

to the use of the United States; and if such person is a trader, his license shall be revoked and his bond put in suit. And it shall moreover be lawful for any person in the service of the United States, or for any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except military supplies, as mentioned in this section.

Sec. 21. *And be it further enacted*, That, if any person, whatever shall, within the limits of the Indian country, set up or continue any distillery for manufacturing ardent spirits, he shall forfeit and pay a penalty of one thousand dollars; and it shall be the duty of the Superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose agency the same shall be set up or continued, forthwith to destroy and break up the same; and it shall be lawful to employ the military force of the United States in executing that duty.

Sec. 22. *And be it further enacted*, That in all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Sec. 23. *And be it further enacted*, That it shall be lawful for the military force of the United States to be employed, in such manner and under such regulations as the President may direct, in the apprehension of every person who shall or may be found in the Indian country, in violation of any of the provisions of this Act, and him immediately to convey from said Indian country, in the nearest convenient and safe route, to the civil authority or the territory of judicial district in which said person shall be found, to be proceeded against in due course of law; and also, in the examination and seizure of stores, packages, and boats, authorized by the twentieth section of this Act, and in preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law: *Provided*, That no person apprehended by military force as aforesaid, shall be detained longer than five days after the arrest, and before removal. And all officers and soldiers who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit, and every officer or soldier who shall be guilty of maltreating any such person while in custody, shall suffer such punishment as a court martial shall direct.

Sec. 24. *And be it further enacted*, That for the sole purpose of carrying this Act into effect, all that part of the Indian country west of the Mississippi river, that is bounded north by the north line of lands assigned to the Osage tribe of Indians, produced east to the State of Missouri; west, by the Mexican possessions; south, by Rock river; and east, by the west line of the Territory of Arkansas and the State of Missouri, shall be, and hereby is, annexed to the Territory of Arkansas; and that, for the purpose aforesaid, the residue of the Indian country west of said Mississippi river shall be, and hereby is, annexed to the judicial district of Missouri; and for the purpose aforesaid, the several portions of Indian country east of the said Mississippi river, shall be, and are hereby, generally annexed to the Territory in which they are situated.

Sec. 25. *And be it further enacted*, That so much of the laws of the United States as provides for the punishments of crimes committed within any place within the sole and exclusive jurisdiction of the United States, shall be in force in the Indian country: *Provided*, The same shall not extend to crimes committed by one Indian against the person or property of another Indian.

Sec. 26. *And be it further enacted*, That if any person, who shall be charged with a violation of any of the provisions or regulations of this Act, shall be found within any of the United States, or either of the Territories, such offenders may be there apprehended, and transported to the Territory or judicial district having jurisdiction of the same.

Sec. 27. *And be it further enacted*, That all penalties which shall accrue under this Act, shall be sued for and recovered in an action of debt, in the name of the United States, before any court having jurisdiction of the same, (in any State or Territory in which the defendant shall be arrested or found,) the one half to the use of the informer, and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

Sec. 28. *And be it further enacted*, That when goods or other property shall be seized for any violation of this Act, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

Sec. 29. *And be it further enacted*, That the following Acts and parts of Acts shall be, and the same are hereby, repealed, namely: An Act to make provision relative to rations for Indians, and to their visit to the seat of Government, approved May thirteen, eighteen hundred; An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved March thirty, eighteen hundred and two; An Act supplementary to the Act passed thirtieth March, eighteen hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers, approved April twenty-nine, eighteen hundred and sixteen; An Act for the punishment of crimes and offences committed within the Indian boundaries, approved March three, eighteen hundred and seventeen; the first and second sections of the Act directing the manner of appointing Indian agents, and continuing the "Act establishing trading houses with the Indian tribes," approved April sixteen, eighteen hundred and eighteen; An Act fixing the compensation of Indian agents and factors, approved April twenty, eighteen hundred and eighteen; An Act supplementary to the Act entitled "An Act to provide for the prompt settlement of public accounts," approved Feb. twenty-four, eighteen hundred and nineteen; the eighth section of the Act making appropriations to carry into effect treaties concluded with several Indian tribes, therein mentioned, approved March three, eighteen hundred and nineteen; the second section of the Act to continue in force for a further time the Act entitled "An Act for establishing trading houses with the Indian tribes, and for other purposes," approved March three, eighteen hundred and nineteen; An Act to amend an Act entitled "An Act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth of March, eighteen hundred and two, approved May six, eighteen hundred and twenty-two; An Act providing for the appointment of an agent for the Osage Indians west of the State of Missouri and Territory of Arkansas, and for other purposes, approved May eighteen, eighteen hundred and twenty-four; the third, fourth, and fifth sections of "An Act to enable the President to hold treaties with certain Indian tribes, and for other purposes," approved May twenty-five, eighteen hundred and twenty-four; the second section of the "Act to aid certain Indians of the Creek nation in their removal to the west of the Mississippi," approved May twenty, eighteen hundred and twenty-four; and an Act to authorize the appointment of a sub-agent to the Winnebago Indians on Rock river, approved February twenty-five, eighteen hundred and thirty-one: *Provided*, however, That such repeal shall not affect any rights acquired, or punishments, penalties, or forfeitures incurred, under either of the Acts or parts of Acts, nor impair or affect the Intercourse Act of eighteen hundred and two, so far as the same relates to or concerns Indian tribes residing east of the Mississippi: *And provided*, also, That such repeal shall not be construed to revive any Acts or parts of Acts repealed by either of the Acts or sections herein described.

