

Huntsville Republican - Thos B. Grantland,
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PROCLAMATION

Whereas by an act of Congress passed on the 8d of March 1817, entitled, " an act to establish a separate territorial government" for the eastern part of the Mississippi Territory, " it is provided", that all that part of the Mississippi Territory which lies within the following boundaries, to wit : Beginning at the point where the line of the thirty first degree of north latitude intersects the Perdido river, then east to the western boundary line of the state of Georgia, thence along said line to the southern boundary line to the State of Tennessee, thence west along said boundry line to tbe Tennessee river, thence up the same to the mouth of Bear Creek, thence by a direct line to the north west corner of Washington county, thence due south to the Gulph of Mexico , thence eastwardly including all the islands within six leagues of the shore, to the Perdido river, and thence up the same river to the beginning, shall for the purpose of a temporary government, constitute a separate territory and be called " Alabama" ; and that the Governor " shall immediately after entering into office, convene at the town of St. Stephens, such of the members of the Legislative Council and House of Representatives of the Mississippi Territory, as may then be the Representatives from the several counties within the limits of the Territory to be established by this act".

Therefore, I William W. Bibb, Governor of the Territory of Alabama, do appoint Monday the 19th day of January next, for the meeting at the town of St. Stephens of the aforesaid members of the Legislative Council and

" PROCLAMATION "

House of Representatives, hereby requiring them respectively, then and there to assemble, in order to receive such communications as may be made to them, and to consult and determine on such measures as in their wisdom may be deemed meet for the welfare of the Territory.

Given under my hand, at the town St. Stephens, the twelfth day of December one thousand eight hundred and seventeen.



William W. Bibb.

Jan. 20, 1820
[22]

Gentlemen of the Legislative Council, and of the House of Representatives:

I beg ^e have to tender to you my congratulations on the first meeting of the General Assembly of the Alabama Territory.

The circumstances of our country under which you have convened, present a most gratifying spectacle, and claim our most devout gratitude. While the habitation of man in many portions of the Earth, is the residence of poverty, oppression and wretchedness, the people of our highly favored nation, are in the tranquil enjoyment of every blessing. The rights of persons and of property are carefully protected; and alike open to all, is the road to wealth and fame, and public honors. At peace (except with a part of our Indian neighbors) and prosperous beyond example, we may review with pride the scenes of war which are past, and indulge the most pleasing anticipations of the future; The high destiny of the Territory for which you are called to Legislate, we cannot fail to contemplate with peculiar satisfaction. Ample in extent, abounding in navigable waters, and rich in the advantages of soil and climate, the period cannot be ~~the~~ distant, when the haunts of the savage will become the dwelling place of civilized man, and the forests of the wilderness be converted into fruitful fields.

I am persuaded, Gentlemen, that in the discharge of your duties, you will find the strongest incentives to cultivate harmony among yourselves, and to afford to the country thus distinguished by the bounty of Providence, all the benefits of which it is susceptible. You will not be unmindful that the diffusion of knowledge and correct habits among the people, and wholesome laws impartially and rigidly executed, are essential to our happiness and prosperity. To promote those objects ~~and~~ it is important, -1st. That schools and the means of education should be provided and encouraged, to the extent of your powers; and 2d That regarding a proper economy with due reference to the obvious depreciation in the exchangeable value of money, sufficient compensation should be allowed to those who may devote their time and talents to the public, to ensure the services of competent men. Parsimony in that respect, is not economy: nor is it calculated to place your offices equally within the reach of the rich & the poor. Worth and capacity are not exclusively confined to those who can submit to pecuniary sacrifices for public honors. They are to be found in every class of society, and it is the course of wisdom that such provision should be made, as will render the public service acceptable to the meritorious in every situation of life.

Permit me to recommend to the attention of the Legislature the subject of roads, ferries and bridges. The strength of a country consists in its population; and it is specially the interest of this Territory to invite emigration hither, by furnishing every possible facility of communication, I am aware however that under existing circumstances, the object cannot be wholly attained without the interposition of the United States.

Your attention will doubtless be directed at an early period of your session to the Act of Congress establish the Alabama Territory. It is with you to make the necessary provisions respecting the seat and accommodation of the Government. To you also belongs the power of electing a Delegate to Congress, and of nominating six persons to the President of the United States, three of whom are to be selected by him for members of the Legislative Council. I have moreover, to apprise you that Robert Beatty, Esq. has resigned his seat in that body.

