

Western Carolinian.

Printed and published, once a week, by PHILIP WHITE,
Publisher of the Laws of Carolina.

SALISBURY, ROWAN COUNTY, N. C. TUESDAY, JUNE 30, 1829.

[VOL. X. NO. 473.]

DRUGS AND MEDICINES.

JUSTIN & BURNS,

Have just received, at the Salisbury Medical and Drug Store, an extensive and well selected assortment of DRUGS, MEDICINES, &c., which they are determined to sell as low for cash, or on credit to punctual customers, as can be had in the State. Among their assortment will be found the following articles, viz:

- Aloes soc. and hepat.
- Acidum nitric.
- Muriatic.
- Sulphuric.
- Tartaric.
- Prussic.
- Citric.
- Arrow root.
- Alum.
- Arsenic Alcohol.
- Antimony sulph. sur.
- Antimony sulphuret.
- Ammoniz aqua spirita.
- Aqua fortis.
- Aniseed.
- Balsam copaiva canadensis.
- Peru.
- Tolu.
- Bark Sanford's.
- Peruv. common.
- Yellow.
- Lina.
- Red.
- Mazoreon.
- Beant Tongva.
- Burzy pear.
- Borax refined.
- Burgundy pitch.
- Bismuth ox.
- Camphor.
- Caraway seed.
- Calomel.
- Cassia r-fined.
- Cannella alba.
- Cardamom Seed.
- Celastrum.
- Chalk red and white.
- Cinchona.
- Conserve rose.
- Cream tartar.
- Cinnamon, Cloves.
- Custic Lan.
- Copperas.
- Colombo pulv. radix.
- Colchicum.
- Cicuta.
- Core's live syrup.
- Cuba's snuff.
- Colony.
- Corrosive sublimate.
- Digitalis purp.
- Dover's powders.
- Elaeterium.
- Elisir vitriol.
- Epom salts.
- Ether vitriol.
- Essence lemon.
- Essence Bergamot.
- Jalap pulvis.
- Peppermint.
- Spruce.
- Extret.
- Cinchon.
- gentian.
- biocyan.
- ciouze.
- liquorice.
- Egrot.
- Flores Benzoe.
- sulph.
- zinci.
- chamomile.
- lavender.
- elder.
- Fol. Sabina.
- Senna.
- Uva Ursi.
- Fennel seed.
- Fowler's solution.
- Galls Aleppo.
- Gentian.
- Ginger pulv.
- Gum Arabic.
- fatid.
- galbanum.
- kino.
- myrrh.
- gamboge.
- sacchomy.
- shellac.
- copal.
- Icinglass.
- Ipecacuanha.
- Jalap pulvis.
- Juniper berries.
- Lichen island.
- Liquorice radix.
- Landatum.
- Lint patent.
- Litharge.
- Lime oxym.
- Lime juice.
- Lemon surrup.
- Magnesia cars.
- calcin'd Henry's Williams'.
- Mace.
- Marma flake.
- Musk.
- Mustard seed.
- Mercurial ointment.
- Blue Pill Mass.
- Nutmegs.
- Nitre refined.
- Nux vomica.
- Oilum anise.
- cajuput.
- clayes.
- Juniper.
- lavender.
- organum.
- peppermint.
- rosmary.
- sassafras.
- savin.
- wormseed.
- croton tig.
- olives.
- spike.
- castor.
- salial.
- winter green.
- pennyroyal.
- cinnamon.
- lemon.
- turpentine.
- Oxymel Scilliz.
- Orange peel.
- Opium Turk.
- Paregoric.
- Pearl ash.
- Pink root.
- Plaster adhesive.
- roborans.
- diachylon.
- mercurial.
- bonsall's.
- simplex.
- maly's.
- court.
- cantharic.
- Pimento.
- Cayenne.
- Powders James'.
- antimonial.
- Potam sulph.
- super tartis.
- carb. puriss.
- Precipit. rub. and alb.
- Quinine sulph.
- Quassa excelsa.
- Quick silver.
- Rhei pulv. and rad.
- Rochelle salts.
- Resin yellow.
- Saffron.
- Sarsaparilla.
- Seneca.
- Serpent. virgin.
- Senna Al. and Ind.
- Squills.
- Soda sup. carb.
- Spirits nitre dulcis.
- wine.
- lavender comp.
- camphor.
- ammonia.
- Sponge surgeon's.
- Soap castile.
- windor.
- Salts tartar.
- Sanders red.
- Sugar Lead.
- Tartar emetic.
- Turpentine spirits.
- Trusses Hull's & Ivory.
- Turneric.

