

part of an equal number of Northern laborers, called from the mountains of the balance of their own labor for labor, in the event of an arrangement, each man having his own house, wife, garden, pigs and poultry. I am more over proud of the good of the Union, have done to the cause of true religion. Unlike all other people, my people have no religious creed, which they must all believe, or they are not; but each may profess whatever faith he chooses—here, throughout my dominions, blood-brotherly is dissolved in the spirit of peace and harmony, and all religious denominations live in harmony, and are striving to disseminate morality and piety throughout the land.

Dr. Franklin to James Hux, of New Jersey, Philadelphia, 6th June, 1755.

Sir—I received your kind letter of the 20th instant, and am glad to hear you increase in strength—I hope you will continue mending till you recover your former health and firmness. Let me know whether you still use the cold bath, and what effects it has.

As to the kindness you mention, I wish it could have been of more service to you, but if it had, the only thanks I should desire, are, that you may be always equally ready to serve any person that may need your assistance, and so let good offices go round; for mankind are all of a family. For my own part when I am employed in serving others, I do not look upon myself as bestowing favors, but as paying debts. In my travels, and since my settlement, I have received much kindness from men to whom I shall never have an opportunity of making the least direct return, and numberless blessings from God, who is infinitely above being benefited by our services. The kindness of men I can only return on their fellow men; and I can only show my gratitude for these mercies from God by a readiness to help his other children, my brethren. For I do not think that thanks and compliments, though repeated weekly, can discharge our real obligations to each other, and much less those to our creator. You will, in this, see my notion of good works; and that I am far from expecting Heaven by them. By Heaven, we understand a state of happiness, infinite in degree, and eternal in duration. I can do nothing to deserve such rewards. He that for giving a draught of water to a thirsty man, should expect to be paid with a good plantation would be modest in his demands, compared with those who think they deserve Heaven by the good they do on earth.

Even the mixed imperfect pleasures we enjoy in this world are rather from God's goodness than our merit. How much more so then, the happiness of Heaven. For my own part, I have not to think I deserve it; but content myself with submitting to the will and disposal of him that made me—who has, hitherto, preserved and blessed me; and in whose fatherly goodness I may well confide, that he will never make me miserable; and that even the afflictions I may at any time suffer, shall tend to my benefit. The faith you mention, has, doubtless, its use in the world, I do not desire to see it diminish, nor would I desire to lessen it in any man, but I wish it was more productive of good words, works of kindness, charity, and mercy, and public spirit, not holiday keeping, sermon reading and hearing, performing church ceremonies, or making long prayers, filled with flatteries and compliments, despised even by wise men, and much less capable of pleasing the Deity. The worship of God is a duty—the hearing or reading sermons may be useful; but if a man rest in hearing, or praying as many do, it is as if a tree should value itself on being watered and putting forth leaves, though it never produced any fruit.

Your great master thought less of those outward appearances and professions, than many of his modern disciples. He preferred the doers of the word to the mere hearers—the son that had seemingly refused to obey his father, and performed his commands, to him that had professed his readiness, and yet neglected his work—the heretical, and charitable Samaritan, to the uncharitable, the sanctified priest—and those who gave food to the hungry, drink to thirsty, raiment to the naked, entertainment to the stranger, and relief to the sick, though they never heard of his name, he declares shall in the last day be accepted, when those who cry Lord! Lord! who value themselves on their faith, though great enough to perform miracles, but have neglected good works, shall be rejected. He professed that he came not to call the righteous, but sinners to repentance, which implied his modest opinion, that there were some in his time so good they need not to hear even him for improvement; but now-a-days, we have scarce a little person who does not think it the duty of every man, within his reach, to sit under his ministrations; and whoever omits these offenses God. I wish to such, more humility, and to you, sir, more health and happiness—being your friend and humble servant.

BENJAMIN FRANKLIN.