Sec. 30. *And be it further enacted*, That the two units of Western Territory shall be established, the two units for the Western Territory, as provided in the Act for the organization of the Indian Department, this day approved by the President, shall execute the duties of provision may be made for offices and office contingencies for such tribes as may be directed by the President of the United States. And it shall be competent

for the President to assign to one of the said agents, in addition to his proper duties, the duties of superintendent for such district of country, or for such tribes, as the President may think fit. And the powers of the superintendent at St. Louis, over such district or tribes as may be assigned to such acting superintendent, shall cease: *Provided*, That no additional compensation shall be allowed for such services.

JOHN BELL,
Speaker of the House of Representatives.
M. VAN BUREN,
Vice-President of the United States, and
President of the Senate.

Approved: June 30th, 1834.

ANDREW JACKSON.

[PUBLIC, No. 87.]

AN ACT to provide for the organization of the Department of Indian Affairs.

Be it Enacted, by the Senate and House of Representatives of the United States of America, in Congress assembled, That the duties of the Governors of the Territories of Florida and Arkansas, as Superintendents of Indian Affairs, shall hereafter cease, and the duties of the Governor of the Territory of Michigan, as Superintendent of Indian Affairs, shall cease from and after the establishment of a new Territory embracing the country west of Lake Michigan, should such a Territory be established. And while the Governor of the said Territory of Michigan continues to act as Superintendent of Indian Affairs, he shall receive therefore the annual sum of one thousand dollars, in full of all allowances, emoluments, or compensation for services, in said capacity.

Sec. 2. *And be it further enacted*, That there shall be a Superintendency of Indian Affairs for all the Indian country not within the bounds of any State or Territory west of the Mississippi river, the Superintendent of which shall reside at St. Louis, and shall annually receive a salary of fifteen hundred dollars.

Sec. 3. *And be it further enacted*, That Superintendents of Indian Affairs shall, within their several Superintendencies, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in the Indian Department, under such regulations as shall be established by the President of the United States; and may suspend such officers and persons from their office or employment, for reasons forthwith to be communicated to the Secretary of War.

Sec. 4. *And be it further enacted*, That the following Indian agents shall be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold their offices for the term of four years, and who shall give bond, with two or more securities, in the penal sum of two thousand dollars, for the faithful execution of the same, and shall each receive the annual compensation of fifteen hundred dollars.

Two agents for the Western Territory.

An agent for the Cherokees.

An agent for the Florida Indians.

An agent for the Indians in the State of Indiana.

An agent at Chicago.

An agent at Rock Island.

An agent at Prairie du Chien.

An agent for Michilimackinac and the Sault Ste. Marie.

An agent for the Saint Peter's.

An agent for the Upper Missouri.

And the following agencies shall be discontinued at the periods herein mentioned, that is to say:

The Florida agency, from and after the thirty-first day of December next.

The Cherokee agency, from and after the thirty-first day of December next.

The Indian agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

The Chicago agency, from and after the thirty-first day of December next.

The Rock Island agency, from and after the thirty-first day of December, eighteen hundred and thirty-six.

And all other agencies, not provided in this Act, from and after the passing thereof: *Provided*, That the limitation of the said agencies shall not be construed to prevent the President of the United States from discontinuing the same at an earlier period. And the President shall be, and he is hereby, authorized, whenever he may judge it expedient, to discontinue any Indian agency, or to transfer the same, from the place or tribe, as the public service may require. And every Indian agent shall reside and keep his agency within or near the territory of the tribe, for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission. And it shall be competent for the President to require any military officer of the United States to execute the duties of Indian agent.

