

Alabama & the United States.

From the *Charleston Patriot*.
CORRESPONDENCE
Between the Secretary of War and Governor Gayle,
of Alabama.

The Washington Globe, of the 26th inst. contains the whole of the correspondence on the Alabama controversy, occupying nearly nine columns of that paper. Among the letters published is the last reply of the Secretary of War to Governor Gayle, of which the following extract contains the substance, as condensing the views of the President, and expressing his final determination in relation to this disagreeable affair. After a review of the legal points in the case, the Secretary of War sums up as follows:

"Your excellency deprecates the employment of a military force in the removal of intruders, and you demand that the government should put away the sword, which has been unnecessarily and too hastily drawn against this large and unoffending community." It is, you remark, 'the arbiter in contests of ambition, but not in questions of constitutional right.'

"Certainly questions of right, whether constitutional or otherwise, ought never to be decided by the sword, and the spirit of our countrymen, as well as the whole genius of our institutions; is opposed to its employment in all cases within the ordinary operation of the laws. And the military force now in Alabama has no instructions to interfere with the authority of the state. The following extract of a letter to the marshal of Alabama, in answer to an application from him, will show how cautious the government have been upon this subject:—

"I have received your letter of the 3d inst. and in answer have to inform you that you will submit to any legal process which may be served on you. Your duty consists in removing from the ceded territory the intruders, who have taken possession of it, in violation of the law and the stipulations of the Creek treaty of 1832. In executing this duty, you will employ all the necessary means, placed at your disposal by the particular instructions of the government, or by the general provisions of the act of Congress. Though the President cannot but hope, that on a full view of the obligations of the United States, and the entire want of title on the part of the persons living in this district of country, they will peacefully remove within the period limited by you. If suits are instituted against you in any of the State courts for your proceedings in this matter, submit to the process without hesitation. Interpose not the slightest obstacle to its service. The United States claim no special jurisdiction over the inhabitants of the ceded country. They only claim the right to remove them from the public land they occupy. The district attorney will be instructed to remove to the courts of the United States, wherever it can legally be done, all suits instituted against you on this account, and there to conduct your defence, or if necessary, you will remove them yourself. He will likewise be instructed to defend you in the state courts in those suits, if any there may be, which cannot be removed into the courts of the United States.

"Force must often be employed in the execution of any law, and it must be ready to be employed in all laws, if their obligations are to be respected. There are two cases, in which the national legislature have authorized its use in enforcing their acts. These are by virtue of the act of March 30, 1802, where intrusions are made upon Indian lands not within the ordinary jurisdiction of any state, and by virtue of the act of March 3d, 1807, where intrusions are made upon the public lands. It does not become me to say whether Congress have been right or wrong in making these provisions. It is enough for the justification of the executive that they are found upon the statute books, and that their general obligation is not disputed. The authority which enacted can alone repeal them. But were it necessary, it would not be difficult to assign very proper reasons for this variance from the usual course of legislation. These may and generally do apply to extensive districts of country, which are liable to be taken possession of and held by large bodies of men. The want of all title is certain and is pre-supposed by the terms of the law. The very act of being found upon the land is in itself an offence, and gives the right of removal. There are, therefore, no facts to investigate, nor any subject for judicial enquiry. In the very nature of the case, there can be no jurisdiction, or if there be any, it must be an adverse one. Such is the constitution of human nature, it is not to be expected that a community holding possession, under these circumstances, and themselves administering the laws, would decree their own expulsion, either individually or collectively. And I may safely ask, whether the act of Congress for the removal of intruders could be enforced in that part of Alabama, now settled under these circumstances, by the ordinary operations of the laws administered there. The elaborate view taken by your excellency of the situation and rights of those persons would no doubt furnish reasons sufficiently powerful, in their minds, for the occupation of the land. I say this, without the slightest imputation upon the motives of any one, but because

experience, that unerring test, shows, that such has always, in similar circumstances been the course of things.

