

It is hoped there can be no objection to its ratification. Considerable censure has been attached to improper motives attributed to the commission, for admitting in the former treaty the principle that the Indians should retain their reservations in the simple but just recognition of their rights, they acted in that spirit strictly conformable to their instructions from the President, which we have seen so far as relate to that point. The treaty of 1763, to which the Indians have been extinguished by this treaty and the one to which it is a supplement, amounts to upwards of six millions of acres, which is nearly one fifth of the state of Ohio.

Child's Supporters.

FROM THE NASHVILLE WHIG.

**The Indian Treaty.**—As there is much public anxiety manifested upon this subject, we shall avail ourselves of the earliest and most authentic information which can be obtained, in order to keep our readers advised of the progress and result of the pending negotiation. The most recent and authentic intelligence from the Chickasaw nation, induces great apprehensions with the best informed people, that the prospect of success on the part of our commissioners is very gloomy, and not entirely hopeless. The regret occasioned by the failure of our present energetic and distinguished commissioners, will be doubly enhanced, from the anticipation of the consequences, likely to result therefrom.

It is too well known, to require recapitulation here, that near 3,000,000 of acres of the land which is understood to be chiefly the subject of this negotiation, was granted by the state of North-Carolina, (for a valuable consideration, or for the most meritorious services) to officers and soldiers of the American revolution; upwards of thirty years ago. It is known also, that the state of North-Carolina at that period, possessed and exercised the rights of sovereignty, over the territory in question; although the savages had never been forcibly expelled therefrom. It is further known, that when the state of North-Carolina, ceded to the United States the territory under consideration, she expressly reserved the claims, and obtained a guarantee in favour of individuals, claiming under her. Under this view of the subject, there can be no question but that individuals, who hold such claims, may at any time, consistently with the soundest principles of law, enter upon and enjoy their lands, although the Indian claim has never been formally extinguished.

But the claimants always reposing the utmost confidence in the justice and liberality of government, have heretofore contented themselves with using such pacific efforts as commended with the known humanity of the United States, towards their Indian neighbors. In case of a failure by our present commissioners, to effect the object of their mission, we are very apprehensive, indeed almost certain, from what we have heard, that it will be wholly impossible, for the general government to restrain individuals who have so long been kept out of their lands from taking immediate possession even at the risk of their lives. It is almost certain too that such characters as Gov. Shelby, and Gen. Jackson, can never be selected or prevailed on again, to embark in that business; and it is generally believed, that if they fail no other expedient need be resorted to, but the one alluded to above. The time is indeed come, when the overflowing population of the western country, the scarcity and high prices of land, combined with the expediency of at once giving to the state of Tennessee its true dimensions and political weight in the union; all concur, in pressing the expediency and necessity of some successful measure on this subject. Philosophers and politicians may set in their closets if they please, and theorize and speculate on the most expeditious and benevolent plan, of introducing the arts of civilized life amongst our savage neighbors, but the unavailing attempts which have been made in the progress of 300 years and upwards, should be sufficient to convince the most sceptical that it can never be effected by any of the methods which have heretofore been proposed, or resorted to. We do not wish to disturb the dreams of the philosophical and benevolent on this subject, which are perhaps calculated to soothe the feelings and amuse the fancies of those who indulge them, but are as evanescent as the light of the dazzling meteor, which cheers the gloom for a moment, but afterwards leaves us in greater darkness than before it made its appearance. We trust the idea suggested by Mr. Monroe, with regard to the improvement of our Indian neighbors, will be tested by experiment; and should that fail, we cannot conceive of a method which promises success. If we correctly understand the system of policy proposed by him, it is this: "Let the territory of the Indians be so curtailed and circumscribed, as to compel them for a subsistence, to resort to the arts of civilized life, in order to obtain a subsistence. Let their temptations, to roam through the wilderness be removed. Let their game be destroyed, and let the water no longer afford them a ready supply of fish; which may be easily effected by confining them within a narrow boundary. Let these things, be done, and it seems manifest that they must betake themselves to agriculture, commerce and manufactures or perish at once."

