Messrs. Hopkinson, Mills, Hardin, and Calhoun.

In favour of the bill, it was observed, that the course proposed was conformable to the uniform practice of this government on similar occasions; of which many instances were cited. Even admitting that a law was not absolutely necessary to give full operation to the instrument, yet it could do no harm, and would remove all scruples. It was granted, that congress must interfere, where appropriations of money were necessary. If so, it would seem to follow, that a law coincident with the treaty was proper and expedient on every occasion. It evinced the acquiescence of another part of the government, and would give additional solemnity to the compact. The house of representatives, it was declared, held a check on the treaty-making power.—Mr. Forsythe and Mr. Barbour were most earnest and comprehensive on this side. As the question was about to be put, ordering the bill to be engrossed for a third reading, Mr. Randolph rose. The singularity of his appearance, voice, and manner, his celebrity, added to the circumstance, that a majority of the present members of the house had never heard him speak in a public body, all conspired to command attention. He spoke in the same desultory manner for which he was formerly so famous. He advocated the passage of the bill, and levelled much of his artillery against Mr. Calhoun.—The bill will be read a third time tomorrow, and will probably pass."

Washington, Wednesday, Jan. 10, 1816.

"Mr. Lowndes, from the committee of ways and means, yesterday made a voluminous and detailed report on that part of the president's message, and secretary of the treasury's report, which had relation to the subject of revenue. It was ordered to be printed without reading at length, and referred to the committee of the whole house, and made the order for Friday next. I have kindly been permitted to have a cursory view of the report, which concludes by recommending the adoption of twelve distinct resolutions, which are substantially as follows:

1. That it is expedient to continue the present rate of duties on imports until a new tariff can be made out, and incorporated into a law.
2. To continue the present duty on salt and also the allowance of the present bounty on the exportation of fish; and the privileges to fishing vessels.
3. To continue the duties on refined sugars.
4. To continue the duties on notes of banks, bankers, and bills of exchange of a certain description.
5. To repeal the duties on sales at auction, retailers of spirituous liquors, and foreign merchandise, and to reduce the present rate of postage to its former standard.
6. To reduce the direct tax fifty per cent.
7. To repeal the late laws imposing duties on the distillers of spirituous liquors, and to increase those that were required at the commencement of the war 100 per cent.
8. To abolish the duties on goods, wares, and merchandise manufactured in the U. S. and also on gold and silver plated ware, jewelry, and paste work.
9. To repeal the duties on gold and silver watches and household furniture.
10. So to amend the laws levying duties on the importation of foreign merchandise as to make an advance of 42 per cent. on the permanent duties heretofore required on those articles.
11. To supply the deficiencies that may arise in any of the appropriations heretofore made, in consequence of the reduction or abolition of the above taxes, by monies which may arise from other articles, the tax on which is proposed to be continued or augmented.
12. After the year 1816, to add to the permanent annual appropriation for paying the principal and interest of the public debt, \$ 5,500,000 thereby advancing the sum from \$ to 13,500,000.

The engrossed bill regulating the commercial intercourse with G. Britain according to the convention of July last, was read a third time this morning, and on the question of its passage, a debate arose, which consumed the remainder of the day, without getting a decision. Nothing could have compensated in any degree for my mortification at witnessing the continuance of the debate on a question that appeared to me to be exhausted, unless it was the great talents and commanding eloquence that was displayed by Mr. Pinkney, Mr. Cuthbert and others. Mr. Randolph again spoke for more than an hour in the same wandering and desultory manner as before."

NOTICE

IT is hereby given, that application will be made to the legislature of New-Jersey, on the third Wednesday of the present sitting, for leave to present a bill, to authorise the building of a bank or dam, with suitable sluices or gates, across Cedar Creek, at or near the Goose Landing, in the township of Fairfield, county of Cumberland.

Jan. 11, 1816—Ct

Sheriff's Sales.

BY virtue of a writ of Fieri Facias to me directed, will be exposed to sale at Public Vendue, on Friday, the sixteenth day of February next, between the hours of 12 and 5 o'clock in the afternoon of said day; in Bridgetown, in the county of Cumberland, at the auction of Philip Souder,

A House and Lot of Land,

Situate in the township of Fairfield, adjoining lands of William D. Barrett and others; said to contain half an acre, more or less. Together with all other lands of said defendant in the county of Cumberland. Seized as the property of John McMahon, and taken in Execution at the suit of James Wood, assignee of David C. Wood and Jonathan Hand, and to be sold by JOHN SIBLEY, Sheriff.