"That troops of the United States are upon the land of the United States. They are directed to remove thence all intruders. They are instructed to do this with as much moderation as possible. Time has been given by the marshal till the 15th of January next, for the peaceable inhabitants to remove. Even with a proper jealousy of the employment of a military force, which in other countries and in all ages has been so destructive to free institutions, I cannot see any danger to the republic, either from its action in this particular case, or from the precedent, which such a case may establish.

"It is believed, that the same reasons induced the government of Georgia to employ a military force in keeping intruders from the Cherokee lands. Whether it has been discontinued, I am not informed. If it has, the discontinuance has but recently taken place. I have not heard that the principle was objected to, and I presume public opinion acquiesced in the measure, as one necessary to be used under the circumstances of the case.

"In conclusion, I beg your excellency to be assured, that it was with great reluctance the President felt himself called upon to enforce the provisions of the act of March 3d, 1807, in the state of Alabama. But the circumstances were such as to leave him no discretion, and yet they continue to demand his interposition. He can see no mode by which the instructions for removal can be suspended, but the mode pointed out by the treaty itself. As fast as the locations can be made, the country will be relieved from those stipulations, which render this course indispensable and every arrangement has been made for the execution of this duty as speedily as possible. In the mean time, let me hope that those persons, whose residence conflicts with the rights and safety of the Indians, will withdraw and thus remove the existing difficulties. A very short time will enable them to return, and purchase any tract at public sale, not granted to an Indian. And they would return with the consoling reflection, that the promises of their country have been performed, and that its plighted faith to the feeble band, which in yielding all, had no security but that faith for its protection, has been preserved inviolate. But, however this may be, it is due to the importance of the subject to say to your excellency, that the course which the President has taken, has been imposed upon him by the constitution, by a treaty, and by the laws, and that it will not be departed from until the obligations, created by these, are faithfully fulfilled.

Very respectfully, sir,
I have the honor to be,
Your obedient servant,
(Signed) LEWIS CASS.
His Excellency, JOHN GAYLE,
Tuscaloosa, Alabama.

Secretary of the Treasury, Mr. Gallatin, to the Secretary of War, June 27, 1810.

Sir:—I have the honor to enclose a letter from the Register of the Land Office of Madison county, showing the necessity of an early execution of the intended removal of intruders in that country.

There are two classes of persons who, according to law, cannot be removed, viz: those who have purchased lands from the United States.

2. Those who having signed the requisite declarations, have received written permission to remain on the land. Although every individual of either description may show evidence in writing of his right to remain on the tract he occupies, I have directed copies to be prepared and transmitted to the War Department, of the returns both of sales and permissions.—These will facilitate the necessary discrimination; and in order to prevent any mistake, Wm. Dickson, the Register of the Land Office, and residing at Nashville, will be instructed to furnish the officer commanding the detachment, with a supplementary list of the sales subsequent to the returns last received, and with that of persons, if any, who may have obtained permissions, and not been returned to this office.

These observations apply exclusively to persons, residing on those lands purchased both from the Cherokees and Chickasaws, which form Madison county. No sale has been made, or permission been granted by the United States, to remain on any part of the lands lying West of Madison county which were ceded by the Cherokees, but are not included in the Chickasaw purchase.

BY THE PRESIDENT OF THE UNITED STATES.
A PROCLAMATION.

Whereas it has been represented, that many uninformed or evil disposed persons have taken possession or made a settlement on the public lands of the United States, which have not been previously sold, ceded or leased by the United States, or the claim to which lands by such persons has not been previously recognized and confirmed by the United States, which possession or settlement is, by the act of Congress, passed the 3d March, 1807, expressly prohibited; and whereas, the due execution of the said act of Congress, as well as the general interest, require that such illegal practices should be promptly repressed:

Now, therefore, I, James Madison, President, &c. have thought proper to issue my proclamation commanding and strictly enjoining all persons who have unlawfully taken possession of or made any settlement on the public lands as aforesaid, to remove therefrom; and do hereby further command and enjoin the marshal or officer acting as marshal, in any state or territory where such possession shall have been taken or settlement made, to remove from and after the 10th day of March, 1816, all or any of the said unlawful occupants, and to effect the said service, I do hereby authorize the employment of such military force as may become necessary, in pursuance of the act aforesaid.—Warning the offenders, moreover, that they will be prosecuted in all such other ways as the law directs.