**Horrid Murder.**—On Monday afternoon, the 12th inst. (says the Salem Gazette) an awful murder, almost too shocking in its circumstances to describe or believe, was committed in Marshfield. The perpetrator was a young man, by the name of David A. Phillips, about 23 years of age, and the victim, his own wife, only 19, just got to bed of her first child. The man it is said, had before discovered a violent and malignant temper; and he seized the opportunity of a moment when the nurse was out of the room, (affecting some doubts, of which the character of the woman did not afford the shadow of a

justification, of the legitimacy of the child) and aimed a blow with a hammer at the infant's head, which however was shielded by the arm of its mother, against whom his cruelty was then turned, and he gave her a severe blow on her temple, together with several others on her head, and then cut her throat with a knife; she was however able to spring from her bed, and with her child in her arms to run below stairs, where the first person she met was her own mother. The alarmed family and neighbours, on rushing into the chamber from whence Mrs. Phillips had escaped, found the husband standing against the wall, profusely bleeding having in the interim attempted to execute justice on himself by cutting his own throat. Mrs. Phillips lingered till Wednesday, on which day she died. The fatal wound was the blow on the temple, the cut not being so deep as to be mortal. His own wound, we are told, is healing and his life likely to be prolonged for several years; but we understand the discoverers no compunction for the horrid deed, and continues in the same vindictive temper in which he committed it. The palliation of insanity is pleaded for him by some and humanity would wish that this rather than ungodly passion the parent of the worst of crimes, might be the cause of his defence.

From the National Advocate, of Oct. 21. COM PERRY & CAPT. HEATH. Statement of the proceedings growing out of the altercation between Commodore Perry and Capt. Heath.

Commodore Perry, in consequence of having received a communication from captain Heath in Rhode Island, on which the civil authorities of that state prevented him from acting, was induced to go on to Washington on the 10th of October for the purpose of giving to captain Heath the satisfaction which he had demanded. The absence of his previously engaged friend, commodore Decatur, whom he had passed on the road rendered it necessary that he should resort to the intervention of another friend for a time, that the intention of his visit might be communicated to captain Heath. This was accordingly done, and the following preliminary arrangements were agreed upon between major Hamilton, on the part of commodore Perry, and lieutenant Desha, on the part of captain Heath:

- 1st. It is understood that Com. Perry is to proceed to Philadelphia, or its vicinity, by the route of Baltimore, where he is to remain until the arrival of Capt. Heath's friend.
- 2d. That Capt. Heath is to proceed by the way of Frederick and York to Philadelphia, and to remain in the suburbs until the arrangements are made for a meeting between himself and Com. Perry—his name not to be on the stage-bills.
- 3d. Lieut. Desha, and Major Hamilton are to meet at Kephaw's on Wednesday after the arrival of the Newcastle boat.
- 4th. That the meeting between Com. Perry and Capt. Heath is to take place on Saturday morning, or as soon after as practicable.

Washington City, Oct. 12, 1818.

Endorsed on this preliminary arrangement was the following note: Capt. Perry desires it to be expressly understood, that in according to Capt. Heath the personal satisfaction he has demanded, he has been influenced entirely by a sense of what he considers due from him as an atonement to the violated rules of the service, and not by any considerations of the claims which capt. Heath may have for making such a demand, which he totally denies, as such claims have been forfeited by the measures of a public character which capt. Heath has adopted towards him. If therefore, the civil authority should produce and impossibility of a meeting at the time and place designated, which he will take every precaution to prevent, he will consider himself absolutely exonerated from any responsibility to Captain Heath touching their present cause of difference.

(Signed) J. HAMILTON, Jun. (for Captain Perry) APPROVED, B. M. DESHA.