It will not escape your observation, that some provisions in regard to representation in the House of Representatives, together with a suitable modification of the laws, and re-organization of the offices within your contrl, are rendered indispensable. And I apprehend you may also deem it advisable, to change the boundaries of some of the existing counties, by creating new counties or otherwise. Under that impression, I have abstained from filling appointments within the scope of my authority, for the purpose of awaiting the result of your deliberations. Unacquainted, indeed, with the present civil and military arrangements, and without the means of ascertaining who are in office, except by application to the former executive, delay in that respect has been unavoidable.

On the 21st of December last I received a communication from Maj. General Gaines, requesting that two companies of militia might be attached for the defence of a part of our southern frontier. A detachment has been ordered accordingly to Fort Crawford, for two months service, and now constitute a part of the General's command.

It has been represented to me that the Convention of Mississippi have forwarded a petition to Congress, soliciting an enlargement of that state, by limiting the boundary of this Territory to the Tombekbe river. I consider the decision of that question highly important to the people whose interests are committed to our care. The present line of partition has been deliberately fixed by the competent authorities, and voluntarily accepted by the inhabitants of the State. They have exercised the exclusive privilege of framing a Government for themselves;

a privilege, which, I trust, will not be denied to our fellow-citizens. Nor do I perceive any just grounds for the proposed change, or any advantages that can result from it. The improvement of the navigation of our Rivers is a subject of the highest interest; and when equally the business of separate states, it is always difficult, if not impracticable, to obtain the necessary concert for effecting the object.

I would further submit to your consideration the propriety of adopting measures during your present session, for ascertaining previously to the next meeting of the General Assembly, the number of inhabitants within our limits.

My acquaintance with the affairs of the Territory, necessarily imperfect as it is, does not enable me to detail particular defects in the law, or to specify the appropriate remedies. Such as occur to me will constitute the subject of a future message. I have however, the satisfaction to know, that the Legislative concerns are in the hands of those whose intelligence and patriotism furnish a sure guarantee for a judicious and faithful performance of their duties. And I beg you to be assured that every aid which it may be in my power to contribute, will be cheerfully rendered.

WM.W.BIBB.

St. Stephens, 20th. Jan. 1818.

[Journal of the Legislative Council of the Alabama Territory; First session of the First General Assembly, in the forty third year of American Independence. 1818. pp.5-12.]

A message from the House of Representatives, by Mr. Coleman, their Clerk.

Mr. President,

And I am further directed to inform the Legislative Council that his excellency has this day disapproved of an act to alter and amend an act entitled an act to establish a Bank at Huntsville, and returned the ^{same} ~~same~~ to this House with his objections, and he then withdrew.

[Journal of the Legislative Council of the Territory of Alabama, 1818, pp. 31-35.]

Nov. 9, 1818

Gentlemen of the Legislative Council, and

of the

House of Representatives:

The events of the present year furnish flattering evidence of the increasing prosperity, and distinguished advantages of our Territory. Attracted by a genial climate, productive soil, and navigable rivers--numbers have been added to our population, and crowds from all quarters are exploring our forests in search of situations for their future residence. The demand for the public lands is unprecedented; and prices are obtained, which would be deemed more than adequate for improved farms in many of the states. Places which were lately the wretched abodes of the unfortunate Savage; now present fruitful fields and flourishing towns; and, withal, a degree of health prevails, which probably has not been exceeded in any country. I am satisfied, from observation in the various directions I have been called by the public concerns, that in estimating the character of this portion of the union, a salubrious atmosphere may be justly regarded among its prominent traits.

Amid these peculiar blessings and cheering prospects, for which we are so much indebted to a kind Providence; we have, however, to lament, the murderous incursions of a misguided enemy, on a portion of our southern frontier. Hostilities were commenced on the part of the Indians, whose residence has been occasionally on either side of the Florida line, in the month of Jan'y last, and have been since continued with marks of cruelty almost unexampled. Many of the inhabitants were compelled to seek safety in the interior, and not until within a few weeks have they been permitted to return to their dwellings. Extensive swamps and the adjoining Spanish possessions, furnished retreats for the Savages, whence, in despite of the utmost vigilance, they might annoy our scattering settlements. The regular troops being inadequate to afford the necessary protection, it became indispensable to station militia at the most exposed points, and to employ detachments in scouring the neighboring woods. In September last, an expedition was arranged under the command of the gallant Colonel Dale, when most of the party which had so long disturbed the repose of the frontier, crossed the Alabama, and pursued their course through the neighborhood of the Falls of Tuscaloosa, towards the Mississippi. This very extraordinary movement may be justly ascribed to the occupation of Pensacola by the American forces.

