

Western Carolinian.

SALISBURY, N. C. TUESDAY, JULY 4, 1828.

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At the request of many of our patrons, and in consideration of the pressure of the times, changes of provisions, &c. the terms of the Western Carolinian have been altered, and will hereafter be as follows:—
Two dollars and a half per annum; or two dollars only, if paid in advance. No paper will be discontinued, except at the desire of the Editor, until all bills are paid up. Advertisements will be inserted at 50 cents the square for the first week, and 25 cents each week thereafter. For continued insertions, a special rate will be given on application to the Editor, or they may be sent to the printer.

SPEECH OF MR. CARSON.

Of North Carolina, on the subject of refunding to the State the sum of \$22,000, money which she paid to Indians of the Cherokee tribe, for reservations of land, delivered in the House of Representatives, during the late session of Congress.

I repeat it again, Mr. Speaker, that no State in the Union has been treated in the same unjust manner by the Government, nor has any State in the Union acted with more loyalty or dealt with a more liberal hand towards this Government, than has North Carolina.

But, Sir, let us run the parallel of the comparative merits of the respective claims of New York and North Carolina upon this Government a little farther. The gentleman from New York, (Mr. Marvin,) has said, (by way I suppose of setting up a claim upon the liberality of the Government,) "that New York ceded a vast tract of western territory to the general Government."

This act of cession, Mr. Speaker, was assuredly vastly liberal on the part of New York, especially when we consider that she had no title to the lands which she ceded. I have not read her act of cession, but I venture to say that her deed is only a *quit claim* or special conveyance (as it is called in law) conveying only that title which New York possessed and which in fact was *no title at all*. Thus much Sir, for the extraordinary liberality of New York, so highly lauded by her faithful representative (Mr. Marvin.) And now Sir, for the part which North Carolina acted in this drama of liberality played off by the States. She did cede to the General Government, not lands to which she had no title, but lands to which she had a *bona fide* undoubted and unquestioned right, and that cession includes not only the whole State of Tennessee, but its western limits is bounded by the Pacific Ocean. And let us next inquire into the causes, Sir, which induced her to part with this vast and almost boundless region of country, and see whether it does not impose an additional obligation upon this Government to reimburse her in any and every loss she may sustain by the acts of this Government, or by the residence of Indians upon her soil.

The moving causes are to be found in the preamble of her act of cession, which reads as follows:

"Whereas, the United States in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cession of part of the same, as a further means, as well of hastening the extinguishment of the debt, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received; now this State being ever desirous of doing ample justice to the public creditors, as well as establishing the harmony of the United States and complying with the reasonable desires of her citizens—Be it enacted, &c. Here follows the act of cession.

From this preamble, and the act of cession, Mr. Speaker, it is clearly manifest, that the great object which North Carolina had in view, in parting with her western lands, was the extinguishment of the public debt contracted in our revolutionary struggle; and I here might pause, Mr. Speaker, to pay a just compliment to my State for her liberality, her magnanimity, and loyalty to this government. If, indeed, Sir, I had not seen ample reasons in the investigations of this subject to regret, that she had ever parted with her western territory. Although this act of hers must remain as a monument to the credit of North Carolina, while this Union exists, or the name of Tennessee is remembered, yet, I would to God, Sir, that that monument had never been erected, and that this act had never appeared upon our statute books. Then could North Carolina have reared her head among the proudest of our sister States. Then, Sir, would her influence and her weight have been felt, and instead of having assigned her the humble position of a follower, she would have proudly led the van. I hope by these remarks, Mr. Speaker, that my friends from Tennessee will not understand me as wishing any injury to that State. Far from it, Sir; for while I regret that the parent State has parted with the dominion and soil of that fertile and desirable region, yet North Carolina does and always will, feel a just pride in the recognition of that State as

her daughter; and at this time, Sir, we must be permitted all the gratification and pleasure which a parent can derive from seeing her offspring the Bells of the Union. And permit me to hope, Sir, that the old State will be pardoned for the part she may act, and the anxiety she may feel in seeing the favorite son of a favorite daughter elevated to the first office in the gift of this nation.