In consequence of the foregoing the parties assembled at Philadelphia, and major Hamilton there transferred the above memorandum to commodore Decatur, introducing to him, at the same time, Lieut. Desha as the friend of captain Heath, when the following arrangements were made by them:

PHILADELPHIA, 14th Oct. 1818. Memorandum of the preliminary arrangements between commodore Decatur, on the part of captain Perry, and Lieut. Desha, on the part of captain Heath.

- 1st. That it is understood that captain Perry and his friend are to proceed to New York, or its vicinity, where he is to remain until the arrival of captain Heath, or until the period which is named in this paper for their meeting.
- 2d. That captain Heath, with his friend are to follow and remain at some convenient point on the Jersey shore, near the city of New York, and to give information after their arrival to captain Perry's friend, where such arrangements will be made as may be deemed necessary.
- 3d. The parties to be on the point specified, and the notification required by the 2d article given prior to the approaching Monday, the 19th.

The parties accordingly met on Monday, the 19th inst. at 11 o'clock, on the Jersey shore of the Hudson where capt. Perry received the fire of captain Heath without returning it, when commodore Decatur immediately stepped forward and declared, that commodore Perry had come to the ground with a determination not to return the fire of captain Heath, in proof of which he read a letter from commodore Perry to him, which he had written, (and which is herewith subjoined) soliciting him to become his friend; and, therefore he presumed the party, aggrieved, was satisfied. Captain Heath having expressed his acquiescence in this opinion, and that the injury he had received from captain Perry was atoned for, the parties returned to the city.

We do hereby certify that the foregoing is a correct statement. (Signed) STEPHEN DECATUR. R. M. DESHA.

Letter from commodore Perry, referred to in the foregoing, to commodore Decatur.

WASHINGTON, JANUARY 18, 1818. My Dear Commodore— You are already acquainted with the unfortunate affair which has taken place between capt. Heath and myself. Although I consider, from the course he has thought proper to pursue, that I am absolved from all accountability to him yet, as I did, in a moment of irritation, produced by strong provocation, raise my hand against a person honored with a commission, I have determined, upon mature reflection, to give him a meeting, should he call on me; declaring, at the same time, that I cannot consent to return his fire, as the meeting, on my part, will be entirely as an atonement for the violated rules of the service. I request, therefore, my dear sir, that you will act as my friend on this occasion. Very truly, your friend, O. H. PERRY.

Thus has terminated this unpleasant interference, and, as it has created considerable sensation throughout the union, the publication of the foregoing documents are deemed necessary.

INFALLIBLE CURE—OR LATE DISCOVERY

Made by a friend of Agriculture, which may prove of the greatest importance and benefit to the Planters of Cotton, Indigo, Tobacco, or any other tender Plants, subject to be attacked in their early state or in blossom, by INSECTS, which have proved to be the greatest scourge the planters have to dread in the Southern States; the surest method is to follow the direction, viz:

When Cotton, Tobacco, Indigo, or any other tender Plants are in blossom, is the instant of using all the exertion possible for destroying the insects so prejudicial to these plants which of late have proved a great scourge. Take 55 or 50 lbs. of sulphur, or more if required, according to the crop—melt the sulphur in an iron pot in the open air; when melted, take rags and cut them from 10 to 12 inches—dip them singly in the sulphur; and just as the Cotton is beginning to blossom have 4 or 500, or more sticks prepared, which you will stick about 18 inches out of the ground, rolled round with the rags and placed between the rows of Cotton; then in the evening when a gentle breeze is blowing, light your matches of sulphur on the top of the sticks; and in an instant, with lightwood, you can have from 500 to 1000 lighted at once, observing which point the winds, so as to spread the smoke through the rows of Cotton, &c. Let this be done once or twice a week, and it will prove an infallible remedy.

From the N. York Commercial Advertiser. HAM LEON'S TRIAL.

