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LOUISVILLE BANK.

The house went into committee of the whole, Mr. Craig in the chair, on the bill to establish an independent bank at Louisville, with power to grant branches. A motion was made by Mr. South, to strike out Louisville as the site of the bank, with a view to insert Lexington—which passed in the negative by a very large majority. A motion was then made, to strike out that part which reserves 5000 shares for the state—which was also negatived—30 to 39. On each of these questions, there was considerable debate between the enemies of the bill, by whom the motions were made, and its friends who opposed them. A motion was then made by Mr. F. Johnson to amend that part of the bill, which directs that the dividends of the branches shall be declared separate; and that the directors of the branches shall be elected by the shareholders in the same. He was for having the directors appointed by the mother bank and also for a common dividend throughout the system. As the bill stands, the mother bank is made responsible for all the notes thrown into circulation, and as she has no interest in the prosperity of the branches, he argued that she would endeavor to repress their business, and profits, and to ensure her safety. He was for giving her an interest in their prosperity, by having a common dividend, and for giving her at the same time a supreme control by appointing the directors.

Mr. W. Thompson made a speech of the same purport in favor of the amendment. Messrs Allan & Anderson opposed it. The latter proposed to insert a clause compelling the mother bank to furnish each branch with the whole amount of notes, which it was permitted by the charter to issue. He conceived it would then be impossible for the mother bank to curtail the business of the branches. This provision was not acceptable to Mr. Johnson, as he conceived it gave each branch too much power and independence, for the safety of the mother bank and the whole system. At this point, the friends of the bill were relieved from their difficulties for the present by a motion to rise, which was followed by the adjournment of the house.

SKETCH

Of the proceedings in committee of the whole, and of the speech of Mr. Humphreys, on the boundary between Tennessee and Kentucky.

The house resolved itself into committee of the whole on the state of the commonwealth, Mr. Robinson in the chair, for the purpose of considering the subject of the boundary line between this state and Tennessee. The governor, lieutenant governor, members of the senate and commissioners from Tennessee were present. A short debate occurred on the proper course to be pursued by the committee. The speaker and his colleague Mr. Breathitt, were of opinion that it would be proper in the first instance to read the documents which had been communicated on this subject by the secretary of state; in order that the commissioner from Tennessee might have all the information before him when he addressed the committee, which could be furnished by this government, as well as that which he had brought with him from Tennessee. Mr. Chambers also spoke in favor of reading the documents first. Messrs. Mills and Rowan were for hearing in the first instance what the commissioner had to communicate. It was for that purpose the committee had been ordered—to hear what the commissioner had to say in behalf of the proposition made by his government; not to debate with him the merits of the controversy. They conceived it would be inconsistent with parliamentary principles and derogatory to the sovereignty of the state, to receive the commissioner into the committee to argue the question with its members. They could only with propriety hear his view on the subject, or the propositions he had to make, and then deliberate among themselves on the measures they would take in relation to the controversy. The honorable speaker appeared to acquiesce in these views; and the chairman informed the commissioner, that the committee was ready to hear him on the subject of his mission.

Mr. Humphreys then addressed the chairman, and said he wished the act of Tennessee, which had been referred to the committee, to be read before he should proceed to make any remarks—it establishes Walker's line on the part of Tennessee; confirms all land titles on the south side of the line, from whatever the authority derived, giving them validity according to the date of the entry or grant; and provides

for the appointment of a commissioner to complete and mark the line, when a law with similar provisions and a commissioner shall have been passed and appointed on the part of Kentucky. When the act had been read, Mr. Breathitt again moved to read the documents furnished by the secretary of state, before the committee should proceed any farther. Messrs Rowan and Mills replied—and the question being taken it passed in the negative.

Mr. Humphreys then addressed the chair. He said he had been sent by his government, to the Legislature of Kentucky to request, that a law might be passed on the part of this state, with provisions similar to those of the act of Tennessee, which had just been read to the committee. He presumed that he would be permitted to lay before them the reasons, which had induced the legislature of Tennessee to expect, that the constituted authorities of this state would acquiesce in the propositions contained in the act, which had been passed respecting the boundary between the two states. In doing this, it would be necessary to give a history of the line, which it was proposed to establish as the permanent boundary. To detail the transactions relative to that line, would necessarily consume much time; but from the important and laudable nature of the object in view, the amicable settlement of the controversy between the two states, he trusted the committee would not think the time misapplied, when it was necessary to employ in giving a history of the line under consideration. It would be proper in the first instance to turn to the origin of that line. It was originally established by charter from Charles the second, to the lords to whom the province of North Carolina was granted.