Runaway Counts.—On Wednesday evening about 11 o'clock, a young man was stopped in the street in Philadelphia by one of the watchmen under the following singular circumstances. The watch had observed him pacing up and down the street, for nearly an hour, in the greatest agitation, examining every door, as if endeavoring to find an entrance, and although he was well dressed, he at last accented him, and inquired the reason of his curious be-

havior. A train of curious circumstances was related in this inquiry, such as seldom occur in the annals of a police office. It appears that the young man, who gave his name as Warren, was a native of Montgomery county, somewhere in the neighborhood of Pottsgrove, and that he had come to the city the previous morning, bringing with him a young female, to whom he was to have been married at eight o'clock that evening. The match was to be one of those delightful little affairs called "runaways," and so far, seemed to have been attended with a full share of the difficulties which give so charming a zest to stolen nuptials, and furnish food for the gossips to dwell upon.

Both the bride and the groom were total strangers in Philadelphia, and had fled hither as the surest refuge from pursuit of friends and relatives, whom it was shrewdly suspected, were anxious to have a slice of the good things common on such occasions.—By dint of great labor and vexation, they succeeded in finding the residence of a friend of the bride's, where, according to previous agreement, they were both to put up until the next evening, when they were to wait upon his honor the Mayor, by whom the happy knot was to be tied. It happened unfortunately that this friend's house was filled by other country cousins, who had arrived only the day before. He was accordingly shown to a respectable tavern a few squares off, in which he thought it prudent to conceal himself, fearful of a surprise from the friends of the lady, nor did he once venture forth to visit his beloved during the whole of this agonizing interval of suspense. The happy hour at length arrived, and he sallied forth to join his fair one, dressed in the extreme of fashion; but to his utter consternation, he was unable to find the house in which she lodged!

From the hour of seven he had been unceasingly occupied in searching every street, in hopes of finding the place, and as he did not even know, or had forgotten the name of his fair one's friend, his task may be readily imagined to have been a hopeless one. He wandered up and down the streets, half frantic with vexation and confusion, until his unusually close inspection of the houses excited suspicion as to the honesty of his intentions. When accosted by the watchman, he was covered with a foam of perspiration, and seemed ready to sink down from mere exhaustion, the effect of four hours constant excitement. After relating to the officer these particulars, he was conducted to the tavern, whence he had sallied out in the early part of the evening, and there learned from the landlord that several unknown persons had been there making the most eager inquiries after him, stating that one had left a message that "Miss——" (his intended) was sick with apprehension at his mysterious absence. As none of them had left their names, poor Warren's enquiries as to were they resided, were productive of no good, and in a state of extreme vexation and alarm, he was fain obliged to go to a solitary bed, there to dream away the troubles which nothing but an unpardonable stupidity had brought upon him and his intended. So late as Thursday night last, he had not been able to find her, and the chances of their soon meeting were not very promising. This case shows in a striking point of view the necessity of strangers in a large city being particular as to names and numbers, and all love sick swains the folly of bringing their sweethearts to Philadelphia to be married by his honor the Mayor, when a travelling Justice of the Peace is quite equal to the job, and can be found in any public road in Pennsylvania, so abundant have they grown of late.

Philadelphia Saturday Bulletin.

From the Newbern Spectator.

The following article copied from the New York Mercantile Advertiser, I have just seen in the Washington Telegraph of the 7th inst.

Mistake corrected.—The N. Y. Mercantile Advertiser republishes the article from the Norfolk Beacon, stating an alleged "sally to the American flag," and thus clears up the matter.

We republish the above for the purpose of showing how easily erroneous statements may be put in circulation. The vessel spoken of as having received so much abuse, was, we have little doubt, the *Henry*, Marston, from this port, for Galveston, which, as has been stated in all the papers, was taken possession of on the 21st of August, on the Great Bank of Bahama, at the request of the mate, crew, and passengers, by the British Government Schooner *Kangaroo*, and carried into Havana on the 24th. She has since proceeded for her destination. The account states that the measure was adopted by the crew and passengers of the *Henry*, in consequence of the continued inebriety of the captain.