- Gum elastic.
- Tamarinds.
- Tinctures, various.
- Tragacanth.
- Valerian.
- Vitriol white.
- Vinegar squills.
- French brandy.
- Holland gin.
- Jamaica rum.

- ### WINES AND LIQUORS.
- Old Sherry Wine.
 - Port do.
 - Lime do.
 - Claret do.
 - Champagne do.

- ### INSTRUMENTS.
- Pocket Cases, Nos. 1, 2 and 3.
 - Elastic Bougies do. Catheters.
 - Nipple Shells.
 - Breast Pipes.
 - Stomach Tubes.
 - Spring Lancets.
 - Evans' Thumb do.
 - Imitation do.
 - Lancet Phlebot.
 - Tooth Forceps.
 - Fox's Turn Keys.
 - Common do.
 - Syringes, large & small.
 - Apothecaries' Scales and Weights.

- ### PATENT.
- Anderson's Pills.
 - Hooper's do.
 - Lee's do.
 - Bonsall's do.
 - Dyott's do.
 - Batesman's Drops.
 - British Oil.
 - Godfrey's Cordial.
 - Warner's do.
 - Haarlem Oil.
 - Opudeldoc.
 - Whitwell's.
 - Stoughton's elixir.
 - Turlington's balsam.
 - Balsam of honey.
 - Swain's panacea.
 - Potter's catholicon.
 - Essence of mustard.
 - Thompson's eye water.
 - Dean's rheumatic pills.
 - Wharton's bitters.
 - Anderson's cough Drops.
 - Anderson's pectoral Pills.
 - Rogers' Pulmonic De-tergent.
 - Do. Pulmonary Syrup.
 - Do. Tooth ache specific.
 - Do. Linimentum.

- ### PAINTS AND DYE-STUFFS.
- Fine chrome yellow.
 - Green.
 - Anatto.
 - Bleaching salts.
 - White lead.
 - Black do.
 - Red do.
 - Ground fustic.
 - Logwood.
 - Nicaragua.
 - Indigo, ivory black.
 - Lampblack, Madder.
 - Glue, Prussian Blue.
 - Rotten stone, pumice.
 - Terre de Sienna.
 - Vermillion.
 - Yellow ochre.
 - Venetian red.
 - Spanish brown.
 - Copal varnish, No. 1 and 2.
 - Spanish whitening.

- ### STATIONERY.
- Gentlemen's do. Wal-lets do. plain.
 - Rice paper.
 - Stamps.
 - Letter Folders, bone and ivory.
 - Ink Indelible Perkins' red, black.
 - Camel hair pencils.
 - Germine successors.
 - Gold leaf.
 - Wafers, sealing wax.
 - Pocket maps.

- ### PERFUMERY.
- Cologne water.
 - Smelling bottles.
 - Cosmetic wash balls.
 - Fancy soaps, various.
 - Lavender water.
 - Milk of roses.
 - Oil Bergamot.
 - Otior Roscs.
 - Antique Oil.
 - Maccasar do.
 - Beas do.
 - Pomatum.
 - Hair powder.
 - Tooth paste.
 - Pearl powder.

- ### SHOP FURNITURE.
- Tincture Bottles.
 - Salt mouth'd do.
 - Specie do.
 - Vials assorted.
 - Corks.
 - Mortars and Pestles.
 - Pill Files.
 - Ointment Jars.
 - Spatulas.

- ### SUNDRIES.
- Fancy snuff boxes.
 - Plain do.
 - Lorillard's snuff.
 - Mavland's do.
 - Tooth brushes.
 - Hair do.
 - Stilettes.
 - Tweezers.
 - Steel scissors.
 - Hatters' bowstrings.
 - Pocket compasses.
 - Music and Musical Instruments.

The foregoing list is not complete, but may be useful to those who wish to order.

PUBLIC DOCUMENT.

RELATING to the CHEROKEE LANDS.

