

According to the usages of nations, and the now universally admitted principle that discovery gives the right of dominion and soil, subject, however, to the occupancy of the natives, the right of the crown of England to her colonies in America, and to grant them, by her letters patent, to the lords proprietors, &c., has never been doubted.

When the colonies threw off their allegiance to that crown, and established their independence, all the rights which were held by England, whether derived by discovery, conquest or otherwise, became vested in the respective States, each claiming and holding according to the limits of their original charters; and by the treaty which concluded the war of the Revolution, the powers of Government and the right of soil, which had previously been in Great Britain, passed definitively to these States; and, as independent sovereignties, they were fully competent to regulate all the relations which were to exist between them and the natives within their respective limits.

It became necessary, however, in the establishment of the Federal Government for the States to give up part of their rights as independent sovereignties, for the mutual advantage of all. But, in the concession of those rights, it never could have been intended that the right of soil or the power in any way to control the soil of any of the States, was given to the General Government, nor can such power be considered as incidental to any of the general powers expressly granted; neither can it be implied by the most forced construction, nor could any necessity arise which, in the opinion of your Committee would justify the Government in the exercise of such power, without the previous consent of the State or States. If, therefore, the United States have exercised this power to the injury of any of the States, it is but sheer justice that she should reimburse them in all losses consequent upon her own wrongful act.

It may be contended that, under the treaty making power, and that part of the Constitution which makes all treaties the supreme law of the land, this power might be claimed. We deem it a sufficient answer to this to say, that the Federal Government has precluded herself from such construction, by their application to the States to cede to them their western territories, &c. and by their acceptance of such deeds of cession; but more especially in the case of Georgia, where the Government actually purchased, for a valuable consideration, the surplus territory of that State. There could have been no necessity, therefore, had this power been vested in the Government, for such application to the States, nor for their acts of cession; for the same object could have been obtained by treaty with the different tribes residing on those lands.

Your Committee agree that the General Government is now the only power which can extinguish the Indian title to lands within North Carolina. They believe, however, that this power results more from her solemn guarantee of protection to the Indians, and the obligations the Indians are under by treaty, to treat with no other power, and the acquiescence of that State in those treaties, than from any thing to be found in the Federal Constitution: for all powers delegated to the General Government, by the States were with a view to EXTERNAL operations, and not INTERNAL. The treaty making power, therefore, could only have been intended to regulate our relations with foreign powers, and not with the Indian tribes residing within the limits of any of the States.

This brings your committee to the consideration of the second proposition: "That the Government is bound to extinguish the Indian title to lands within North Carolina, and that it has been her policy to do so." But your Committee would here premise, that this is an obligation to extinguish only, and not a power to dispose of the soil, or in any way to alter the tenure by which the Indians hold title, which is barely a possessory or usufructuary right.

To show the obligation the Government is under to extinguish those Cherokee claims, we beg leave to refer to the treaties of Hopewell and Holston, an extract from which is here given:

Extract from the Treaty of Hopewell, Nov. 1785.

"The said Indians for themselves, and their respective tribes and towns, do acknowledge all the Cherokees to be under the protection of the United States of America, and of no other sovereign whatever."

Treaty of Holston, concluded July, 1791—Extract.

"Art. 3d. The undersigned chiefs and warriors, for themselves and all parts of the Cherokee nation, do acknowledge themselves, and all parts of the Cherokee nation, to be under the protection of the United States of America, and of no other sovereign whatever; and they also stipulate that the said Cherokee nation will not hold any treaty with any foreign power, individual States, or with individuals of any State."

Laws have also been passed by Congress, prohibiting the purchase of lands from Indians by any State or individual, &c.

It, therefore, does appear to your committee, that the United States are virtually bound to extinguish those titles; or, in other words, to relieve North Carolina of a burden she has imposed upon her by solemnly guaranteeing to the Cherokee nation all those lands not ceded by the treaty at Holston, &c. (see 7th art. of said treaty,) and by prohibiting the Indians from treating with any State or power whatever, except themselves. And, to prove that the Government has recognised this obligation, it is only necessary to refer to what has been her general policy upon that subject; and her policy is demonstrable from the different treaties made by her for the above purposes.