This attempt of the editors of the New York paper, to screen the outrageous conduct of the British commander, at the expense of an American citizen, may be deemed very meritorious by the editors of the Mercantile, but unfortunately for them, their premises are false—and the assertion regarding the occurrence untrue. The writer of this present communication has before him, a letter from the American Consul at Havana whose representations may be considered by our countrymen generally, as entitled to quite as much confidence as those of the British commander. Speaking of the charges attempted to be established against Capt. Marston, our Consul remarks—"I am of opinion that Capt. Marston has been ill treated, and on the point of falling a victim to the insubordination of his mate, crew, and passengers." And in another letter before me, from the very respectable firm of Messrs. L. Martinez & Co of

Havana, a house well known to the American mercantile community, for their respectability, after speaking of the Brig being forced into shoal water, in order to avoid capture by a then supposed pirate, they write as follows:—"In this situation, it appears, he was captured, and the mate, who had met the captain, before, and whom the captain intended to have displaced, took advantage of the state of things, (seeing the British captain much irritated) and requested the captain of the Man of War to take charge of the vessel, stating that 'the captain was, and had been, in a state of inebriation, that he did not know where he was, and was then running the vessel out of her tract into shoal water.'

"This statement of the mate, from a proper investigation of the American Consul, and others, proves to be entirely false; but the passengers, being very ignorant persons, and the crew, all blacks, were induced to sign a paper to that effect, drawn up on board the Man of War. The passengers, no doubt, acted from ignorance, and the mate's false representation. The blacks from the same reason, for notwithstanding they have signed such a paper, they do not hesitate to say, that Capt. Marston's conduct, up to the time of capture, had been that of a vigilant, sober, and industrious ship master. Their fears, no doubt, operated with their ignorance, when they were induced to sign that paper."

These gentlemen then proceed to detail the losses of the Brig, occasioned by the British commander's conduct, and of his having gladly abandoned a claim to salvage, which, during such a dearth of prize money, he had modestly attempted. Capt. Marston writes:—"I have put my mate in jail, and if an American Man of War comes in I shall send him home for trial."

This is a plain statement of facts, as received by those most interested. The subject is before our government, and the President, who has proclaimed his determination, while asking "nothing but what was right, to submit to nothing that was wrong," it is confidently expected, will have the matter fully inquired into, and redress obtained for our injured fellow citizens, in spite of the misrepresentations of the Mercantile Advertiser.

B. Beaufort, 26th Oct. 1831.

Extract from the Message of Governor Gilmer to the Legislature of Georgia, dated Nov. 8, 1831.

The resolutions which were passed immediately previous to the adjournment of your last session, upon the subject of the citation of the Chief Justice of the United States, were carried into effect.

The Indian Tassels, paid the forfeit of his life according to the demand of the law, which he had violated. A writ of error to stay the proceedings of the Superior court in that case had been sanctioned by the Chief Justice, and like the citation to the Governor, sent through the Post Office to the officer, whose conduct it was intended to control, thereby evincing the disposition not only to disregard the highest powers of the State, but to trifle with its officers, by attempting to deter them from the discharge of what was necessarily a very responsible and painful duty.

Within a few days after the execution of Tassels, a letter was received from John Ross, in which he states, that the Cherokees were about to apply to the Supreme Court of the U. States, for an injunction to restrain the State from exercising jurisdiction over them. This letter was accompanied by a printed paper without signature, purporting to be a bill in equity brought by the Cherokee nation against the State of Georgia.

In a previous message to the Legislature, I had expressed the opinion that the State could not consistently with a proper respect for its own sovereign rights, become a party before any court for the determination of the question, whether it had the power of subjecting the people who reside within its acknowledged limits, to the operation of its laws. That opinion having remained unchanged, no official notice was taken of this proceeding. The Supreme Court however took jurisdiction of the case, but finally dismissed it upon the ground that the Cherokees were not a foreign nation.

In making this decision, the court though proper to depart from the discussion of the particular point before it, to express opinions exceedingly disrespectful to this State, injurious to its rights, calculated to thwart the policy of the General Government, and to keep alive the excitement which has arisen out of the conduct of our Indian affairs.