Legislature of North Carolina, Session of 1826-7. The Joint Select Committee, appointed to memorialize the Congress of the United States upon the subject of the Cherokee lands

REPORT: That they have had the subject under consideration, and submit the accompanying memorial, and recommend the adoption of the following resolution, viz: Resolved, That the Governor be requested to transmit a copy of this memorial to each of the Senators and Members of the House of Representatives from this State, in Congress, with a request that they present the same to both Houses of Congress.

JOHN D. TOOMER, Chairman.

MEMORIAL.

To the Senate and House of Representatives of the United States, in Congress assembled.

The memorial of the General Assembly of the State of North Carolina respectfully represents: That at the close of the Revolutionary War, the territory composing the sovereign and independent State of North Carolina, was bounded on the east by the Atlantic, and on the west by the Pacific ocean; on the north, by a line, beginning on the sea shore, in the southern boundary of Virginia, in 36°, 30' north latitude, and thence west to the Pacific ocean; and on the south by a line, beginning on the sea side, at a cedar stake, at or near the mouth of Little River; thence a north-west course through the "boundary house," which stands in 35°, 56', to 35° north latitude, and thence west to the Pacific ocean. The Congress of the United States having repeatedly recommended to the respective States in the Union, owning vacant western territory, to cede the same to the United States, an act was passed by the Legislature of this State, at its session in the year 1789, authorizing certain commissioners to convey to the United States all those lands situate within the chartered limits of North Carolina, (being west of a line, beginning on the extreme height of the Stone Mountain, at the place where the Virginia line intersects it; thence along the extreme height of said mountain, to the place where Watauga river breaks through it; thence a direct course to the top of the Yellow Mountain, where Biggs' road crosses the same; thence along the ridge of said mountain, between the waters of Doe river and the waters of Rock creek, to the place where the road crosses the Iron Mountain; thence along the extreme height of said mountain to where Nolichucky river runs through the same; thence to the top of the Bald Mountain; thence along the extreme height of said mountain to the Painted Rock, on French Broad river; thence along the highest ridge of said mountain, to the place where it is called the Great Iron or Smoky Mountain; thence along the extreme height of said mountain, to the place where it is called Unika Mountain, thence along the main ridge of said mountain, to the southern boundary of this State) upon certain conditions therein expressed. In pursuance of said act, the commissioners executed the deed of cession, which was duly accepted and ratified by the United States, in Congress assembled, on the 2d of April, 1790. By the acceptance of this cession, the United States, among other obligations thereby assumed, became bound, "that the lands laid off, or directed to be laid off, by any act or acts of the General Assembly of this State, for the officers and soldiers thereof, their heirs and assigns, respectively, shall be and enure to the use and benefit of the said officers and soldiers, their heirs and assigns respectively; and that all the lands thus ceded, and not appropriated as aforesaid, shall be considered as a common fund for use and benefit of all the United States, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure, and shall be lawfully disposed of for that purpose and for no other use or purpose whatever." A part of the territory so ceded, now forms the State of Tennessee, bounded on the east by the western boundary of North Carolina, as described in the act of cession; and on the west, by the river Mississippi; on the north and south, by the northern and southern lines of the ceded territory. All the lands laid off, or directed to be laid off, as aforesaid, by the General Assembly of North Carolina, lie within the limits of the State of Tennessee; and after the location of all the said lands, there remained, within the limits of Tennessee, a very large and very valuable residue, which should have been appropriated to the use of the several States of the Union, including North Carolina, in the proportion set forth in the act of cession. The United States still hold, under this cession, for the like uses and purposes, an immense extent of country, and of great value, situate between the river Mississippi and the Pacific ocean, and between the northern and southern limits of the ceded territory.

It is true the act of cession did not require the United States to stipulate that all right and title of the Indians to lands within the limits of North Carolina, should be extinguished by the United States, as has been done by Georgia. North Carolina, acknowledging the parental care of the General Government, generously confiding in her sense of justice, and believing that good policy would dictate the extinguishment of the Indian title, did not demand such stipulation, which (if required) would have been a very inadequate consideration for the territory conveyed, and the sovereignty granted. It is believed that the portion to which North Carolina was entitled, by the act of cession, of the residue of lands in the State of Tennessee, after the location of all the military claims, would have been amply sufficient for the extinguishment of the Indian title to lands within the limits of North Carolina; but the United States have appropriated this residue, exclusively, to the use of the State of Tennessee.