It may be objected, that, by the payment of this money, we open the door to other States to purchase lands from Indians, and that this act may be referred to as a precedent. In answer, we would say, that North Carolina purchased from Indians who were citizens, declared so by the act of the Government, and not from Indians in their national capacity.

From every view your Committee have been able to take of this subject they are irresistibly brought to the conclusion that North Carolina should be reimbursed, for all the difficulties in this case, have resulted from the improper exercise of power on the part of this Government. She granted the soil of North Carolina to those Indians disposed to take reserves, &c.; about fifty did take; which injured North Carolina to the amount of thirty two thousand acres of land, and that, too, of the choice of the country. And further, those reservations were a part of the consideration given to the Indians in the extinguishment of their titles as a nation; and this forms a strong reason why North Carolina should be indemnified: for, it will be recollected that the Indian title to a large quantity of lands within the limits of Georgia, was extinguished at the same time and that the United States were bound, by special contract, to do so. Those reservations, therefore, were given in the fulfilment of that obligation. Reserves were also taken in Georgia, under the same treaty; but appropriations have been made by Congress for their extinguishment.

In conclusion, your Committee deem it due to themselves to say, that if it should be considered that North Carolina has not a strictly legal claim, it cannot be doubted that they have a strong equitable one; and the course pursued by North Carolina creates an additional obligation, on the part of the Government, to reimburse her the amount paid, with incidental expenses; and from that principle, your Committee ask leave to report a bill.

The question being on the motion of Mr. Carson, that the House of Representatives recede from their disagreement to the Senate's amendment, Mr. Carson's motion was decided in the affirmative, by a vote of 89 to 78; and the appropriation of \$22,000 passed. The members from North Carolina who voted in favor of the appropriation, were Messrs. Abney, Barringer, Bryan, Carson, Conner, Culpeper, Hall, Holmes, Long, Sawyer, Sheppard, Turner; those who voted against the appropriation, were, Lewis Williams.

Martin Van Buren and Henry Clay.—The Rhode Island Literary Succubus remarks, that "it is worthy of remembrance, for it shows that no matter how obscure the individual may be, no matter if like Byron's maid, he be

"Born in a Kitchen, and in a garret bred," if he direct his talent towards the accomplishment of useful and proper purposes, he may in the end triumph over all opposition, and reach the highest round on ambition's ladder. The history of Henry Clay and Martin Van Buren, afford a remarkable coincidence of facts. Henry Clay had to grapple with hard fate in his earlier days, and was opposed by the withering hand of poverty.

He was by a single incident introduced to the applause and notice of the world, and soon attained its honors. He is self-educated, and has written down the ablest diplomatists of the age. Martin Van Buren, was once a poor, friendless boy. He has been the architect of his own fame; he has triumphed over his foes, and is now in possession of the first honors of the nation.

Mr. Monroe & Gen. Lafayette.—It is stated in the Ariel, a very respectable literary periodical, published in Philadelphia, "upon the authority of a private letter from a highly respectable source," that Gen. Lafayette, upon receiving the information of Ex President Monroe's pecuniary embarrassments, sent out to his agent at Washington a power of attorney to sell his Florida lands, and pay all Mr. Monroe's debts—with instructions, in case of Mr. M's declining to receive the boon, to proceed notwithstanding, and effect the object. Mr. Monroe has declined the offer entirely, and has cancelled the power of attorney—and here the matter rests. These facts the Ariel states without any doubt of their truth. Star.

The Virginia Convention.—The Winchester Virginian, publishes a statement of the opinions of the members elected to the convention, which gives to the friends of equal representation a certain majority of two, with a probability that it will be increased to eight.

FOR THE WESTERN CAROLINIAN.

MEMORY OF LAURA.

The funereal diffuses her mildest ray,
And lures my heart as she floats along,
From its sprightly smiles of the circles gay,
To see a tear to the moments gone.