But, Sir, a further obligation on the part of the government to extinguish the Indian title to lands in North Carolina, results from the third reservation in her act of cession. That reservation is in the following words:

"Thirdly, that all the lands intended to be ceded by virtue of this act to the United States of America, and not appropriated as before stated, shall be considered as a common fund for the use and benefit of the United States of America, North Carolina, inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever."

Now, Mr. Speaker, I demand of this House, whether this government did "faithfully dispose of the lands," according to this reservation? Sir, she did not, and by the improper disposition of those lands by this government, North Carolina sustained an injury which cannot be repaired, not even by refunding this money, but by the extinguishment of all the Indian title to the lands within her limits—for if those lands had been faithfully disposed of, and North Carolina had received her just proportion, it would have been an amount far exceeding all that the government have, or all that she ever can expend, in the extinguishment of Indian title within her limits. How, then, were those lands disposed of? They, Sir, instead of being disposed of according to the terms of this reservation, were exclusively appropriated to the use of the State of Tennessee. This will be seen by the act of Congress of the year 1796, &c. As those lands were improperly disposed of, I am certainly as well satisfied that they were given to Tennessee, as I could have been by any other improper disposition of them. But my complaint is, Sir, that after North Carolina has suffered so much by the improper acts of the General Government towards her, she should hesitate to reimburse North Carolina in the money, which by the wrongful act, and by the unjust assumption of power on the part of this Government, she compelled North Carolina to pay.

Yes, Sir, an assumption of power, which, if justified and persisted in by this government, then, farewell, a long farewell to State rights, and to State Governments. No State then, Sir, can grant away her own lands; we must look to this national Government for all our land titles. I say national, Sir, for the federative features of our Government, will all have merged into that of a national, and a State Government if, indeed, they should be in existence, will be merely nominal: for take away the right of soil, or the right to grant the soil, then have you divested them of almost all the rights which are valuable, or worth having.

But, Sir, I deem it superfluous to argue this point, for surely no gentleman on this floor could be so reckless of his reputation, as to hazard the opinion, that this Government has the right to grant fee simple titles to land within any of the original States. Yet, Sir, the United States did, by the treaty of 1819, grant reservations of land in fee simple to certain Indians of the Cherokee tribe; and all the facts connected with this transaction, and the conduct of North Carolina, relative to the grant, have been laid before this House, in a report from the Committee on Indian Affairs, which I had the honor to submit in the early part of the session, accompanied by a memorial from the Legislature of North Carolina; and trusting, therefore, that they are recollected by the House, I shall not again go into the details of them.

It has been said, however, Sir, by way I suppose, of justifying the Government in her improper act, "that North Carolina solicited this Government to make the treaty, and that she accepted the treaty after it was made &c." It is the fact, Mr. Speaker, that North Carolina has been solicitous to have that incumbrance which was improperly placed upon her, and imposed upon her too, against her solemn protest, removed, and for that reason has applied to this Government to take that off, which she put on: But, Sir, by this treaty of 1816, instead of complying with the just requests of North Carolina, removing that incumbrance, they placed a greater one on us.

How is this? Why Sir, instead of extinguishing that peculiar kind of title which the Indians held in their land, which was only a possessory or usufructuary right, and in fact all the title which

they are capable of holding, according to the decision of the Supreme Court of the United States, and this can be seen in the report of the celebrated case of Fletcher vs. Peck, where the whole nature of their titles are thoroughly investigated. I say, Sir, instead of extinguishing, they altered and converted that which was previously a mere possessory title, into the best of all possible titles, that of a fee simple. Now is it all, they have palmed upon North Carolina, endowed with all the privileges, franchises and immunities of citizens, these Indian reserves; a species of population which we did not want; a kind of people whose very nature forbids the possibility of our fraternizing with, and in short, a people, Sir, we never can elevate to an equality with ourselves until such changes have taken place in their habits, their morals, their education and in their very nature, Sir, which the most sanguine hopes of the philanthropist, for the amelioration of the condition of man, cannot anticipate for ages to come. But how did North Carolina act under this additional injury of the United States?