The Albany Register contains a report of the trial of James Hamilton, for the murder of major Birdsall, which took place in Albany at the present October term, before his honor Judge Spencer and Justices Howe and Haring, D. L. Van Antwerp and M. Van Buren were counsel for the prosecution, and Elisha Williams and Calvin Pepper, counsel for the prisoner. The cause was opened by Mr. Van Antwerp. He stated that the fact of the crime would be so conclusively established by testimony that he would not occupy the court in explanation or probability. The witnesses were then called, who testified to having seen Hamilton shoot Major Birdsall. Mr. Pepper commenced the defence of Hamilton, and endeavored to convince the court and jury that this was a case of manslaughter. He insisted that as the rifle was a weapon of ordinary and every day use, however deadly in its character, must be regarded in the same light as an assaulting club or cudgel. He was followed by Elisha Williams, esq. who displayed in behalf of the prisoner, his usual erudition and force of argument. He inferred from the uniformly mild and affable deportment of the generous Birdsall towards the prisoner, that there must necessarily have been absence of all malice, and attributed the prisoner's fall, immediately on the rifle's going off, to his astonishment that it had been loaded—that the deceased having before indulged Hamilton with familiarities, the act of presenting his rifle could only be considered a repetition of granted or implied liberties for some trifling object, and not an attempt to kill.

Mr. Van Buren in behalf of the prosecution, considered the guilt of the prisoner so clear that he would not detain the court but a few moments. "Mr. V. B. insisted that no one circumstance in the testimony favored the prisoner's plea of non intention to murder; but on the contrary every thing went to confirm the fact of premeditated, deliberate assassination." He closed by informing the jury, that they would be told by the court what were the discriminating features of the law in cases of murder and manslaughter.

His honor Judge Spencer gave the jury a learned, succinct and dignified charge. He examined the testimony, with a penetrating accuracy; expounded the law with a clearness which made it comprehensible to almost every capacity. He said that as the prisoner had rested his defence on the plea of not knowing the rifle was loaded, and as the rifle was loaded, and as the rifle was under his charge and in his possession, it became necessary for him to account for its being actually loaded, or to show that it was not so loaded at any short time previous to its discharge. In summing up the testimony, the judge did not find any circumstances which did not go to prove the prisoner guilty of premeditated murder. He charged the jury, if they believed the testimony, as given, by the jury to be true, their duty to their conscience, and their duty to justice, to find the prisoner guilty. The judge observed, that however painful, if the prisoner be guilty, it was their imperious duty to punish him. It was the law of man, and it was the law of heaven, that "whoever sheddeth man's blood, by man shall his blood be shed." In the course of the charge, and while dwelling with much pathos upon the probability of consigning a fellow creature to death Judge Spencer declared, with emphasis, that "a weak man in the administration of justice, is as great a curse to the community as a wicked or corrupt man."

In this charge the court discovered an intimate and studied acquaintance with human nature, a correct and dignified sense of the claims of humanity and learned research in the science of the law, which amply confirm the abilities which have been ascribed to its practice and decisions. The court spoke in the approbation of the clear, distinct and responsible testimony of Lieut. Scott, and other witnesses.

In consequence of the universal interest which the case excited, the trial took place in the Assembly Room, which on opening the doors was immediately crowded to overflowing. The trial commenced about fifteen minutes past ten A. M. and the jury retired a few minutes past two P. M. returning in about twenty minutes with a verdict of "GUILTY OF MURDER."

The prisoner appeared in court cleanly and decently dressed, in light vest and pantaloons, and blue sailor jacket. He appeared composed previous to the commencing of his trial, and spoke carelessly to the officers who attended him. He regarded the jurors as they were called with considerable interest, and acquiesced to their being qualified, in an affable and easy manner. He observed his counsel when speaking with an eye of

conflicting solicitude and fixed a look of stern defiance upon the opposite counsel and the witnesses, particularly Lieut. Scott, on whom he riveted a malignant glance which rested upon him while speaking, and invariably followed him to his seat.