Once griefs I loved, but the charm is o'er,
For eternal graces but transient are;
While you will shine when we smile no more,
And vibrate as bright as the morning star.
Yonder she looks down on the silent grave,
When the form of Laura calm repose;
And for shall the hand of affection wave
O'er the mound which the friends of my heart
adore.

She was beautiful once—but it past away;
Ye loveliness still o'er her visage shone;
For the mind will emit its most brilliant ray,
When the bloom and the vigor of frame are
gone.

But pride which misfortune can ne'er subdue;
Was legibly written thro' all her woes;
While virtue her mantle around her threw,
And hallow'd each thought as it sweetly rose.

Her spirit was great—it would not do
To be to a fortune unequal tied;
And the loveliest blossom that ever blew,
While expanding in beauty, recoll'd and died!

The review is an emblem of sable night,
Which wraps in a veil of extensive gloom;
While soft thro' the cloud as the moon's pale
light,
Benignly the rays of religion come.

I loved her; and since she has gone away,
There is so much in tracing the scenes we knew;
And memory shall bid them in fullness stay,
'Till I will depart from my sorrows too!

Her spirit was proud—it could not bear
To unmerited scorn and neglect to bow;
So it burst its chains, and a purer air
Expands and enlivens its beauties now.

It was on this spot, as the sweet moon threw
Her meek, fearful beaming, that first we met;
'Twas here that the tendrils of friendship grew,
And around my heart they are twining yet.

But, oh! she is gone! and forever gone!
And has left me here in a vale of gloom;
To silently sorrow, a lonely one,
As I onward course to Laura's tomb!

ut a comfort is mine! for this bosom knows
That there is a joy in the midst of grief;
Which a holy calm o'er the tempest throws,
And offers affliction a kind relief.

L'AMOUR AFFLIGE.

The following sensible remarks are from the New York Commercial Advertiser, a very zealous supporter of Mr. Adams' administration:

Die all, die nobly.—We do earnestly beg and entreat the ousted occupants of office, to bear their misfortunes like men, or grin and bear them like those very respectable people the bears, who very comely suck their paws during the winter, waiting for the spring. Turned out they are, and they must have expected to be so. Why litter up the papers with their complaints and correspondences? It is unwise and morbid. People who otherwise would have deeply sympathized with them, are vexed to see that they do not retire with dignity. We make these remarks, because we find every day some new jeremiad by a discharged officer, encumbering the columns of the press. The world is wide enough for industry to thrive in, and better days will come.

European News.—A glance at the papers brought by the late arrivals, satisfies us that there is considerable trouble in Europe, and the haste in terminating disputes with the Catholics was the precursor to adopting measures of a more important character, relative to Continental affairs. The sudden return of Lord Gordon from Paris must have been based upon the discovery, that a closer intimacy existed between France and Russia than Great Britain had any reason to expect; and this, in the present posture of affairs, is sufficiently alarming, because if France intends even to countenance the views of Russia in her designs on the Porte, it will create an entire new state of things in the British Cabinet.

We are happy to perceive that the allied Powers have determined to interfere and prevent the further usurpations and abuse of power of Don Miguel.
N. Y. Courier & Eng.

Mr. Clay advertises that he wants to buy 200 hogs, weighing a hundred weight each, for which he offers to give a dollar and a half apiece, cash on the nail—also 40 or 50 of young beves at market price. It is highly just that Mr. Clay should turn his attention to this branch of domestic industry—no man in the country has done more to increase the consumption of porkings and fat cattle. Boston Bulletin.

Hail Punch, Toddy, and Ice Cream.

The Mobile Register announces the arrival of a steam boat at that place, from Tuscaloosa, having on board a barrel of hail stones. These convenient little articles of refrigeration, were eagerly sought after by the citizens of Mobile, who soon converted them into the very palatable combinations, of punch, toddy, and ice cream.

FROM THE GEORGIA JOURNAL.

INDIAN TALK.

From the President of the United States to the Creek Indians, through Colonel Crowell.