The court affirms, that no case could be better calculated to excite its sympathy, than the conduct of Georgia to the Cherokees; that they have been continually deprived of their lands, until they at present retain no more than is necessary for their comfortable subsistence; that they form a State capable of governing themselves; that the acts of the government recognize them to be a State; and that the courts are bound by those acts, that they have the unquestionable and hitherto unquestioned right to the lands which they occupy, and intimate to them that it will redress their wrongs when the application is made in proper form.

Permit me to call your attention briefly to these several statements of the court.

And what wrong has Georgia done to its Indian people, to call for this extraordinary sympathy of the court?

They are in the peaceable possession of their occupant rights. Intruders have been removed from among them by severe penal laws. None of the burdens of government have been imposed upon them. Instead of being reduced to a remnant of land not more than sufficient for their comfortable subsistence, they are in the possession of near five millions of acres in this State alone, of which the aborigines do not cultivate more than five thousand. They are indeed becoming more and more destitute. Not however, from want of land, but because their situation is unsuitable for the improvement and happiness of an Indian people.

Is it true that the Cherokees have an unquestionable and hitherto unquestioned right to the lands which they occupy? These lands form portions of the territory of the States of N. Carolina, Tennessee, Alabama and Georgia. That portion which is in Tennessee was ceded by North Carolina to the United States, upon the express condition, that it should form a common fund for the benefit of the Union, and be applied to the payment of the public debt. That portion which is in Alabama, was sold to the United States by this State, for a valuable consideration, and before any attempt had been made to extinguish the title of the Indians, or to exercise jurisdiction over them. In consequence of which, sale it was made a condition of the admission of the State of Alabama into the Union, that it should disclaim any title to the Indian lands within its limits, the United States declaring by law that it had the sole and exclusive power to dispose of them. The United States has acknowledged that this State has both the right of soil and jurisdiction over that portion which is within its limits.

It is difficult to conceive of any proposition tending to more absurd consequences, than that laid down by the court, that any Indian tribe with which the United States forms contracts, to which the term treaty may be affixed, becomes a nation, capable of governing itself, and entitled to the recognition of the courts, as States. It would bring into being hundreds of States, utterly incapable of self defence, or exercising any attribute of National Sovereignty. If the opinion of the court be correct, then all the territory which was acquired by the original thirteen provincial governments of various Indian tribes, is yet the property of the aborigines, because the treaties by which it was obtained were invalid, not having been made by the King of Great Britain, who alone had the power of entering into national compacts.

Another difficulty equally embarrassing, would arise out of our relations with the Cherokees themselves. A few years ago, the U. States removed a portion of that tribe to the West of the Mississippi, and placed them upon the public land and have since made several treaties with them. Which is now the Cherokee nation, the Indians who reside on the lands of the United States, or those within Georgia? But whatever obligations the United States may have incurred by its contracts with the Cherokees, it has no constitutional authority to limit or in any manner alter the territorial rights, which belonged to this State, when it became a member of the Union.

Upon no subject has there been more misrepresentation than in relation to the government of the Cherokees, and the civilization of the people of that tribe. Upon examination it will be found that the aboriginal people are as ignorant, thoughtless and improvident as formerly, without any of the spirit and character which distinguished them when war was their employment, and their support derived from the forest. That none of them in this State, with the exception of one family, have acquired property, or been at all benefited by the improvements which have been made by others among them: That the Chief, the President of the Council, the Judges, Marshal and Sheriffs, and most other persons concerned in the administration of the Government, are the descendants of Europeans, and many of them citizens of this and the adjoining States; and that the Indians instead of living under their own simple usage and customs, have been compelled to submit to a system of laws and police, wholly unsuited to their condition.

Immediately after the law was passed, authorizing the formation of a guard, forty mounted men were organized under the direction of active and intelligent commanders, and stationed within the territory occupied by the Cherokees, with orders to prevent trespasses upon the Gold Mines, to suppress the authority of the Indian Chiefs, and to remove all white men from among the Cherokees, who did not obtain licenses to continue their residence as required by law. This duty has been performed in a manner which has reflected great credit on the guard and its commanders, and rendered the most essential service to the State. The difficulty of removing lawless persons from the mines, proved to be greater than had been at first anticipated, and was only overcome by the use of the most vigorous measures. The Mines are however situated so far apart from each other, that it has been found impossible to prevent occasional trespasses upon them. This can only be prevented by having them worked under the authority of the State.

