

ALABAMA.

From the Globe.

The Richmond Enquirer takes up the late transactions in Alabama in its usual conciliatory spirit. We wish, most sincerely, that there were some mode of accommodation possible, consistent with the continuance of the settlers on the lands. But while the Indians insist upon the execution of the treaty, in good faith, and demand the removal of all the intruders, in conformity with the law especially referred to in the treaty, the President has really no alternative, but to carry its stipulations into effect, or to acknowledge that the Government he administers, is not competent to make treaties, inasmuch as it has not power to execute them.

The Richmond Enquirer says: "As we learn from the Correspondence between the Secretary at War and Governor Gayle, the parties are not agreed, either about the facts or the law of the case. The Governor contests the accuracy of the information which the Secretary has obtained, and also interprets the Acts of Congress in a very different sense. Is it not, therefore, the duty of the Secretary, under these circumstances, to pause in his movements—dispatch two or three most intelligent Commissioners forthwith to the Creek Country—as certain the real character of the intruders, as they are called; and the justice of the complaints which are made by the Indian Chiefs—confer with the Governor of Alabama, upon the best mode of removing these complaints by the agency of the State Laws—and at all events, take time for completing the surveys and selection of lands—and perhaps of adjusting all disputes by the negotiations, now said to be on foot, for removing the Creeks to the West of the Mississippi."

There is certainly no room for difference with regard to the facts between the Governor and Secretary, and we do not understand them as making an issue upon them. The Commissioners of the United States who were on the land, the Secretary and all the officers unite in establishing the intrusion and wrongs of which the Indians complain. But if the allegations were not true, still the Indians have a right under the treaty to require the removal of the intruders, and have done so again and again; and in such terms as to leave the Executive no alternative, but to perform his duty, or acknowledge that he is wanting in good faith, or in the power to perform it. We copy below one of the many calls made upon the President by the chiefs, and from it the public will discover, that if even now, after two crops are made and gathered by the settlers, justice is done to the Indians, they will still have reason to complain that it is late and reluctant.

With regard to the difference between the Governor and Secretary, as to the law, the objection of the former is of such a character that to recognize it, is, in effect to resign the public domain. If settlers can only be removed, when they assert a title, then they might keep possession forever, by insisting that they had no title. Such a construction of the law would protect the worst sort of intruders—persons holding possession of the Government lands against its will, and at the same time declaring that they had no right to hold, in defiance of the lawful authority requiring them to remove. Such an interpretation would make it a most dangerous Agrarian law, and convert all right into mere occupation. The attempt of Governor Gayle to restrict a general law to the particular case which pointed out the propriety of its enactment, is equally absurd. The law for the removal of intruders, by military force, from the Government lands, has been acted on by every successive administration. It was never supposed to appertain to any particular case in fact, any more than it does in terms. And having been called into requisition, whenever intrusion made it necessary, it was specially referred to in the Creek Treaty, as assuring Indians of summary relief against the danger they apprehended for their reservations in ceding their lands to the Government. We cannot see, therefore, with what propriety Gov. Gayle can object to the application of the law, to the present case, when if the statute were in fact obsolete, having been made a stipulation of the treaty, it is as obligatory as if it had been re-enacted for the special occasion. We cannot think, then, that the reasoning of Governor Gayle is of sufficient force to set aside this long established policy—a long train of legislation, confirmed by successive precedents, as well as the late treaty. And if his reasoning fails, he must know that the present Chief Magistrate is not a man who will be deterred from the performance of his public trust, by any parade and mustering of a military array, to prevent the true observance and complete execution of his duty.

Documents referred to in the above article.

The Creek Chiefs, in one of their communications to the War Department, say:

"The first cause of complaint that the treaty has not been complied with, is that the intruders have not been removed, and that its extension since the treaty has been greatly augmented. Instead of our situation being relieved, as was anticipated, we are distressed in a tenfold manner. We are surrounded by the whites with their fields and fences, our lives are in jeopardy, and we are daily threatened for fear we should make choice of their improvements. We are prevented from building new houses or clearing new fields. We have for the last six months lived in fire, but we have borne it with patience, &c."

That the complaints of the Indians were not without foundation, is evident from a report of the Marshal of Alabama of the last season, in which he says:

"I entered the territory ceded, near Montgomery, and proceeded from thence to Chattahoochee River. On examination, I found eighteen intruders. They have not only taken the lands of the Indians from them and burnt and destroyed their houses and corn, but used violence to their persons. The Indians had fled forty or fifty miles.—Those persons who had been guilty of intrusion were ordered to leave the country. From threats and menaces from them, I ordered a detachment of troops from Fort Mitchell for the purpose of facilitating business, and my own security."

The Indian Agent, about the same period reports: "The principal chief of that town was with me yesterday, and gives a distressing account of the situation of the Indians; the most of them in the woods without the means of subsistence, hiding from the intruders, who treat them cruelly when they meet with them."

The Creek Chiefs also said to the Government:

"The communication from the War Department, dated Office of Indian Affairs, Oct. 13th, 1832, in re-

ply to our letter of the 27th Sept. last, has been received, and its contents are satisfactory to our people. We are yet in some degree molested, and harassed by intruders upon our occupied lands.—We are however sensible of the propriety of and will pursue the suggestion, contained in the letter to which this communication is an answer, to exercise forbearance and patience under our multiplied difficulties, in the confident expectation that the Government will bear in mind that it has assured us, that it is its desire and constant effort to benefit our people. Before concluding, we would mention to our Great Father, that many desperate and unprincipled white men have, since the ratification of the treaty, entered our nation, and taken Indian wives, with the sole view of enjoying the privileges and securing to themselves the benefits guaranteed to our people in the treaty, in the selection and ownership of our reserves. These abandoned and desperate men are rapidly collecting among us, and under color of authority as Indian countrymen, are seizing and occupying our most valuable lands.—We hope our Great Father will order their removal."