FRIENDS AND BROTHERS: By permission of the Great Spirit above, and the voice of the people, I have been made President of the United States, and now speak to you as your Father and friend, and request you to listen. Your warriors have known me long. You know I love my white and red children, and always speak with a straight, and not with a forked tongue; that I have always told you the truth. I now speak to you, as to my children, in the language of truth, Listen.

Your bad men have made my heart sick, and bleed, by the murder of one of my white children in Georgia. Our peaceful mother earth has been stained by the blood of the white man, and calls for the punishment of his murderers, whose surrender is now demanded under the solemn obligation of the treaty which your Chiefs and Warriors in Council have agreed to. To prevent the spilling of more blood, you must surrender the murderers, and restore the property they have taken. To preserve peace, you must comply with your own treaty.

Friends and Brothers, listen; Where you now are, you and my white children are too near to each other to live in harmony and peace. Your game is destroyed, and many of your people will not work and till the earth. Beyond the great river Mississippi, where a part of your nation has gone, your Father has provided a country large enough for all of you, and he advises you to remove to it. There your white brothers will not trouble you; they will have no claim to the land, and you can live upon it, you and all your children, as the grass grows or the water runs, in peace and plenty. It will be yours forever. For the improvements in the country where you now live, and for all the stock which you cannot take with you, your Father will pay you a fair price.

In my talk to you in the Creek Nation, many years ago, I told you of this new country, where you might be preserved as a great nation, and where your white brothers would not disturb you. In that country your Father, the President, now promises to protect you, to feed you and to shield you from all encroachment. Where you now live your white brothers have always claimed, the land beyond the Mississippi belongs to the President, and to none else; and he will give it to you forever.

My children, listen. The late murder of one of my white children in Georgia, shews you that you and they are too near to each other. These bad men must now be delivered up, and suffer the penalties of the law for the blood they have shed. I have sent my agent, and your friend Col. Crowell, to demand the surrender of the murderers, and to consult with you upon the subject of your removing to the land I have provided for you West of the Mississippi, in order that my white and red children may live in peace and that the land may not be stained with the blood of my children again. I have instructed Col. Crowell to speak the truth to you, and to assure you that your father, the President, will deal fairly and justly with you; and whilst he feels a Father's love for you, that he advises your whole nation to go to the place where he can protect and foster you. Should any incline to remain and come under the laws of Alabama, land will be laid off for them, and their families in fee.

My children, listen. My white children in Alabama have extended their law over your country. If you remove across the Mississippi, you will be subject to your own laws, and the care of your Father the President. You will be treated with kindness, and the lands will be yours forever.

Friends and Brothers, listen. This is a straight and good talk. It is for your nation's good, and your father requests you to hear his counsel.
ANDREW JACKSON.
March 23, 1829.

The Newbern Packet.—It is with great pleasure we announce the arrival of the "Newbern Packet," the first of a line which is to be established between Norfolk and this place. To the enterprise and public spirit of the proprietors of this line, we of Newbern are greatly indebted, inasmuch as it contributes in a very essential manner to the communication between the two places, and furnishes another market, affording advantages hitherto unthought of, for our produce.

Newbern Sentinel.

A novel incident in legislation is presented in the following statement of facts: The House of Representatives of Connecticut, a few days ago, passed a bill for the incorporation of a Bank in Middlesex county, by a vote of 92 to 85, and sent it to the Senate for concurrence. In the afternoon, a committee was appointed to wait on the Senate, with a request that the bill be returned, which was done. The bill was then reconsidered in the House, and negatived by a vote of 112 to 78.

Antiquity.—While recently cutting a ditch on the plantation of James B. Thomas, Esq. of Iradell county, with the view of turning the Buffalo Sheal Creek a near way into the Catawba river, for the advantage of the low grounds, timber, cut with an axe, was frequently discovered four and five feet below the surface of the earth. This place was settled by the ancestors of the above mentioned family, eighty years since; and it is supposed this timber was cut previous to that period, and has since been covered to that depth by the overflowing of the creek.