It was to run on the latitude of 36 degrees 30 minutes north, from the Atlantic coast to the south seas. It had subsequently been limited to the Mississippi river, as its farthest extent to the westward. About the year '48 or '49 commissioners had been appointed to run and mark it as a line of division between the inhabitants of N. Carolina and those of Virginia. The commissioners appointed proceeded to the execution of their duties, and run the line westward as far as the steep rock creek. To explain the transactions of those times more completely, he thought it necessary to read the statutes which had then been enacted on this subject by the provinces of North Carolina and Virginia. The reading of old statutes was a dull and monotonous business, not calculated to entertain the committee; but it was necessary that they should be read, to illustrate the subject under discussion. He then proceeded to read an act of Virginia, for extending the line between that province and North Carolina. It recites in the preamble, that an extension of the line had become necessary to prevent disputes between the inhabitants, who had then settled farther westward than the line had been previously run. Mr. Humphreys proceeded to state, that in pursuance of the act, commissioners had been appointed by Virginia, viz. Joshua Fry, and Peter Jefferson, the father of the late president of the United States, who run the line, as already stated, as far west as steep rock creek, about the year 48 or 49, North Carolina passed a similar law on the subject. It again became necessary to extend the line for the same purposes; and commissioners were accordingly appointed during the revolutionary war, who run what is called Walker's line. Dr. Walker and gen. Smith were the commissioners on the part of Virginia.—Col. Henderson and several others were appointed on the part of North Carolina. Gen. Smith is still living. Mr. Humphreys proceeded to read a letter from that gentleman, giving an account of the manner in which the commissioners had performed their duties. They had met at Steep rock creek, where the line run by Fry and Jefferson had terminated. The general states, that he had himself traced the old line to its termination, from the distance of eight or ten miles back.—Having set out from the right place, they proceeded on the proper course, till they came to Carter's valley—there the commissioners from North Carolina, became dissatisfied with the line, being of opinion that it was running too far south—they therefore run another line farther to the north. When they came to the east branch of Cumberland river they discontinued the line, because it was then winter, and that part of the country was extremely difficult to pass. Some of the party proceeded down the river, while others went round by land, intending to meet again on the river on the west side of the mountains, which they did accordingly. They took the latitude again on Cum-

berland river, and run the line till they arrived at the trace leading from Kentucky, to the place where Nashville now stands. Here it was again supposed that they had run out of the proper latitude towards the north. They accordingly went farther south, and again continued the line, after having left a considerable gap in a barren tract of country. The line was then run as far as the Tennessee river. On their return, the commissioners attempted to run the line through the mountains where they had missed in their advance, but the project was again discontinued, and they returned home.—Having finished the reading of the letter from general Smith, Humphreys recapitulated its contents in a few words, and proceeded to remark, that the interval which had been left in the line by the commissioners, when they arrived at the trace leading from this country to French Lick, the present site of Nashville, had been subsequently supplied by different individuals, who had run different lines through that space. It was at this place, and in consequence of these different lines being run, that he supposed the difficulty existed as to the position of Walker's line. When the commissioners were there the country was more barren than at present. It was not only difficult, or impossible then, to mark the line for the want of timber, but the commissioners were doubtless of the opinion, that it would be unnecessary, as such a barren country could never they supposed become the seat of population and improvement. The progress of population in the west however, had already occupied that country and rendered it valuable; and hence there was a necessity for ascertaining and marking the line correctly. It could also be done with more facility at present, as a considerable quantity of timber had grown up since the time, when the commissioners passed through the country. Mr. Humphreys next adverted to an act of Virginia, which had been passed to prohibit locations on the south side of Walker's line; and afterwards an act was passed by the same state, confirming the titles to lands claimed on the north side of the line under the authority of North Carolina. A part of these laws was read.—He then stated that a similar law had been passed in North Carolina, to confirm titles to those citizens of Virginia, who had located their warrants on the south side of the line. In this state of things the subject rested for several years, both states regarding the line run by Walker, as the proper and legal boundary between them in all their transactions. In the year 91, not long before the separation of Kentucky from Virginia, that state passed a law expressly to establish Walker's line as her boundary. He would not undertake to say how far the district of Kentucky which was then a part of Virginia, was bound by this act. He knew not whether Kentucky was then represented in the Virginia legislature; nor what authority such an act passed at that time should have in this state.—But the passage of such an act proved at least, that Virginia placed the utmost confidence in the correctness of her commissioners who run the line, and was perfectly satisfied with the result. North Carolina had passed a similar law—but he acknowledged that she had previous to the passage of these laws ceded to the U. States, the tract of country which now forms the state of Tennessee. As the Territory of the United States, it was consequently not subject to the laws of that state. However it was certainly the intention of the legislatures to confirm and establish the line now in dispute. What else could be the meaning of those laws? It might be supposed, that they applied only to the line between Virginia and North Carolina, according to their present limits after the separation of the new state of Tennessee and Kentucky. But that could not be the meaning of the law, for no part of Walker's line existed between the two states. The line run by Fry and Jefferson extends beyond their western extremities. It was not to be presumed, that the legislature could be so ignorant as not to know the extent of that line, and of the limits of their own state. He did not deem it necessary however to insist any farther on this confirmation of the line by Virginia, while Kentucky was still under the government of that state. It was his business here to consider the line as having never been established, and to request its establishment by the existing authorities of this state. He had turned to the law of Virginia to shew, that she had been disposed, as far as she had authority to proceed, to confirm this line as the permanent boundary. He had been informed that the Legislature of Kentucky had taken this subject into consideration in the year 1802, and had