In justice to herself, Sir, she should have taken and kept possession of the land, and left the Indians and the government to have settled that matter between themselves: then she would not have suffered the rebuke of gentlemen upon this floor, for asking but justice from this government. She, however, acted differently, she went pacifically to work, and rather than violate the faith which the Indians had in the general government, she applied her own money and purchased out the Indians, and now appeals to the justice of Congress, to reimburse her in the amount paid; and after this act of magnanimity and liberality upon the part of North Carolina, it is humiliating, Sir, to hear it tauntingly said "that North Carolina was acting in her own wrong" in her liberal course towards this government, and that she should not be permitted to take advantage of it. What, Sir? wrong to keep inviolate the faith of the Indians in this government—wrong to submit to an injury, rather than fly in the face of the general government, and bid defiance to her treaties? Sir, it may have been wrong in North Carolina, but permit me to say, that the decision of that question should be left to the Supreme Court of the House, upon this question, for should she give us the amount, North Carolina is justified, but should she refuse, it will then be for North Carolina to pursue a different course towards this government, under similar circumstances, should they ever occur.

But, said the gentleman from Kentucky, (Mr. Clark,) "there is no legal obligation upon this government to refund this money, and if there ever was, North Carolina has relinquished that right by her own acts in the acceptance of the treaty, and the advancement of her money to purchase those reservations."

In answer to this, Mr. Speaker, I will say, that should it be considered that the legal obligation is weakened, most assuredly the moral obligation, an obligation, Sir, always recognized by honorable men, as much higher and more binding in its nature, has been greatly strengthened, and instead of the policy of North Carolina being brought up here as forming an objection to her claims, it should be set down to her immortal honor, and should operate as an additional inducement to grant the remuneration which she now demands.

But, Mr. Speaker, as the gentlemen from Ky. and N. Y. (Mr. Clark and Mr. Marvin,) appear to bow with such deference to the omnipotence of precedent, permit me to read, for the benefit of those gentlemen, a case, which I consider strictly in point.

By a treaty held with the Kickapoos, in the year 1819, the United States ceded to that nation a tract of country lying in the then territory of Missouri, "to them and their heirs for ever." (See book of Indian Treaties and laws, page 268, Article 6th.) This treaty was communicated to the Senate, and they refused to ratify that part, because it vested the Indians with a fee simple title, and the consequence was, that a supplemental treaty was made at the expense of the United States, by which the title intended to be conveyed by the 6th Article of the previous treaty, was altered so as to convey only that possessory kind of title, usual among Indians.

Now, Sir, in this case, the Senate refused to ratify a treaty, by which a fee simple title to land (which she had the unquestionable right to convey, for it was within the territory of Missouri) was guaranteed to the Indians, and caused that article to be altered. But in the case of North Carolina, the treaty was ratified. Our lands were taken, and will this Government now say that she will refuse to pay us back the amount we have paid, after she has decided, by her refusal to rati-

fy the treaty with the Kickapoos, that it was improper to invest Indians with any other title to lands, than that usually held among them? I hope not, Sir. But should she do so, it may teach North Carolina a salutary lesson which will never again to extend her liberality to, or confide in a government, who treats her kindness with such injustice: for, Sir, had North Carolina been as prudent of her interest as her sister State of Georgia, she now might have proudly demanded as a right, that which she only asks in justice.

My thanks, Mr. Speaker, are due to the House for its kind indulgence. I tender them most sincerely. And if any thing has escaped me in the course of those remarks which may be considered exceptional by any gentleman present, I beg that it may be attributed to that zeal which I must be permitted to feel for the interest of my State; for Sir, it was foreign from my purpose to impugn the motives of any gentleman, however widely he may differ with me upon this subject.