Salisbury:

JUNE 30, 1829.

FOURTH OF JULY.

At a meeting of the citizens of Lincoln, for the purpose of making arrangements for a suitable notice of this day, Capt. Hoke was called to the Chair, and B. R. Bobo appointed Secretary. The object of the meeting having been announced, Richd. T. Besmy, Esq. was appointed Orator, and B. J. Thompson, Esq. Reader of the Declaration of Independence. The necessary committees to conduct the proceedings of the day, and prepare the toasts, were likewise appointed. B. R. BOBO, Secy.

We hear much lamentation in the Adams papers, because a few public defectors, or lazy drones, have been turned out of office. It is only a few years since many of these very "grumbletonians" were great sticklers for rotation in office. One of them, whose honeyed harangues have so charmed the people of a certain district in this state, as to induce them to continue him in an honorable and responsible representative office, a few short years back proclaimed to the people, in order to oust the highly respectable public servant whom he unfortunately supplanted, that rotation in office was the most sacred principle in a Republican country—that it was a dangerous practice, under a free government, to continue men long in office—&c. &c.; but when this principle came to be pleaded in opposition to his re-election, some eight or ten years afterwards, it was found his notions of political justice had undergone a sad mutation—his former declarations had been forgotten, and his darling creed abjured—the principle of rotation would not do, when it conflicted with his graspings after the loaves and fishes of office.

So it is with those who have, in the course of the Reform which it was expected Gen. Jackson would introduce into the administration of the government, been ejected from office; they cry proscription, whenever the principle which they themselves have advocated, is made to operate to their prejudice. "It is a bad rule that won't work both ways," says the adage.

But these frequent and loud complaints which are heard from the ejected office-holders and their friends, are perfectly understood by the great body of the people, to be the natural lamentations of those who have grown lazy and insolent on the public bounty, on losing their fat births—who have been supported in idleness and extravagance by the hard earnings of the laboring classes of the community, drawn from them in the shape of taxes, &c.

Of the 8000 post-masters in the United States only about 300 have been removed; and of the 300 or 400 clerks at Washington, four-fifths now in office are friends of the late administration, and were bitter opposers of Gen. Jackson, who now continues them in office. It is only some of the most rancorous, who prostituted their offices to political purposes, whom the President has displaced, and who deserved to be removed let whoever might have been made President.

The Cherokee Reservations.—We learn that Gen. R. M. Saunders of this town, and the Rev. Humphrey Posey of Macon county, have been appointed by the President of the United States, Commissioners under an appropriation made at the last session of Congress, for purchasing such Reservations of Land as are yet claimed by the Cherokee Indians within the limits of North Carolina. We view this appointment as peculiarly judicious: There being some intricate law questions connected with these reservations, the legal acquirements and practical experience of Gen. Saunders (now Atty. Gen. of this state) will render his appointment particularly appropriate; and the intimate knowledge which the Rev. Humphrey Posey possesses of the locality of the Cherokee country; his perfect acquaintance with the character and disposition of the Indians, and the great confidence they repose in him, conspire to render his selection as proper and judicious. There is no doubt but the sum appropriated, (\$20,000) will be amply sufficient to make the purchase; so that we now have a certainty that the State will be freed from these claims, whose tendency has been greatly to embarrass the sale of her Cherokee lands, and retard the settlement of that interesting portion of her territory.

The people of this state view with peculiar pride, and fully appreciate, the services of the Hon. Messrs. Branch, Carson, and others, whose indefatigable exertions were mainly instrumental in procuring the above, as well as other appropriations which the general government has of late years made for the benefit of the State; and those gentlemen are now enjoying an enviable reward for their faithful public labors, in the high respect and confidence which their fellow-citizens of North Carolina cherish for them. In order that this subject of the Cherokee Lands, in which the people of the Western part of the state have so deep an interest, may be better understood by the people, we have given in to-day's paper the Memorial of our Legislature to Congress, and the report of the committee of Indian Affairs in Congress, on the subject; which will be found on our first and second pages.

(COMMUNICATED.)

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