The United States, acknowledging the rights of North Carolina, and yielding to her just claims, attempted, by the treaties of 1817 and 1819 with the Cherokee Tribe of Indians, to extinguish their title to all the lands within the limits of this State. This attempt proved abortive, by a mistake in describing the territory intended to be surrendered by the Indians. The language of the treaties leaves little doubt of the intention of the contracting parties, to extinguish the Indian title to all the lands within this State; but the application of a technical rule produces the difficulty. The treaties stipulate, the Cherokees shall surrender all their lands lying within the limits of North Carolina; and then unfortunately set forth the supposed metes and bounds of the territory intended to be surrendered. In these metes and bounds there is a great mistake. The former is called a general, the latter, a particular description; and it is said, the particular controls and restrains the general description. The lands in the occupancy of the Cherokees, not embraced by these metes and bounds, and within the limits of North Carolina, are of great extent and value. This tract of country, from the most accurate information now obtained, includes more than one million of acres of land; and is estimated to be worth four hundred thousand dollars; and is occupied by about three thousand Indians. The extinguishment of the Indian title to this district of country, and the removal of this unfortunate race beyond the Mississippi is of momentous importance to the interests of this State.

The fertility of soil, the extent and value of territory, are sufficient inducements to urge the extinguishment of the Indian title; especially, as (we think) we have just claims on the general government. These are not the only inducements; the red men are not within the pale of civilization, they are not under the restraints of morality, nor the influence of religion; and they are always disagreeable and dangerous neighbors to a civilized people. The proximity of these red men to our white population, subjects the latter to depredations and annoyance, and is a source of perpetual and mutual irritation. It is believed, this unfortunate race of beings might, easily, be induced to exchange their lands in this State, for territory beyond the Mississippi, whither so many of their brethren have already gone. It is unnecessary to recite facts or urge arguments, to prove, that such removal will be beneficial not only to the citizens of this State, but to the Indians themselves; aware of the liberal policy which has been pursued by the general government on subjects of this character, it will be sufficient to invite, respectfully, the attention of Congress to this memorial.

Before the ratification of these treaties, North Carolina had the right of sovereignty and soil of all the land within her limits; the Indians enjoying a mere right of temporary occupancy. By these treaties, a large tract of land was secured to the heads of the Indian families for life, with remainder in fee to their respective children; and this was a part of the consideration given by the United States to these Indians, for abandoning the occupancy of the land then surrendered. It was believed at that time by the statesmen of North Carolina, that the United States could not legally deprive this State of the right of sovereignty and soil of the territory thus attempted to be secured to the Indians; but they were unwilling to array opposition against the acts of the general government. With these feelings, North Carolina not only acquiesced in the terms of the treaties, but ratified their provision by legislative acts. Policy soon suggested to North Carolina the propriety of purchasing from the Indians the lands thus secured to them. The peace and tranquility of her citizens made such a measure necessary. Yielding to this necessity, North Carolina

commenced the purchase; a portion only has yet been purchased, and it has cost her in the sum paid the Indians, and in incidental expenses, about twenty two thousand dollars. (\$22,000.) The claim of North Carolina to be refunded this sum, (the expenditure of which was made necessary by the unauthorized act of the general government,) is respectfully submitted to the wisdom and justice of Congress.

The following was the Committee in the State Legislature, in 1826-27, who reported the above memorial, to wit: On the part of the Senate, Messrs. Croom, McKay, King, Love, and Beard of Rowan; On the part of the Commons, Messrs. Toomer, Swain, White, Shipp, and Donoho.—From the Journal, page 167.

House of Representatives, Jan. 22, 1828.

Mr. Carson, from the Committee on Indian Affairs, to which the subject had been referred made the following

REPORT:

The Committee on Indian Affairs, to which was referred a resolution "inquiring into the expediency of refunding to the State of North Carolina \$19,579, which sum was paid to certain Indians of the Cherokee tribe, for reservations of land within the limits of said State, granted to them, in fee simple, by the treaty of 1819," report:

That it was stipulated by said treaty "that, to each and every head of any Indian family, residing on the east side of the Mississippi river, on the lands that are now, or may hereafter be, surrendered to the United States, the United States do agree to give a reservation of 640 acres in a square, to include their improvements, which are to be as near the centre thereof as practicable, in which they will have a life estate, with a reversion, in fee simple, to their children," &c.