Given under my hand, &c. &c.
J. MADISON.

Dated 12th Dec. 1815.

DEPARTMENT OF WAR,
January 27, 1816.

Sir—The general and increasing disposition manifested by a number of uninformed or evil disposed persons to violate the laws of the United States, prohibiting the intrusion and settlement on the public lands, has imposed upon the President the painful duty of removing them by a military force. This duty is confided to you.—Immediately after the expiration of the term fixed in the enclosed Proclamation, you will upon the application of the marshal of any state or territory, cause to be removed by military force, all persons who shall be found upon the public lands within your command, and destroy their habitations and improvements.

This removal and destruction of houses and improvements must be repeated, as often as it shall be necessary, to secure the complete execution of the laws upon this subject.

Intrusion upon the lands of the friendly Indian tribes, is not only a violation of the laws, but in direct opposition to the policy of the government towards its savage neighbors. Upon application of any Indian agent, stating that intrusions of this nature have been committed, and are continued, the President requires that they shall be equally removed, and their houses and improvements destroyed by military force and that every attempt to return shall be repressed in the same manner.

I have the honor, &c.
(Signed) WM. H. CRAWFORD.

Major General ANDREW JACKSON.
Same to General A. M'Comb, Gen. E. P. Gaines, Gen. Thos. A. Smith, and Gen. Jacob Brown.

DEPARTMENT OF WAR,
15th Dec. 1818.

Sir:—Under the late treaty with the Quappaws and Osages, very extensive tracts of land have been acquired, a considerable portion of which is not intended to be brought immediately into market, and which may hereafter become the means of exchange for lands on this side of the Mississippi, above the mouth of Keamissy, and on the Arkansas above the mouth of the Poteau, and to the most of the main branches of the Keamissy and Poteau, and a line drawn between their sources.

The President has directed me to issue orders to prevent, for the present, the extension of the settlements on Red River. Those persons settled to the west of the line specified, or at points higher up the Red River and the Arkansas than those mentioned, will be removed.

You will give the necessary orders to carry the views of the President into effect. It will be advisable to take the necessary measures at an early period, so as to give to such families as may be removed an opportunity to make arrangements for planting next spring.

I have, &c. &c.
J. C. CALHOUN.

To Maj. Gen. Andrew Jackson.

Land for Sale or Lease.

I WISH to sell my dwelling or right in a Tract of Land situated on the Main road leading from Charlotte to Chesterville, S. C. the late residence of Frederick Dinkins. The buildings are a large and commodious Dwelling House, Barn, Stables, Kitchen and other out-houses. This is a good stand for Travellers, nine miles from Charlotte. The soil is fertile and productive in Cotton, Corn, Wheat, Oats, Rye. I will give time in the payment so as to make it easy for the purchaser. If I do not sell by the 1st of December, I will lease the land for five years. Those who want to purchase or lease, will make application to Mr. Joseph McConaughy of Charlotte, who will make contracts for the sale or lease.
SARAH DINKINS.
Rowan county, Sept. 8, 1832. 564

To Journeymen Tailors.

THE subscriber wants one or two Journeymen Tailors immediately. To first rate workmen of sober and steady habits, good wages will be given, by the week or month. None need apply without possessing the above qualifications.
ALEXANDER GRAHAM.
Charlotte, Oct. 30, 1833. 3w

Strayed

FROM the Poor House, about three weeks ago,
Two Cows.

Both were giving milk at the time they went off. One of them is large and of a red color—the other is small and away-backed and spotted, and had a small bell on. Any information of them will be thankfully received at the Poor House or Irwin's Store in Charlotte.
R. COLLINS.
Oct. 24, 1833. 623t

Maj. Downing—Again.

