

Their candidates are... They may grow now, if they can...

But let the following facts show what that party have for ambition... Last November, Nullification was...

Will they be able, after such a victory, to stand another battle? NEW INVENTION.

The American Institute has lately held a fair in the city of New York... Among other things exhibited, was a machine for destroying bed bugs...

Such is sometimes the fate of travelers even in the good old North State. Quaeque ipsa miserata videt.

AN ADDRESS TO THE CITIZENS OF NORTH-CAROLINA.

The Internal Improvement Convention which assembled in Salisbury on the 17th ultimo, have made it the duty of the undersigned to express to you some of the views and sentiments of that body...

of the soldiers who were dispersed in this affair, in order that the case might undergo legal investigation; the officer refused to deliver them, but the Grand Jury of Russell County found true bills against several.

We have delayed laying before our readers the facts and the correspondence relative to this unhappy affair, until the present day, under the hope and the belief that it would be settled speedily and quietly...

EMIGRATION.

"Far, far away, thy children, leave the land." Autumn is naturally a melancholy season; the cessation of that melody which enlivened every grove and forest, the decay of that verdure which adorned the fields and the woods...

It appears to us that the stream of emigration is increasing annually, and that each succeeding wave is larger than its predecessor. We are confident that we have never seen it at any past period, so great on this soil...

Two families left this town last week; many have already gone from the county, and still more are preparing to go.

WESTERN CAROLINIAN

SALISBURY, MONDAY, NOVEMBER 11, 1833.

ALABAMA AND THE GENERAL GOVERNMENT.

About the last of July an unfortunate occurrence took place in the Creek Nation of Indians within the limits of Alabama, which, at present, wears a serious aspect, and threatens the peace of the country.

Complaint was made to Jeremiah Austill, the Marshal of the Southern District of the State, that a man by the name of Owens was committing depredations and violence upon the property and lives of the Indians.

It will be seen that Austill's statement, and one which we extract from the Alabama Journal, differ materially. It is difficult to come at the truth in relation to such an affair, even when it happens in the midst of a people more enlightened, and we know enough of the character of the population which is generally to be found on the frontier settlements...

CANAL TOLLS.

"The Albany Argus, of the 21st ult., states that the amount of tolls received on the State Canals in the month of September was 393,658 dollars 92 cents, being an increase of \$32,643, as compared with the receipts during the same month of last year.

Such is the result of well-directed enterprise. The State of New York borrowed money to the amount of eight or nine millions, to accomplish these great works, which have been so productive to her that she is ready to pay back the loan, and has offered, rather than give the lenders 2 per cent more than the borrowed of them; but they have refused, preferring the paper of the State to the money.

and the Secretary at War, on the subject of the Creek treaty, and the controversy growing out of it. Governor Gayle has taken a firm and decided stand in the defence of the rights of Alabama, and adds another to the numerous examples of how much more ready we all are to contend for our own rights, when trampled on, than aid our neighbours when in like circumstances.

With how much more wisdom and safety should we act, if we would go in solid column against each and every infraction of the Constitution, whether such violation be on our particular interests or not.

From the Portland (Maine) Advertiser.

Assuredly, if Alabama has a right to extend the jurisdiction of its tribunals over the Creek country, which the Attorney-General grants, it seems to us that she has an undoubted right to demand that questions as to the occupancy of lands should be referred to her judicial tribunals.



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He is the most daring man I have ever met, with and one of the most dangerous. The Indians are in great alarm and begged of me not to leave them unless he is taken. In all other cases I have had no difficulty—compelling such as are protracting to pay rents and damages for their intrusion upon the Indian fields, and a few who have been troublesome, and for stealing and killing stock, have been removed.

I have the honor to be, &c. (Signed, JEREMIAH AUSTILL, M. S. D. A.)

N. B. The detachment has returned, and informed me that he was surrounded by them but drew arms, and when in the act of firing upon the Sergeant, one of the men shot him.

From the Columbus, (Ga.) Enquirer, Dec. 12. The Superior Court for Russell county, (Ala.) has been during the most of the week employed in investigating the murder of the Sheriff, Judge Owens, presiding.