Sec. 5. *And be it further enacted*, That a competent number of sub-agents shall be appointed by the President, with an annual salary of seven hundred and fifty dollars each, to be employed and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of the same.—But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

Sec. 6. *And be it further enacted*, That nothing herein contained shall be construed to require the reappointment of persons now in office, until the expiration of their present term of service; but the commissions of all Indian agents and sub-agents, now in office, shall expire on the fourth day of March next, unless sooner terminated.

Sec. 7. *And be it further enacted*, That the limits of each agency and sub-agency shall be established by the Secretary of War, either by tribes or by geographical boundaries. And it shall be the general duty of Indian agents and sub-agents to manage and superintend the intercourse with the Indians within their respective agencies, agreeably to law, to obey all legal instructions given to them by the Secretary of War, the Commissioner of Indian Affairs, or the Superintendent of Indian Affairs; and to carry into effect such regulations as may be prescribed by the President.

Sec. 8. *And be it further enacted*, That the President of the United States may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of the Indian Department.

Sec. 9. *And be it further enacted*, That an interpreter shall be allowed to each agency, who shall receive an annual salary of three hundred dollars: *Provided*, That where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of War, for each of the said tribes. Interpreters shall be nominated by the proper agents, to the War Department for approval, and may be suspended, by the agent, from pay and duty, and the circumstances reported to the War Department for final action; and blacksmiths shall, in like manner, be employed wherever required by treaty stipulations, and such blacksmiths shall receive an annual compensation of not less than four hundred and eighty dollars, nor more than six hundred dollars.

And in all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties. And where any of the tribes are, in the opinion of the Secretary of War, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority.

Sec. 10. *And be it further enacted*, That the compensation prescribed by this Act shall be in full of all emoluments or allowances whatsoever: *Provided*, however, That, where necessary, a reasonable allowance or provision may be made for offices and office contingencies: *And provided*, also, That where persons are re-

quired, in the performance of the duties under this Act, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them: *And provided*, also, That no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of War: *And provided*, also, That no person shall hold more than one office at the same time under this Act, nor shall any agent, sub-agent, interpreter, or person employed under this Act, receive his salary while absent from his agency or employment without leave of the superintendent or Secretary of War, provided such absence shall not one time exceed sixty days.

Sec. 11. *And be it further enacted*, That the payment of all annuities or other sums stipulated by treaty to be made to any Indian tribe, shall be made to the chief of such tribe, or to such person as said tribe shall appoint; or if any tribe shall appropriate their annuities to the purpose of education, or to any other specific use, then to such person or persons as such tribe shall designate.

Sec. 12. *And be it further enacted*, That it shall be lawful for the President of the United States, at the request of any Indian tribe to which any annuity shall be payable in money, to cause the same to be paid in goods, purchased as provided in the next section of this Act.

Sec. 13. *And be it further enacted*, That all merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of War, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty, shall be purchased under the order of the commissioners, by such persons as they shall appoint, or by such persons as shall be designated by the President for that purpose. And all other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose. And the superintendent, agent, or subagent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians.—And the duties required by any section of this Act, of military officers, shall be performed without any other compensation than their actual travelling expenses; and all persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind, for the benefit of the Indians, shall settle their accounts annually, at the War Department, on the first day of October; and copies of the same shall be laid, annually, before Congress at the commencement of the ensuing session, by the proper accounting officers, together with a list of the names of all persons to whom money, goods, or effects, had been delivered within the year, for the benefit of the Indians, specifying the amount and object for which it was intended, and showing who are delinquents, if any, forwarding their accounts according to the provisions of this Act; and also, a list of the names of all persons appointed or employed under this Act, with the dates of their appointment or employment, and the salary and pay of each.

Sec. 14. *And be it further enacted*, That no person employed in the Indian Department shall have any interest or concern in any trade with the Indians, except for and on account of the United States; and any person offending herein shall forfeit the sum of five thousand dollars; and, upon satisfactory information of such offence being laid before the President of the U. S., it shall become his duty to remove such person from the office or situation he may hold.

Sec. 15. *And be it further enacted*, That the President shall be, and he is hereby, authorized to cause any of the friendly Indians west of the Mississippi River, and north of the boundary of the Western Territory, and the region upon Lake Superior and the head of the Mississippi, to be furnished with useful domestic animals and implements of husbandry, and with goods, as he shall see proper: *Provided*, That the whole amount of such presents shall not exceed the sum of five thousand dollars.