At the same time and place,

A Lot of Land,

Situate in the township of Fairfield, adjoining land of Silas Smith and others, said to contain twenty-six acres, more or less, together with all other lands of said defendant, in the county of Cumberland.

Seized as the property of John Houseman, and taken in Execution at the suit of Thomas Murphy and William H. Biddle, executor of William Biddle, dec. and to be sold by JOHN SIBLEY, Sheriff.

At the same time and place,

House and Lot of Land,

Situate in the township of Fairfield, adjoining land of Ephraim Harris, Reuben Powell and others; said to contain fifteen acres, more or less, together with all other lands of said defendant, in the county of Cumberland. Seized as the property of Daniel Bateman, jr. and taken in Execution at the suit of Ebenezer Westcott, and to be sold by JOHN SIBLEY, Sheriff.

At the same time and place,

A Lot of Land,

Situate in the township of Maurice River adjoining land of John Hess and others; said to contain fifteen acres, more or less. Also one other lot adjoining land of Henry Feaster and others; said to contain fifty acres, more or less, together with all other lands of said defendant, in the county of Cumberland. Seized as the property of Henry Feaster, jr. and taken in Execution at the suit of Benjamin B. Cooper, and to be sold by JOHN SIBLEY, Sheriff.

At the same time and place,

A Tract of Land,

Situate in the township of Deerfield, adjoining lands of Daniel Brandiff and others, said to contain one hundred and fifty acres, more or less, together with all other lands of said defendant.

Seized as the property of Mark Brown, and taken in execution at the suit of Abraham Sayre, and to be sold by JOHN SIBLEY, Sheriff.

ALSO

On Friday, the 23d day of February next, between the hours of 12 and 5 o'clock in the afternoon of said day in Bridgetown, in the county of Cumberland, at the hotel,

A Lot of Land,

Situate in the township of Deerfield, adjoining land of David O. Garrison and others, said to contain two acres, and a half, more or less. Also, one equal, undivided half part of a lot of land situate in the township of Downe, joining land of Henry Powell and others, said to contain 42 acres, more or less. Also two acres of meadow land. Middle Run Bank Company, joining land of William Smith and others and thirteen acres of salt marsh joining land of William Conner and others; together with all other land of said defendant in the county of Cumberland. Seized as the property of James Burch, and taken in execution at the suit of Isaac Adcock and others, and to be sold by JOHN SIBLEY, Sheriff.

Jan. 15th, 1816—Im

Cumberland Orphan's Court.

November Term, 1815.

UPON application of Ann Brown, administratrix of Charles Brown; dec. to limit a time within which the creditors of said deceased shall bring in their debts, claims, and demands against the estate of said deceased; or be forever barred from an action against said administratrix.

It is ordered, That the said administratrix give public notice to the creditors of said deceased to bring in their claims within one year from the date hereof, by setting up a copy of this order in five of the most public places of this county for the space of two months, and by publishing the same in one of the newspapers in this state for the like space of time, and any creditor neglecting to exhibit his demand within the time so limited after such public notice given, shall be forever barred his action therefor against said administratrix.—By the Court,

T. ELMER, Clerk.

Jan. 15th, 1815—2m

2690 ACRES

Woodland and Cedar Swamp, With a Saw Mill, three Dwelling Houses, and two Barns thereon.

THIS property is situated on Menantico creek, seven miles from the landing at the town of Millville, Maurice river. They will average fifteen cords of wood to the acre, one third oak. There is no heart or sap Pine Timber in the county equal to it. The Saw Mill was rebuilt last year, it saws from 250 to 300 thousand feet per annum.

This property will be sold at public sale, at the house of Nathaniel Foster, Millville, on Friday, the 26th instant, at 1 o'clock, P. M. It will be sold in undivided shares of 4 or 6 parts, and the same proportion of the mill and improved property will be attached to each share, and shall immediately after the sale, be divided by lot, by three of the most respectable surveyors of the county, who shall be named at the sale. A lengthy credit will be given.

Apply to Jacob Garrison, living on the premises, or Charles W. Lee, who will be there, or at Millville until the sale, and will show the land.

JAMES LEE.

Hensington, Philadelphia, Jan. 6, 1816.