The Solicitor General, Col. Pickett, has been employed in ferreting out the last man, which was exceedingly difficult to come at, as it appears no persons were immediately present, but the detachment of troops who were concerned in the murder; we learn that the Solicitor addressed a letter to the commander of the Fort, Major McIntosh, stating the difficulty, and requesting a surrender of the file of soldiers who were present at the killing of Owens, to the Sheriff of Russell county, in order that an investigation might be had, at the same time forwarding the Globe of 24th August, which contained an article stating that the commander at the Fort had had instructions to aid the State in the investigation. To this request the commander replied, that he had received no such instructions, and that he would not comply, and that the soldier who shot Owens, did it in the execution of his lawful duty.

Process was then issued out for certain soldiers and suspected persons in the Fort, but without success, the Major informing the Sheriff, upon a demand being made, that he would not give up a man; an attachment was then issued against the Major for a contempt of the Court, which was also disobeyed, the Sheriff returning that he could not take the Major without danger of his life.

It appears also that a subpoena was issued for Lieut. Manning, and served, but he also refused to obey it; we learn under this state of things and upon the affidavit of the Sheriff that the force of the county was inadequate to serve process on persons in the Fort, that the presiding Judge dispatched a messenger to the Governor of the State, calling on him for aid.

We have also learned that true bills for murder have been found against divers soldiers at the Fort, and also against other individuals who were concerned in the transaction.

Another ground of complaint was that Owens had taken the Indians' fields from them. Owens had been living in the house occupied by him at the time of his death, for nearly two years. It was never pretended that he got possession of that in any other method than a peaceful and legal one. He also cultivated about one hundred acres, perhaps a mile from his house.

This is the field which he is charged with taking from the Indians. Now what are the facts? It is well known that many, not only the citizens of this State, but of Georgia, have contracted in anticipation for Indian reserves. An individual desires a particular piece of land, and he contracts with an Indian to locate his reserve upon that land. This with Owens. The whole, or very near, of the fields cultivated by Owens, we learn, has been purchased by him as a reserve, and for which he had made payments to the Indians in advance.

The land was not occupied by the Indians when he took possession. So that whether the contracts for the reserve will be hereafter regarded legal or not, he obtained possession of the land in a peaceful manner, and was in no sense an intruder. He himself cleared and reduced a considerable portion of the field to cultivation. This charge as to taking away the fields, is easily unravelled. Two individuals, by the names of Smith and Collins, were very solicitous that Owens should be removed. The latter is the person alluded to above, as having been on his way to Tuckabachoo to induce the Chiefs to complain against Owens and others. He, it seems, was anxious to cultivate this field himself. He went to take possession of it, but was driven back by Owens. And with a courage and honesty, no doubt characteristic of him, instead of meeting his foe openly and boldly, shies away, and by whispering in the Indian's ears, induces them to complain against Owens. This disinterested individual took possession of Owens' house within three days after his death! The field is in possession of Smith. We are informed that a portion of the corn produced in that field, is to be appropriated as a compensation to those Indians who pretended to have lost horses and stock by Owens; another portion to the payment of rent to the Indians, for land, part of which he cleared! The people of Alabama will here see that a new Code has been introduced into Russell county, for settling estates and dividing the property of widows and orphans! Doubtless Collins and Smith will be beneficiaries under this new statute of distribution.

From the Petersburg Times.

On our first page will be found the correspondence between Governor Gayle and the Secretary at War, on the subject of the Creek treaty, and the controversy growing out of it.

in each circuit a judge of the circuit court, who shall reside in his circuit, that there shall be for each county a judge for the county court, that there shall be also in each county a sheriff, clerks of the circuit and county courts, a coroner, notaries public, commissioners of roads and revenue, &c.; and that there shall be summoned, previous to every circuit court, a competent number of grand and petit jurors, and a like number of petit jurors for the county courts.—All these ministers of our laws are required to reside in the counties to which their offices belong. These are the ordinary means by which our State Government is put into operation, and effect given to our laws. And yet the late instructions to the Marshal absolutely prohibit the use of any of them.