Sec. 16. *And be it further enacted*, That the President shall be, and he is hereby, authorized to cause such relations as he shall judge proper, and as can be spared from the Army-provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations, and a special account of these issues shall be kept and rendered.

Sec. 17. *And be it further enacted*, That the President shall be, and he is hereby, authorized to prescribe such rules and regulations as he may think fit for carrying into effect the various provisions of this Act, and of other Act relating to Indian affairs, and for the settlement of the accounts of the Indian Department.

Sec. 18. *And be it further enacted*, That all Acts or parts of Acts, contrary to the provisions of this Act, shall be, and the same are hereby, repealed.

Approved: June 30th, 1834.

POLITICAL.

THE WHIG DINNER AT CHARLOTTESVILLE.

The recent Anniversary of American Independence, was celebrated by the Whigs of Albemarle, in a manner worthy of the day, and of the glorious cause in which they are struggling—the maintenance of the Constitution, and Laws, and the Liberties of the People, against the encroachments of Executive misrule and usurpation.

[Answer of John C. Calhoun, Esq.]

WASHINGTON, 15th June, 1834.

Gentlemen: I have been honored by your note of the 9th instant, inviting me, in the name of a number of citizens of Albemarle, who are opposed to Executive usurpation and misrule, to partake of a Public Dinner at Charlottesville, on the approaching Anniversary of Independence, and I accept, to say that my engagements will not permit me to accept your invitation.

I cordially agree with you in the opinion you have expressed, of the acts of the Federal Executive, to which you have referred; and have, in the discharge of my official duties, during the session, cheerfully united with all, entertaining the same opinion, to resist those acts, to the best of my abilities, however differing on other subjects. Had I acted otherwise, I would have been unfaithful to my oath to support the Constitution, and the principles of the party with which it is my pride to act, and whose motto is opposition to usurpation, in whatever form and from whatever quarter. So long as the Executive shall persist in his acts of usurpation, so long shall I feel bound, by the high obligation of duty, to continue to pursue the same course, without regarding the diversities of opinion, be they small or great, between myself and others whom I may find in opposition to the same acts.

But, while I thus stand prepared to resist the encroachments of the Executive, I must say, that, in my opinion, every scheme of resistance, limited to the acts of that Department, without looking beyond, must, in the end, prove abortive. Unless I am greatly deceived, the true equilibrium of our political system is to be found in the great and primary division of power between the General and State Government; so long as this fundamental distribution remains undisturbed, as established by the Constitution, there is, in my opinion, but little chance for the safety of the country delayed until yesterday, the receipt of your favor of the 29th inst., inviting me to the "Democratic Festival" to be given at Fountain Green on the 4th July next." It would afford me high gratification to unite with my fellow citizens of the city of Philadelphia, and its vicinity, in the object of the festival, which you informed me, are "to bring together those Democrats, who have been for some time divided in their choice of men, in union and harmony, to resuscitate the doctrines of Thomas Jefferson, to proclaim your aversion to man-worship, and to establish principles, as the only safe standard," &c. Our own reflections and the examples of history should convince us that no free government can long be sustained, where men are substituted for principles. If we are not incapable of receiving instruction from example, we must profit by republics of past ages, which have been overthrown by an abandonment of principle, and a blind adherence to men. We are all selfish beings, and, either through infirmity or depravity, are always liable to err. A principle which may be denounced to day, may shortly become the test of political orthodoxy, and thus all the great movements of the government may depend upon the whim or caprice of an individual, who, himself, may be the miserable instrument of political jugglers. This is the government of an absolute monarchy, by whatever name it may be called.

What a scene must this midnight conflagration have exhibited—lighting up the inflamed countenances of an infuriated mob of demons, ATTACKING A CONVENT OF WOMEN, A SEMINARY FOR THE INSTRUCTION OF YOUNG FEMALES, and turning them out of their beds, half naked in the hurry of their flight, and half dead with confusion and terror!

And this drama, too, to be enacted on the very soil that afforded one of the earliest places of refuge to the puritan fathers of New England—themselves flying from religious persecution in the old world, that their descendants might in time wax strong and mighty, and in their turn be guilty of the same persecution in the new!

We remember no parallel to this outrage in the whole course of history. Turn to the bloodiest incidents of the French Revolution—roll up the curtain that hangs