WASHINGTON, 22 Oct. 1833.
To my old friend Mr. Dwight,
of the N. Y. Daily Advertiser:

My last letter to you told you about that are scuffle I had among some of our folks down stairs, and do you know it has been high bringing war among us.—Mr. Van Buren came down here all in a lather about it. He was plagy afraid there would be more voluntary dismissals; and he says it went do to have too many of them all at once, or the folks about the country will begin to think that we ain't all united. Some on em did try, I suspect, to make muddy water between me and the General, for one day when I was busy doing up some writin for the General, he was called out, and had a long talk with Mr. Van Buren, and Amos Kindle, and some more on em; and when he came back, says he, Major, I wish you and I was at the Hermitage. Why, says I, how so General? Well, I dont know exactly why, says he, but I dont see, says he, what use there is in my being here, for things are gittin now so mixed up, that I cant tell exactly what is best to do to get Mr. Van Buren in. Do you know Major, says he, that Mr. Van Buren says he dont think it was right to move the deposits.—Why how you talk, says I. Didn't he advise it? Well so I thought, says the General; but he says it would be best only to keep it up by the tail, as you do a fox, and hold all the dogs barking for it; for as soon as you throw the fox in the crowd, a few old Jowlers grab hold, and the rest dont get a mouthful; and then comes trouble.

Well, says I, General, that's true enuf, and that's just the way we are doing now with the minister to England, and some other appointments; we must keep the folks sweetlin round, and one vacancy to fill, says I, is worth a dozen filled up. But, Major, that ain't the worst now, says the General; and he got up and stomped about, and then came back and filled his pipe, and stomped about agin, without lighting it. I see there was trouble brewin. Says he, Major, I dont care so much about it myself; but they say you must make Amos Kindle an apology for that blow you aimed at him tother night. And with that I riz right up, and walked straight up chamber, and put on my regimentals, and my cocked hat, and hooked on my sword, and went strait down stairs to Amos. Here, says I, mister, the General says you want to say something to me. O no, Major, says he, there must be some mistake. Well then, says I, it is that you want me to say something to you. O no, says he, that's a greater mistake. I looked at him for about a mimit; and he shook like a North Carolina ague. Says he, Major, I suspect the General meant you to look over with me a statement I am getting up, showing how much money Mr. Clay has received of the Bank; it is almost done, says he, and I'll bring it up for you and the General and Mr. Van Buren to see. Very well, says I, that's enuf. And back I went to the General; and as soon as I got in front of him I stopped. Now, says I, General, what was that you was saying a while ago that you wanted me to do? The General was stumped, he looked at me a spell, and says he, Major, I reckon I've forgot it; and suppose we say nothing more about it. And jest then in came Mr. Van Buren; and shortly after Amos came in, and we all sot down, and began to figure up the counts that our little District Attorney had been sendin to Amos Kindle, about the money the bank had paid to Mr. Clay for his services from the time Mr. Cheves employed him to sue the folks away west there, when the Bank closed up one of his branches. And it figures up pretty considerable. And Amos has got it so fixed, that it looks for all the world like "bribery and corruption;" and we are coming out with it, and a good deal more too; and if it dont kill Mr. Clay, I'm mistaken.

The General is as wrothy as thunder about Clay's journey north, and Mr. Van Buren dont like it a bit nother. But the General tells Mr. Van Buren, if so be that the folks north and south, and all about ereation, take a notion to Mr. Clay, and think he would make a better President than Mr. Van Buren,—then be, the General, will hold on for a 3d heat; and that's about my notion too. Mr. Van Buren would stand a good chance in a race, when a good many are runnin, and if the ground is muddy and slippery; for he is a master hand at trippin folks. But I'm afraid he'd stand a slim chance over a clear field. And it zint fair to make him run so. Any man can catch a rat in a strait race, because he nint used to it; but give him a few old barrels and logs to dodge round, then, I tell you, its pretty tough work.

I hunt had a letter from Zekel Bigelow for some time. I raly begin to think that critur has left Wall street, and gone East with Mr. Clay—can you find out and let me know?

Your friend,
J. DOWNING, Major,
Downingville Militia, 2d Brigade.

Definition.—The editor of the Lancaster Journal says, "intemperance is the consumption of the soul." We mean no kind of pun when we say it is a consumption of the spirit. Mind and matter ell go, and he who embraces the bottle is like the Spartan boy with the stolen "fox"—hugging close that which will eat out his vitals.