The General Government has not only admitted the right of Alabama to extend her jurisdiction over the ceded country, but it has invited and encouraged such extension by sundry documents, to which it is unnecessary to refer. No count, however, is the country organized and the necessary steps taken to this end, then an armed force is collected on the banks of Chatahoochee, for the purpose of expelling from this large and flourishing section of the State all "white persons," including of course all civil officers and other persons whose agency is necessary to the execution of our laws. We will have no power to punish any offences committed by the Indians, or to subject them in any respect to the restraints of the law, because our courts will have been suppressed in all the counties in which they reside. Now, Sir, if your order be carried into effect, will not an instance have occurred in our country, and the first instance too, of the Government of a State being put down & destroyed in all of its counties by military force? Will not the alarming spectacle be exhibited of the laws of one of the States of this Union in their ordinary operation being compelled to yield, in a time of profound peace, to the dominion of the sword—a way to the capricious will of a Deputy Marshal, whose favorite modes of punishment seem to be the conflagration of dwellings and the application of the bayonet?

I respectfully request that this project so fatal to its tendency to civil liberty and so directly subversive of the acknowledged rights and sovereignty of the State of Alabama, be abandoned. I protest against it as an unconstitutional interference with our local and internal affairs, and as a measure of revolting injustice and oppression towards that portion of our inhabitants who have not injured the Indians. Put away, Sir, the sword which has been unnecessarily and too hastily drawn against the large and unoffending community. It is the appropriate arbiter in contests of ambition, but not in questions of constitutional right. It ought not to be forgotten, that the American people on a recent occasion pronounced their solemn and unequivocal opinion of distinction between the foreign and domestic branches of our government are to be settled by the tribunal which the Constitution vests with the power of expounding the laws.—To those tribunals I appeal, on behalf of the good people of this State.

Very respectfully, I have the honor to be, Sir, Your obedient servant, JOHN GAYLE, Hon. Lewis Cass, Secretary of War, Washington City.

The following is the statement of the Marshal, in the case of Owens: Owen, Nation July 31, 1833. Lewis Cass, Esq.

Dear Sir: I have to report one of the most unpleasant cases that has occurred. A number of the Chiefs complained of Hardman Owens, who lives twenty miles from Fort Mitchell, and he says, has been recently appointed Postmaster. He came to his house, two days since, and informed him that there were many charges against him—that of taking their fields from them, and killing their hogs, horses, and beating the Indians in a most cruel manner, all of which were proved by the Indians and several white persons. I then ordered him to leave the nation—he replied he would die before he left. I left, however, to visit the Tuckabachoo town, and move him on my return.—Soon after leaving, the Chiefs came after me and begged me not to leave them, that he had drawn his knife on them, and swore that he would kill some of them. I returned with a command, and arrested him—he then begged and promised to leave in peace. I let him go, and proceeded 15 miles, and was again overtaken by the Indians, stating that he had followed them, and threatened to burn their houses and kill those who dared to come upon the fields taken by him. I then returned and hid him on the road, and he ordered me to keep off from his place. I replied that the troops were returning, he had better leave before they arrived. He went back home and sent his family off, and set a mine in his house—and when we reached there, he politely asked us to walk in. I was in advance about 50 paces of the command, and when in the act of riding up to the gate, an Indian called & stated that there was powder in the house—I turned my horse to leave, and Owens ran out in the rear. I called to the men to come up and arrest him, if possible, but not to enter the house, and in a few seconds it blew up, but fortunately no one was injured. We gave chase, but he escaped—in the pursuit he snatched a gun on me.

We had not left the place one mile, before he returned, swearing that he would kill and on sight, and some half dozen Indians. I have therefore directed the Indians to take him if possible, and if he returned among them to shoot him down.—I have another detachment after him, who are now absent. He also stated, that but for several persons behind me, he would have shot me before he sprung the mine.

ments, it cannot be doubted that the district courts, or the courts of this State, would interpose their authority for its protection. Whence then is the power derived to regulate or control the possession of these improvements? If the Indians choose to rent their fields, they only use the privilege common to every citizen, and if a person obtains peaceable possession under a contract of this kind, he cannot be removed by military force, without a total disregard of the Constitution of the United States. If a citizen can be thus forcibly and unceremoniously expelled from his possessions, the sword has already cut out from that instrument the clause which declares that no person shall be deprived of his "property without due process of law."