During the charge of the court, the prisoner's confidence appeared to weaken and his eye recoiled from the Judge, and wandered round the room without any apparent observation. He seemed calm and thoughtful while the jury were out, but when their return was announced, which created a general commotion among the audience, the prisoner evidently betrayed feelings of uneasiness and fearful anxiety. The verdict did not appear to shake him immediately within a few moments, however, a slight change of color was perceptible but his manner was silently thoughtful, without any appearance of confusion or wildness. He walked firmly out of court, insensibly rather than otherwise, chewing tobacco, which he had in his mouth during the whole of the trial. It was highly consoling to the spectators, to see the character and memory of their lamented Birdsall, spoken of by the court and by all the counsel, in the warmest terms of admiration.

By a letter from Mr. Fishburne's of the 1st inst. we understand that Gov. M'Nair, arrived at the Chief of the Agency, on the 13th ultimo, and that a number of the Chiefs of that part of the nation, who have been hostile to the Execution of the Treaty of 1818, are beginning to withdraw their opposition. A council of the whole nation, will be held at the Agency on the 20th under special instructions from the Honorable the Secretary of War.

Military. Head Quarters, Northern Division, Brownsville, 8th October 1818. DIVISION ORDERS.

The Major General, having completed the review of the troops and examination of the posts in the Eastern section of his command, cannot conceal the gratification that has been connected with the performance of this part of his duty. In activity of labor upon public works, in discipline as well of police as drill, and in readiness to obey the call and justify the expectation of the country, he is convinced that the troops he has lately inspected are not to be surpassed.

The sixth regiment of infantry was found employed on the fortification at Rouse's Point, and, although devoted exclusively to labor for the previous three months, its appearance conformed to the high reputation it has always sustained. The labors of the troops of this corps have been of a high and important character. The country at large is indebted to them for their activity in fortifying one of its most important avenues; and the formation of the road from Plattsburgh to Chateauguy will be a source of long and grateful remembrance to the district where they have been stationed. The commanding General is gratified to state that these important services have been rendered, without the least diminution of their excellence as soldiers.

The several posts garrisoned by the regiment of light artillery were, with a single exception, as the commanding General would wish to find them. The soldierly character given by Lieut. Col. Eusters to his battalion, although composed almost entirely of recruits, is honorable to him and his officers. The police and medical regulations of Fort Independence, Warren, Swallow, Wolcott, and Adams would reflect credit on any service; and the promptness and precision of the troops of the several posts in their various duties, both as infantry and artillery, are an earnest of what their performance would be, were they called into active service. The commanding General regrets to state that there is a striking and unjustifiable exception to this character, in the troops stationed at Forts Trumbull and Greenwald; which the officers commanding there are called on most promptly to amend.

The second and fourth battalions of the corps of artillery, at Forts Proctor and Constitution and in the harbor of New York, possess a knowledge of their peculiar branch of service, which calculates them for essential usefulness in a future defence of the sea coast. The troops at Greenbush have carefully preserved the public property at that post, and are as the commanding General would expect to find them in such officers.

On return to Head Quarters the commanding General was in the highest degree gratified by the appearance of the troops stationed in SACRER'S HARBOR. Both himself and the army appreciate the character of Colonel BRADY; but at no time, except in the field, have his exertions been more manifest or successful than during the past summer. The commanding General trusts that the performance of the public labor now allotted to the second regiment will be equal to that of their other duties.

The commanding General again repeats that his recent visit to the posts has been grateful to him. Independently of the opportunity to greet officers with whom he had been previously associated, and to whom he now renews his expressions of esteem it has afforded him the means of witnessing their exertions to confirm past reputation by present usefulness. He exhorts them to continue the same; that their two-fold debt to the country and the army may be discharged and the profession of a soldier be the most respectable and permanent, because among the most useful.

By Order of Major General Brown, R. M. HARRISON, Aid de Camp.

Foreign. LIVERPOOL, SEPT. 4.

The Queen.—The Courier states, that her Majesty has been relapsing ever since Wednesday so night—and since Sunday, she has experienced a recurrence of all the most distressing symptoms of her complaint. The bulletin of Wednesday last, is as follows:—The Queen remains very much indisposed, but has passed a better night than was expected.