U. S. Gazette.

Gambling.—The Editors of the Richmond Compiler have been for some time waging a war of extermination against the gambling houses of that city; and we are happy to find that they have so far succeeded in their endeavors to put them down, as to get up a meeting of the citizens, to devise means to rid the city of the offenders against the law and morality. It is said to have been as large a meeting as ever convened in Richmond, the number being variously estimated from six hundred to a thousand. A committee of twenty-four was appointed to obtain what information they could, with respect to the number of gaming houses in the city—to enquire into the cause of their extraordinary increase; and to ascertain whether any deficiency exists in the laws in regard to gambling; and to recommend to an adjourned meeting the adoption of such measures for remedying the evil as they may think advisable.

It appears the Gamblers were equally desirous of putting down the Compiler.—Ten withdrew from the paper; and one of the Editors stated to the meeting that at a time when it was difficult to obtain workmen to carry on the paper, indirect offers were made by one of the principal gamblers of the city, to pay the hands for deserting the establishment—in consequence of which offer, he was fully convinced he had been deprived of two workmen whose services were essential. He further stated that indirect offers to him had been made more than once, tending to show that by the desertion of his connexion with the Compiler, a large sum of money would be placed at his disposal for the establishment of another paper.

Richmond has set an example worthy of imitation by every city and town in which this horrid and demoralizing vice is practised. Put a stop to gambling, and as a necessary consequence the number of crimes committed will be greatly diminished.
Camden Journal.

Curious Clock.—The most curious thing in the cathedral of Lubeck is a clock of singular construction, and very high antiquity. It is calculated to answer astronomical purposes, representing the places of the sun and moon in the elliptic, the moon's age, a perpetual almanac, and many other contrivances. The clock, as an inscription sets forth, was placed in the church upon Candlemas-day in 1405. Over the face of it appears an image of our Saviour, and on either side of the image are folding doors, so constructed as to fly open every day when the clock strikes twelve. At this hour, a set of figures representing the twelve apostles come out from the door on the left hand of the image, and pass by in review before it, each figure making its obeisance by bowing as it passes that of our Saviour, and afterwards entering the doors on the right hand. When the procession terminates, the doors close.

Clark's Travels in Scandinavia.

AUCTION.

Coach Making Establishment FOR SALE.

THE time of our co-partnership having expired, and in order to close our business, (as one of the parties intends leaving this section of country) on the 26th day of December next, we will sell to the highest bidder, the Establishment where we are now carrying on the

Coach Making Business.

There is two lots, front and back, both improved. The front lot has on it a large Dwelling House, Wood Shop and Smith Shop, and other necessary out-buildings. The back lot has a Dwelling House and other out-buildings suitable for a private family. The lots will be sold together or separately, to suit purchasers.

Also, 2 lots opposite Mr. Long's. The front has on it a new Dwelling House, and is well calculated for a private family.

—ALSO—
Three sets of Blacksmith Tools and all the Tools attached to the Wood Shop, a quantity of ready made work and all the unfinished work we have on hand, Household and Kitchen Furniture and a great many other things too tedious to mention.

The above property will be sold on very accommodating terms. The terms will be made known on the day of sale.

Any person wishing to engage in the above business will please call and examine our establishment, as we will sell privately if we can meet with a purchaser.

A. R. WOLFINGTON & CO.
Charlotte, Nov. 1, 1833. 62t

Notice to Guardians.

ALL Guardians who have failed to renew their Bonds within the last three years, are requested to do so, at the next term of our County Court, and save the cost of a *Neve Facias*. There is a heavy penalty imposed by law on the Clerk for a neglect of this duty.

B. OATES, c. c. c.
Nov. 1, 1833. 623w

Line of Stages.

THE subscriber having purchased the Line of Stages between Charlotte and Statesville, from D. & S. Newland, informs the public that the line will be kept in good order for the accommodation of passengers. He has now on the line a new coach. Every exertion will be used to give general satisfaction.

Oct. 26, 1833. WM. KNOX.
625w

N. B. Mr. H. R. Williams is agent for the above line. W. K.

AN APPRENTICE to the Printing Business will be taken at this Office. None need apply but such as can come well recommended for industry and good morals.