The facts connected with this claim, and which induced North Carolina to purchase those reservations without first applying to the General Government, are briefly as follows:

Immediately after the ratification of the treaty of 1819, the State of North Carolina appointed Surveyors and Commissioners to survey and sell the lands acquired within the limits by said treaty.

The duties assigned those Commissioners and Surveyors were performed without a knowledge of what reservations would be taken, or where located. Subsequent to the sale by the State Commissioners, a Surveyor was sent by the General Government to lay off the reservations for those Indians who claimed under the stipulations of the treaty. The consequence was, that almost all those reservations conflicted with lands previously sold, by the Commissioners on the part of the State, to her citizens, a number of whom had sold their homes in the old settled parts of the State, and removed to the newly acquired territory. Those conflicting claims caused much disturbance; the purchasers depending upon the faith of the State, to make valid their titles, and the Indians on the faith of the General Government to secure them in theirs.

A great number of suits were instituted by the Indians in the Courts of Law of North Carolina, against those citizens who had taken possession under their purchase from the State Commissioners; and one case was carried up to the Supreme Court of that State, and decided in favour of the Indians. Disagreeable results were likely to ensue. Necessity compelled North Carolina to take prompt and decisive measures for the relief of those citizens who were likely to suffer. She, therefore, appointed Commissioners with instructions to purchase those reservations, which purchase was effected for the sum claimed by North Carolina, and which your committee believes in moral justice ought to be refunded to her.

The reasons which have brought your committee to this conclusion are:

First. The General Government had no power to exercise any control over any part of the soil within the limits of any of the original States, and that the injuries sustained by North Carolina resulted from the act of the General Government in the assumption and exercise of this power, as set forth in the treaty, and which was a violation of the rights and sovereignty of that State.

Second. The general policy of the Government has been to extinguish Indian titles to land within the States, when she could do so, &c.

Your committee entertain no doubt as to the correctness of the first proposition, "that the Government had no power to grant the soil within the limits of the original States," &c. But as this power has been exercised, and consequently, claimed by the Government, your committee deem it due to the importance of the question, and to a correct discharge of their duty, to give their views somewhat at length.

THE THOROUGH BRED HORSE.

ACRONAUT,

Will stand this season in the counties of Rowan and Cabarrus commencing the week in Salisbury, on Mondays, Tuesdays, and Wednesdays; in the town of Concord on Thursdays, Fridays, and Saturdays, and season will commence the 1st of March, and end 1st August. Twelve Dollars will be charged for the season, payable by ten dollars before the season expires; Eight Dollars the fee; and Twenty Dollars to insure. For Pedigree and description of Acronaut, see handbills.

STEPHEN L. FERRAND, CHARLES L. BOWERS.

Feb. 12th, 1829. [See next Aug.]

N. B. Great care will be taken to give general satisfaction; but we cannot be liable for accidents. Grain will be furnished, at the market price, to mares sent from a distance.

WAGONERS,

Driving to Fayetteville,

Will find it to their advantage, to stop at the Wagon Yard, where every convenience is provided for Man and Horse, to make them comfortable, at the moderate charge of 25 cents a day and night, for the privilege of the Yard, the use of a good house, fire, water, and shelter. Attached to the Yard, are a Grocery and Provision Store, Bread Shop and Confectionary, and a House for Boarders and Lodgers, in a plain, cheap, wholesome and comfortable style.—Fayetteville, 1st April, 1829. 09

DANIEL H. CRESS,



Has just received, and opened at his Store in Salisbury, a large and handsome assortment of

Spring and Summer Goods; Also, Groceries, Hardware, Cutlery, Plated Ware, Hats, and Halters' Trimmings, Crockery, a good assortment of Bolting Mills, Shoes, Bonnets, and every article usually asked for in stores.

His stock of goods has been purchased entirely for cash; and he is determined to sell them as low as can be had in the place, for cash, or to punctual customers on a short credit. The public are respectfully invited to call, examine, and judge for themselves.

Salisbury, June 3d, 1829. 70

Goods at Auction.

Will expose to Auction, the balance of the Stock of Goods of E. Allemon, on the 13th and 14th of August, 1829,—the day of the Election. R. H. ALEXANDER, Trustee.

Salisbury, June 13th, 1829. 9179.

Reform.—In Nash, Beaufort, and several other counties in this State, we are happy to observe, public meetings have been held for the purpose of putting a stop to spirited electioneering. Pres.