then been willing to establish Walker's line; but it was then believed that this line was too far south; and the disposition of Kentucky had not been met by a corresponding willingness on the part of Tennessee. For his part he had always thought that this line should be confirmed. The adjacent counties in both states had been formed, and their seats of justice established with a reference to it as the permanent boundary.

It had been sanctioned by all the official acts of both states, and had by general consent become the practical line of separation; and all this had been done on the faith of Virginia, from whom Kentucky derives her origin. To change the geographical position of the line at this time, would derange the counties in both states, & produce much confusion among the citizens. If any injury should be sustained by Kentucky in confirming it, the whole should be attributed to the error of the Virginia commissioners, which had been sanctioned by the authority of the Virginia Legislature.—Kentucky he said had been willing in 1802 to confirm this line—when Tennessee now calls for its establishment, will not this state accede to its confirmation? Kentucky and Tennessee are sister states—by similar patriotic services in the late war, by a congenial devotion to the common cause, by mingling their blood in defence of a common country, they have gained a high reputation throughout the union. Will they now tarnish the honors they have acquired, by indulging in mutual irritation and ill will—by bickerings and disputes about a trivial and unimportant question? Whether the line of separation between them shall be the sixteenth part of an inch further North or South on the map of the United States? Nothing more substantial would be gained by a removal of the line. If Kentucky should gain some additional territory, would she put up the lands she had acquired, and sell them to the highest bidder? certainly not. She would confirm them to the present claimants by the authority of N. Carolina.—What then would she gain? Nothing but the honour, the advantage, or the trouble of governing a small strip of territory, a mere list on your borders, which is but very thinly settled, and by a people too who are unwilling to come under your government. They have emigrated from North Carolina; their manners, their habits, and their political views are similar to those of the people of Tennessee, to whose institution they are attached, and under whose government they wish to remain. They are more convenient to the seat of government in that state. They have indeed so many claims to remain in their present situation, that Tennessee could not give them up to this state. North Carolina in granting their lands had proceeded on the faith of the acts and declarations of Virginia; and on the same grounds had all the subsequent transactions, which could have any reference to the boundary, been predicated in Tennessee. For all which considerations, he thought Walker's line should be confirmed as the permanent boundary.

He could not say how much the alteration, which might be required by late observations, would derange the local regulations of the country; but he was confident that much confusion would be produced; while on the other hand, Kentucky would not lose much, by the establishment of the present line; he could not say, to what it would amount, but from all the evidence he could collect, he believed it would be very inconsiderable. The commissioners who run the line, had probably procured the best instruments; the law had directed them to do so, and we are to presume that they fulfilled the duties it enjoined. He had been personally informed by general Smith, that in running the line, they corrected the latitude on every fair day by celestial observations. Still it was possible that they had been materially wrong; and that the modern observations alone were correct. But confiding in the acts and declarations of Virginia, all transactions subsequent to that time have referred to this line as the correct and permanent boundary. Hence justice, as well as the convenience of the people, would seem to require that line to be confirmed. He said he could produce but little evidence in the form of documents, which would be fit to be exhibited in a court of justice to establish a claim—he did not rely on that support for the request he had to make, but on the justice and propriety of the measure. With respect to ascertaining the line, he believed if this legislature would acknowledge it, there would not be much difficulty in retreating that part which had already been run and marked, and in marking in