The motion of Mr. CARSON was decided in the affirmative, by a vote of 89 to 70—and the appropriation of 22,000 dollars, was passed.

(BY REQUEST.)

Tune—"Old Lang Syne."

Should auld acquaintance be forgot,
And never brought to mind;
For Jackson will be President,
And Adams left behind,
For Jackson, &c.

Let's drink to Gen. Jackson's health,
Who fought for New Orleans,
And he will be our President,
But not by treasonous means,
And he, &c.

Jacksonians! fill again the cup,
Drink to the Great and Good;
Who nobly for his country fought,
And firm Old Hickory stood,
Who nobly, &c.

And all the people him do love,
For fighting in such scenes;
And we will rally round the tree,
And fight for New Orleans,
And we, &c.

He drove the British from our shore,
In spite of Old King George;
For in his hopes of conquering us,
We encouraged all his rage,
For in, &c.

Old Hickory conquered Pakenham,
And also all his fleet;
For Jackson he was wide awake,
And made them quick retreat,
For Jackson, &c.

And to the Great, the Just, the Good,
We'll ever bring to mind;
And ne'er shall Hickory be forgot,
In the days of Old Lang Syne,
And ne'er shall, &c.

STANZAS.

Good night! Oh, may thy slumber be
Smiling as that of infancy,
And in thine undisturbed repose
Forget this world—at least it woes;
But if there's one tender thought,
With kind and sweet remembrance fraught,
Which, when awake, exerts its powers,
Some treasured one of Memory's flowers,
May that be pictured to thy view,
And in thy slumbers bless thee too!
Now on thy eyelids let me press
One kiss of truth and tenderness,
To seal them o'er till mornings light;
Good night—another kiss—good night.

Tooth Powder.—It may be gratifying to our fair readers as well as those who wish to "stand high in their good graces" on the score of cleanliness, to publish the following recipe for making a cheap and incomparably excellent dentifrice, which not only makes the teeth white, but also gives strength to the gums and an agreeable sweetness to the breath.—It is as follows:—Take half an ounce of Gum Myrrh, one ounce of chalk, and one ounce of Charcoal. The ingredients must be finely pulverized, the finer the better; when it is fit for immediate use.

[American Advocate.]

In relation to the above notice, we will add that of all preparations for cleansing the teeth we ever used this preferable.

Cure for a Consumption......In the month of May gather the flowers from the thorn bush—boil two bunches of the blossoms in a half pint of milk, let it stand till it is about as warm as milk from the cow, drink it the first thing in the morning and take a walk immediately afterwards if the weather is favorable, and a cure will soon be effected.—The flowers will be kept good, and be fit for use all the year if they are well sprinkled with salt, then put into a vessel and tied down tight to keep the air from them.

Some Gentleman

Of the Bar has taken from my office, or borrowed from me on the circuit, the third vol. of Starkie on Evidence, and the second vol. of Maddock's Chancery. He will confer a favor by returning them. D. F. CALDWELL.

Mills and Lands.

THE valuable Mills and Lands formerly the property of George Saner, dec'd, are offered for sale by the late purchasers. This land lies on Dutchman's creek, 4 miles east of Mocksville, adjoining the Giles Mumford tract, and is equal to any land in Rowan county, with a large proportion of superior meadow; the Mills are of superior construction, and have now a very good and increasing run of custom; the water-power can very conveniently be made to drive any kind of Machinery. For other particulars, and terms, apply to Thomas D. Gibbs, one of the proprietors, on the premises.

16th

THOMAS D. GIBBS,
JOSEPH HANES,
PETER SANER,
JACOB SANER,
MARTIN SANER.

May 23d, 1828.

N. B. Another tract, belonging to Peter Saner, adjoining the above, containing 225 acres, will be sold in connexion with the above, or separately as may best suit the purchaser; which is likewise first rate land.

Mills, will be sold, a lot adjoining the town of Mocksville, containing ten acres of land, with a good dwelling-house, with out-houses, and an excellent garden; this property will be sold low, on accommodating terms. Apply as above.