An unexpected difficulty has been placed in the way of an efficient protection of the mines, in the decision which has been lately made by the Judge of the Western circuit, that the

law which renders it penal for Indians to dig for gold is unconstitutional. It having been made the special duty of the Governor, to take possession of the mines, and to defend them from trespass, and having no doubt about the constitutionality of the law, I considered myself compelled to obey its requirements. Orders were accordingly given to the guard, to arrest all persons who might attempt to dig for gold, leaving it to the judiciary officers to commit or discharge as they might think proper. These orders have as yet prevented intrusions. This will not however continue to be the case, if it should be ascertained that the law may be violated with impunity. There is also reason to apprehend, that the decision of the court has thrown an almost insuperable obstacle in the way of the Courts, which are now making by the United States, to induce the Cherokees to emigrate.

Of the white men who have been residing among the Cherokees, two hundred and three have taken the oath to support the Constitution and laws of the State, and received licenses to continue their residence. A most obstinate and perverse opposition has been made to the authority of the State, by certain persons representing themselves to be religious Missionaries, and particularly those who have acted under the direction of the Board of foreign Missions in Boston. Although some sectarian zeal was for the moment excited through various misrepresentations of the conduct of the government towards these men, it soon passed away, when it was discovered that they had been actively opposed to the policy of the general government, as to the enforcement of the laws of Georgia; that they had been treated with great forbearance; and that they were the mere instruments in the hands of others, of promoting and extending party strife. It is an honorable distinction that belongs to our country, that its citizens are neither proscribed for their religious opinions, nor protected by them from punishment for crime. Twelve persons have been convicted for illegal residence, and sentenced to confinement in the Penitentiary. They have all been pardoned upon the condition that they would not again offend against the laws, except two of the agents of the Boston Board, who refused to be the subjects of Executive clemency, upon such terms.

The enforcement of the Cherokee laws, has been completely suppressed within this State. No disposition has however been evinced on the part of the Indians, to become members of our community. The mass of the people are indeed not prepared for it, and would no doubt have long since accepted the offers of the United States Government, to give them possession of a territory, to the West of the Mississippi, in exchange for their present occupant rights, but for the controlling influence of a class among them, almost exclusively made up of the descendants of the whites; and even that class would perhaps before this time have consented to remove, but for the support and encouragement which they have received from different parts of our country, and the importance which their leaders have acquired, by being made the instruments of exciting the people to oppose the measures of their Government, and directing popular resentment against those who administer it.—The State owes it to itself, to put an end to this state of things, so far as it can be done consistently with the rights of the aborigines.

For this purpose I would specially recommend, that you pass laws, requiring under adequate penalties, all the Cherokees who have received reservations in fee, or been paid for their improvements and who have again settled upon the lands occupied by the tribe within this State, to remove therefrom.

The law for surveying the Cherokee Territory, into sections and districts, has been executed without difficulty. One of the surveyors (Benj. H. Sturges) failed to perform the duty assigned him. His bond remains to be sued upon for the return of the public money, which he received and has not accounted for.

The Territory surveyed has been organized by the election of two Justices of the Peace and two Constables in each Section. These means however are entirely inadequate for the execution of the laws, or the preservation of order. The formation of a county to be composed of all the Territory occupied by the Cherokees within the State, and which now forms parts of the Counties of Carroll, DeKalb, Gwinnett, Hall and Habersham, is perhaps a necessary measure to give protection to the rights of the people and bring into subordination those of the Cherokees who may otherwise disregard the authority of the Government.

The Agent who was appointed to rent the possessions relinquished by Indian Emigrants, has performed that service. According to his report the number of Lessees are ninety six, and the rent contracted to be paid for the year, seven thousand six hundred and six dollars.