You will readily imagine the extreme labor and embarrassment to which the Executive has been subjected--without funds, and at a period when the organization of the civil and military system of the Territory required his constant attention. In a newly settled country, moreover, it was ruinous to call the militia from their homes; and nothing less than the most imperative obligations, could have justified the measure. The occasion nevertheless, has afforded numerous instances of patriotism, worthy of the highest commendation.

I have been authorized to draw on the war department for the necessary funds to defray the expenses incurred in defending the country; and the accounts are now in a train of adjustment.

Notwithstanding these unfortunate occurrences, which were calculated to make impressions abroad unfavorable to emigration, it is probable the whole number of our inhabitants at this time, exceeds seventy-five thousand. In the year eighteen hundred and sixteen, this portion of the then Mississippi Territory, contained only twenty-eight thousand six hundred and seven; and it appears by the census taken the present year, that, excluding the counties of Lawrence and Marion, from which no returns have been received, our population amounts to sixty-seven thousand, five hundred and ninety-four. So soon as the lists are completed, they shall be laid before you. There can be no doubt, that an application on the part of the Territory for admission into the Union, will be readily granted by the National Legislature. That subject, so interesting to us all, and the apportionment of representation, will doubtless attract your early attention.

Pursuant to resolutions passed at the last session of the general Assembly, I addressed a letter to the Governor of Mississippi respecting the monies in the Treasury of that state, claimed by this Territory, under the act of Congress, and at the same time, adopted measures for procuring one hundred copies of the Digest of the Laws of the late Mississippi Territory. The correspondence which is herewith transmitted, will shew, that, although it has not been practicable to obtain the Digests in due season, they will be forwarded in a few weeks. In the meantime, aware that the officers in the newly created counties could not proceed, without the means of ascertaining their respective duties; and, desirous to afford them every possible aid, I called on the clerks of the neighboring counties for such copies of the laws as had not been distributed. I have been thus enabled to transmit a small number to each county. It is also desirable that some legislative provision should be made for furnishing the officers of the militia with copies of the militia laws.

An act of Congress passed at their last session, vests in the Territorial Legislature, authority to appoint, change, and regulate the times and places of holding Courts; and it is probable, the public convenience may be promoted by directing your attention to the subject. Permit me also to recommend an extension of the powers of the County Courts. The number of the Judges of the Superior Courts and the amount of their salaries, are inadequate to the duties they are required to perform; and the difficulties of travelling from county to county, are frequently insuperable. Failures in holding Courts, and delays in the administration of justice are therefore the unavoidable consequence. In some of the states, the County Courts are clothed with civil and criminal jurisdiction to a certain extent; and in my view, the system appears suited in a peculiar degree, to the situation of our country. ✓ I would submit, moreover, permanent limits to the respective counties.) With the knowledge acquired by the surveys of various parts of the Territory, that object may be now judiciously accomplished, and many considerations urge its importance. So long as the seats of justice are temporary, it is not to be expected that convenient accommodations for the Courts, will be provided. It may also be proper that the Legislature should adjust rates of ferriage on our principal rivers. At present the power of establishing and regulating ferries is vested in the County Courts, and it is believed, that different rates on the same stream, are prescribed in different counties. I learn, that, owing to the ambiguity of the provisions of the act imposing a tax on lands, the construction has not been uniform among the assessors: An amendment, therefore, is necessary.

The acts of Congress prohibiting the importation of slaves from any foreign country, leave the disposition of such as many be unlawfully introduced, to the legislative authorities of the states and territories in which they may be found: and it may be important that the subject should occupy your consideration.

I have received a commission for George Philips, John Gayle, Jun. Matthew D. Wilson, Lemuel Mead and Henry Chambers, as members of the Legislative Council; the two last in the place of Robert Beatty, resigned, and Joseph Carson, deceased; and I have to inform you that it will expire on the fifteenth day of February next.