But intruders are to be removed by force, from the cessions, "for the term of five years from the ratification of the Treaty," &c. After the Indians are placed in possession of their tracts, 93 of which are to contain 640 acres, and the others 340 acres each, they will certainly cease to be public lands. Not only the right to occupy, but the right to sell, is secured by the treaty; and if there is any ground for considering that the improve- ments, before the reservations are located, are not private property, there will be none afterwards.

The Constitution of the United States, in limiting the powers of the General Government, in relation to the public domain, is too explicit to admit of doubt. It is, that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the U. States."

When these lands are sold or disposed of, its authority ceases, and it has no more or greater power to regulate their future possession or punish for trespasses, than any other land holder. The Government may make a contract with our citizens, concerning what title it chooses, but the contract is to be enforced and the title protected by the courts and not by its own direction. One hundred years might with equal propriety have been inserted in the treaty, and there was the same authority for extending the power of removal to any subsequent purchasers, that there was to the Indians.

That the Indians within the limits of this State are citizens thereof, and subject to its laws in every respect, cannot be questioned, at least by the General Government. The treaty with these people is nothing more than a contract with so many citizens of Alabama.

Suppose an agreement has been entered into with eight resident citizens of the county of Montgomery, acting for themselves and also as the agents of one hundred of their neighbors, by which the Government, besides conveying to each 640 acres of land, had stipulated to remove by intrude upon any of these tracts. It is quite apparent that such stipulation, as well as any attempt to carry it into effect, would be an unwarrantable interference with the laws of the State, and a palpable encroachment upon its jurisdiction. And yet this case is precisely similar in principle to the one under consideration.

If the General Government has the right to regulate the conduct of our people in relation to their lands, it can rightfully expel a citizen who trespasses upon the land, or the possession of his neighbor, by the summary interposition of a military guard, without even the forms of military investigation, what is to restrain it from the exercise of the same power in relation to trespasser upon personal property? From this the transition would be easy to the taking cognizance of all irregularities, misdemeanors, and crimes the right to punish which has heretofore been considered as belonging exclusively to the State tribunals. If, by the treaty-making power, the ordinary operation of our laws upon the persons and property of our own citizens can be suspended, as will be the case if the fifth article of the treaty is executed in the mode prescribed in your late order to the Marshal, the whole field of State jurisdiction may be considered as occupied, and State sovereignty, the reserved rights of the States, &c. are but unmeaning sounds, fully unworthy of serious consideration.

I know that these terms are used by many as mere cant expressions, and that they have been brought into disrepute by the extravagant pretensions and absurd doctrines of a wretched State; but they imply things that are still worth preserving, and as long as the blessings of this Union are justly appreciated, they will command the best and highest exertions of the patriotic citizen; difficult to trace, with precise accuracy, the boundary which separates the jurisdiction of the State and Federal Governments. We can, at all times, however, determine nearly where it lies. But this treaty is for giving it a new direction. It crosses the line designated in the Constitution at right angles, and runs into the very heart and centre of our domestic concerns.

But Sir, there is another view of this subject, which will expose, in a light still more glaring, the utter incompatibility of this treaty with the jurisdictional rights of the State of Alabama. As before observed, the right of extending our laws over the country from which our people are ordered to be expelled, is admitted to the fullest extent. This necessarily implies the right of employing the means that are indispensable to its exercise. What are those means? As enumerated in the Constitution of this State and the laws made in pursuance thereof, they are, that the State shall be laid out into counties, and convenient circuits, that the circuit court shall be held in each county at least twice in every year, that the counties shall be divided into small districts, in each of which there shall be appointed two justices of the peace and two constables, that there shall

be in each circuit a judge of the circuit court, who shall reside in his circuit, that there shall be for each county a judge for the county court, that there shall be also in each county a sheriff, clerks of the circuit and county courts, a coroner, notaries public, commissioners of roads and revenue, &c.; and that there shall be summoned, previous to every circuit court, a competent number of grand and petit jurors, and a like number of petit jurors for the county courts.—All these ministers of our laws are required to reside in the counties to which their offices belong. These are the ordinary means by which our State Government is put into operation, and effect given to our laws. And yet the late instructions to the Marshal absolutely prohibit the use of any of them.