Any attempt to remove the Cherokees during the pendency of their application to the Supreme Court, was considered useless. The opinions expressed by the Court in making its decision, and the use which was made of them, rendered it highly improbable that the General Government could treat successfully with the Chiefs. From information derived from various sources, I was convinced that the Cherokees could not under existing circumstances be

removed except by individual treaties. Letters were accordingly addressed to the President and Secretary of War, urging the adoption of the right of the State to remove the Indians removed from within the limits of the general policy of the State, as an act of justice, and the contract of 1802. You receive in the President's strong desire to gratify the State: Through some error of the War Department, the instructions were not made, opening the offices of emigration, the present distinguished head of the Department came into office. I find in the papers which are before you, the fullest evidence that the President is now using all the means at his command to induce the Cherokees peaceably to relinquish their occupant rights. There is little doubt that success will be the result, if supported in the measure by the authorities of the State. Permit me particularly to request that you pass resolutions, and the President to grant resurvey fees of such quantities of land as may be sufficient for their support, the Cherokees who are actual cultivators of the soil to any extent, may desire to remain within the State, and subject to its laws, upon condition that the United States Government will pay to the State a reasonable amount therefor.

The law which was passed at last session, for the survey and division of the Cherokee lands, was carried into effect until the Cherokees were extinguished, President, or until further legislation shall be had upon the subject. As the Indian title has not as yet been extinguished, it will be necessary to determine whether any further legislation shall be had upon the subject. Permit me most respectfully to express the opinion, that the condition which that law was to go into effect, ought not to be repealed. If it is, and the Cherokee lands distributed according to its provisions, the effect will be, to deprive our Indian population entirely of their possessions, and their consent and without any benefit. The character of the State interest of the Union, respect for opinion, and the rights of the people, forbid that so gross an act of injustice should be committed.

Although the rights of soil and jurisdiction are attributes of sovereignty which belonged to the State when it came independent, and with which it has never parted, and in the exercise of which it cannot be constitutionally controlled by the United States, it is not follow that those rights are to be placed in the hands of the Indians, or to be taken from their possessions, to be distributed among another portion of its population.

Copies of Resolutions passed by Legislatures of several of the States upon subjects of general concern, laid before you. Your attention is particularly called to those from Massachusetts and Connecticut, chosen State with the design of dissolving the Union, because of its express declaration not to permit the Supreme Court to control its jurisdiction over committed within its limits. It is to be regretted that the prejudicial and unfriendly feelings which have been excited among the people of different sections of our country, by local interests, should be increased by unnecessary intermeddling with the affairs of another State, what Georgia has done, and what Massachusetts and Connecticut, and others have only perceived the resolve of the State to sustain its constitutional rights. Georgia has no right to nullify (in the very face of the day) the Acts of the General Government, and only demands attention when it attempts to control its jurisdiction as are within its exclusive jurisdiction.

FOREIGN.

By the packet ship *Silas*, Capt. Holdridge, we have London, pers, price currents, &c. to Sept. and Liverpool papers to Sept. inclusive.

The Reform Bill passed in the House of Commons on the 23d majority of 109. It was carried by the Lords with more than usual money. Upon the division the bill stood, Ayes 845—Noes 103. Majorities in favor of the bill. Lord John Russell, on the 11th presented the Bill to the Lords; he was attended to by an immense crowd of Country Gentlemen. The House was very crowded, the Usher of the Black Rod's were several peers and other Earl Grey afterwards moved the reading of the bill, which was to without any comment; it Lordship next proposed that it be read a second time on Monday night, which was likewise approved by Earl Grey, at the same time, expressing a hope that the bill might be allowed to go into committee with as little delay as possible. Petitions for the bill were pouring in from all quarters. Bell's Messenger of the 25th says:—"The Reform Bill has passed into the Lords, where, according to some of our daily journals, its fate is very doubtful; and its eventual alteration, even in the event of its success, very certain. My own opinion does not agree with these conclusions. With regard to its ultimate success, we anticipated