You are apprized of the distinguished spirit of liberality which was manifested on the part of the National Legislature, during their last session, towards our Territory. An act passed authorizing the reservation of an entire township of land for the support of a Seminary of Learning; and also, of "any one entire section" to be located under the direction of the Governor, for the Seat of

Government. Fully aware of the public sensibility which the selection of a site for the seat of Government always excites, and of the influence of local feelings in the determination of the question, I could not expect, by any choice, however judicious, to afford universal satisfaction. And the delicate task assigned to the Executive has been rendered the more embarrassing by a combination of accidental circumstances. A copy of the act did not reach me until the month of June, when the town of Cahawba, which, among other sites, had attracted the attention of our fellow-citizens, was offered for sale, on the first Monday of October. Should that place be considered the most eligible; not to have examined its claims in due season, would have deprived the Territory of their choice--while on the other hand, it was possible that the selection made by the Executive might not be approved by the Legislature. That I should endeavor to prevent the former, appeared to me an imperative duty; while at the same time, to avoid the injurious consequences of a collision of opinion between the public functionaries, was much so be desired. In this dilemma, I was disposed to confer with the commissioners appointed at the last session of the General Assembly to report the situation they might deem most eligible; and, without delay, addressed a letter on the subject to the gentleman first named in the act. Owing to causes beyond their control, they were unable to meet me, and I lost the benefit of their views.

Anxious only to promote the general interests of the Territory, and guided by an impartial judgment, I was persuaded, that the site which might present the best prospect of permanency, and of avoiding, hereafter, those unpleasant discussions which have so much disturbed the repose, and distracted the councils of our sister states, ought to be selected. Considerations resulting from our future prospects, and connected with the general convenience, were not to be overlooked; nor the gratification of a part of our population to be regarded, in opposition to the rights and interests of the whole. The experience of other states had shewn, that to consult as far as practicable in the choice of position, the convenience of every portion of the country, is the surest method of rendering that choice, permanent. In pursuing that principle, the nearest eligible site to the centre of the Territory, presented the highest claim, while the probable future population of the different parts, was also to be considered. The latter, however, being necessarily matter of conjecture only, and liable to be estimated according to various impressions, furnished a criterion altogether uncertain; and, therefore, was entitled to the less attention. With such views I proceeded to examine the junction of Cahawba and Alabama. The bluff on the west side of those rivers, presents a beautiful site, with springs of good water, and the prospect of health.

Situated on a river capable of being navigated by boats of great burthen, and supported as it will be, by the abundant productions of an extensive and fertile back country on the Alabama and Cahawba, and their tributary streams, the town of Cahwaba promises to vie with the largest inland towns in the southern country. Possessing, in my judgment, the necessary advantages, -approaching, certainly, nearer to the centre of the Territory, and probably of its future permanent population than any place otherwise equally eligible, I communicated the result of my examination to the President of the United States, with the request, that such parts of sections as I thought best calculated for the seat of Government, might be reserved from sale. The request has been granted, and I herewith transmit a copy of the correspondence, together with a letter from the Commissioner of the General Land-Office to the Register and Receiver, and a report signed by three of the Commissioners appointed at the last session of the General Assembly, "to examine and report to the Governor the most eligible site for the seat of the Territorial Government." It is possible that the geographical views presented in my communication to the Secretary of the Treasury, may not be entirely accurate; but should there be any error, your liberality will find an apology, in the very limited means of information which were within my reach.

In submitting the further disposition of the subject to the wisdom of the Legislature, I feel no other solicitude, than that the course may be pursued, which shall best promote the welfare of the country and the happiness of our fellow-citizens. And I have the fullest confidence that such will be, the object of your deliberations.

WM.W.BIBB.

St. Stephens, 3d November, 1818.

[Journal of the House of Representatives of the Alabama Territory at the second session of the first General Assembly, in the forty third year of American independence. 1818. pp.9-16.]

"Gentlemen of the Legislative Council--and
of the house of Representatives.

It being probable that returns of the Census for the counties of Lawrence and Marion may not arrive in due season, I now lay before you a copy of those which have been received from the other counties.

WM.W.BIBB.

St. Stephens, 9th Nov. 1818.

[Journal of the House of Representatives, Alabama Territory, 1818. p. 32.]