Superb Land for Sale.

THE subscriber being determined to return to the eastern part of the State to reside next winter, offers for sale his valuable Plantation in Rowan county, containing three hundred and twenty-one acres; all of which is of a superior quality. Those who have seen the land, say it is equal to any in the county. There are excellent buildings of every description on the place. Persons who want a healthy situation, a good stand for a Store, and an elegant farm, will be very much pleased with the land. The land is ten miles west of Salisbury, on the Sherrill's Ford road, adjoining the lands of Mr. Allmand Hall, Mr. Joseph Cowan, and others. I deem it unnecessary to say any thing further, as it is presumed the purchaser will view the premises.

June 4th, 1828.

RICHARD C. HOLMES.

Notice to Tanners.

THE subscriber offers for sale, the valuable property in the town of Charlotte, lately belonging to Mr. Allen Baldwin. This property includes about 60 town lots, on a part of which are improvements, viz: A valuable Tannery, including all the necessary buildings, &c. Also, a water race, back mill, and a saw mill, all under cultivation, and well fenced. Any person wishing to purchase, can learn the terms by calling on the subscriber, living in Cabarrus county, on Buffalo creek; or on Mr. William Smith, living in Charlotte.

ROBERT M'KENZIE.

Cabarrus county, May 22, 1828. 16th

Packets for Philadelphia.

THE subscriber having established a line of PACKETS between Philadelphia and Wilmington, N. C. takes this method to inform the public, that a Vessel will leave Philadelphia for Wilmington, N. C. about every ten days, except when prevented by ice in the Delaware. Goods and Produce intended for this conveyance, will be received and forwarded by Messrs. Hartens & Hutton, of Fayetteville, N. C. and Messrs. Stone & Hutton, of Wilmington, N. C. at the lowest rates of freight, and least expense possible. Having three good Vessels in the trade, commanded by careful captains, well acquainted with the coast, and Cabins well filled up for the accommodation of Passengers; he therefore trusts to meet with encouragement.

JAMES PATTON, Jr.

Smith's Wharf, Philadelphia, March, 1828. 3m24

Committed to the Jail

OF Wilkes county, a negro Boy, who says his name is HILL, belongs to Ezekiel Trotman, of Alabama, and ran away below Fayetteville. He is 5 feet 8 or 9 inches high, well made, rather light complexion, between 22 and 25 years old; no particular marks perceptible on him. His owner is requested to prove property, pay charges, and take him away.

CHARLES PHELPS, Jailor.

Wilkesboro', May 30, 1828. 17

State of North-Carolina, Cabarrus county: I JOSEPH WEIR, do hereby certify, that Miles Hill, Theodore Merrell, Thomas Gillespie and Jas. W. Tigret, those who were acting as Guard and who were accused of aiding me in getting out of the Jail in Charlotte, N. C. are innocent of the charge alleged against them, and that the above named had no agency in the transaction. Witness my hand and seal, JOSEPH WEIR.

May 29th, 1828. 3121

Wm. C. Means, R. Wallace, Geo. Fleming, J. L. Beard, C. S. C. G. W. Spears, G. M. Harris, Philip H. Moore, Jno. N. Spears.

State of North-Carolina, Lincoln county: IN Equity: John Huson, S. Huson, and Mortimer Huson, by their guardian, Eli Hoyt, vs. John Fiddle and wife Mary, and Joseph McKinzie: Original bill. It appearing to the satisfaction of the court that the defendants in the above case reside out of the state; therefore, ordered by court, that publication be made six weeks successively, in the Western Carolinian, for the defendants to appear at our next Superior Court of Equity to be held for the county of Lincoln, at the court-house in Lincolnton, on the 4th Monday after the 4th Monday in September next, then and there to plead, answer or demur to complainant, else the same will be taken pro confesso, and heard ex parte. Witness John D. Hoke, Clerk and Master of said Court, at office, the 4th Monday after the 4th Monday of March, 1828. 64-93 JNO. D. HOKE, C. J. P.