THE CASES OF THE CHEROKEES AND CREEKS DISTINGUISHED.

There is such a proneness to misunderstand or misrepresent the questions, which have led to the present difficulties in Alabama, and to confound them with the Cherokee dispute, that we shall for some days continue to insert this brief abstract of the matter, shewing conclusively that the course of the Administration has been perfectly consistent, and strictly in accordance with the law.

The right to remove intruders from the Indian country, is an act of jurisdiction, and is guaranteed by virtue of the act of Congress of March 30th, 1802, which provides for the employment of a military force in the removal of those persons, and then adds, "that nothing in this act shall be construed, to prevent any trade or intercourse with Indians, living on lands surrounded by settlements of citizens of the United States, and within the ordinary jurisdiction of any of the individual States.—The Cherokee country east of the Mississippi, embraces portions of North Carolina, Georgia, Tennessee and Alabama. The settlements of the citizens of the United States," surround all these Indians; but they are not all "within the ordinary jurisdiction of any of the individual States." Georgia and Alabama have extended their laws over them—North Carolina and Tennessee have not. Consequently, the intercourse act, as it is called, being the act of March 30th, 1802, does not now, by its own limitation, extend over those portions of the Cherokee country in Georgia and Alabama. It is not the Executive, as has been charged, that nullifies this act in these States. But it is an express provision of the act itself, which terminates its own operation, whenever the two specified facts occur; that is, the surrounding of the Indians by white settlements, and the extension of ordinary jurisdiction over them.

But in Alabama, the intruders upon the Creek country, do not occupy Indian lands. These lands were ceded to the United States, in March, 1832, by the Creek Indians, and a right to certain reservations, granted to them, to be located as soon as the country could be surveyed. These locations are now going on, and we understand will be completed as soon as possible. The treaty provides that intruders shall be removed from these lands "in the same manner as intruders may be removed from other public lands." &c. And the act of Congress, to which the treaty here refers, is entitled "An act relating to settlement on the lands of the United States," and was passed March 9, 1807.—"An act to prevent settlements being made on lands ceded to the United States, until authorized by law," and was passed March 3d, 1807. It provides, "that if any person shall take possession of or make a settlement on any land, ceded to the United States, &c. such person shall be liable to fine and imprisonment, and it shall moreover be lawful for the President of the United States to direct the Marshal, &c. and to employ such military force, as he may judge necessary and proper to remove from lands, &c. any person or persons &c." Under this act, agreeably to the requisitions of the treaty, the removals are now directed. And we repeat what we have before said, that the act of 1802, providing for removals, is an exercise of jurisdiction, as the U. States cannot claim the land in the Indian territories. But the act of 1809 for the removal of intruders from the public lands, is only the exercise of a special power, delegated to Congress by the Constitution "to make all needful rules and regulations concerning the territory and other property of the U. S." It is simply an act of ownership, and not of jurisdiction. The Cherokees in Alabama yet hold their land. Therefore, this act of 1807, does not extend to them, and this explains, in few words, why the government could not employ military force in the removal of intruders from their lands in that State. If they should cede it, as the Creeks have done, then this act would apply.

From the Journal of Commerce. CHURCH AND STATE.

No jealousy is more discernible in this republic, than a jealousy of Church and State. In some respects it is the most natural, and in others, the most ridiculous, imaginable. It is ridiculous in view of the diversity of sects which exist among us, jealous of each other; ridiculous in view of all our institutions, our habits of thinking, speaking, and acting; ridiculous, absurd, and profane in view of the precepts and doctrine of the Gospel.—The Church is a kingdom not of this world, whose citizens do not fight, whose honorable men take the lowest seat, and whose head men are the servants of all. To the humble believer in Christ, whose lot is cast in this free country, scarcely any thing appears more ridiculous than the fear of a union of Church and State.

History and observation, however, prove the fear to be both just and natural. The upright man is not offended by an honest and close inspection of his book accounts. He rather delights in exhibiting to others the evidence of his integrity. The humble christian will not censure the world for looking with jealousy upon his political movements. If pure, they will bear the light. If corrupt, he is of all others most interested to know it; and the world is now, and has for a thousand years

been, too much deceived by impostors, to be blamed for jealousy. True patriotism, pure and enlightened christianity, encourage this jealousy, with the light of history and of the day before them.

Except this country, where is another, civilized or savage, that is free from the curse of this unholy union? I cannot boast of acquaintance with all; but as far as they have come to the knowledge of the writer, all have now, or very lately, used the authority of their idol gods, or their favoured sects, unduly to influence, and tyrannically to govern the people. Oh! it ought not to be so, it is shame that it is so, but being so, it is well for Americans to be reasonably jealous of Church and State.

Pass by the Heathen of antiquity, the Pagan of modern times, the Mahometans, and Indians, and look at Christendom as it is, and as it has been. Surely all men are of one blood and of like passions. The secret springs which have converted Gospel Ministers into temporal princes, yet work in the human heart. No reproach is intended to ministers, none to the church.

The heart of man is the same that it was when in the lapse of centuries, the Church apostatised, its members used vows of poverty and abstinence to gain wealth and indulgence, and its ministers used their office to dethrone kings, to absolve nations from their oath of allegiance, and to give away dominions; and, in the old world, neither the church nor its members, nor ministers, have yet returned to the pure doctrine of the Gospel. In Great Britain and her colonies, Episcopal communion is requisite to political distinction. In all the realm of the Latin hierarchy, from Rome to Patagonia, men are for the most part Catholics or Heretics; Heretics are out of favour. Thus it happens, that in all christian countries except our own, men, in the name of the Church, lord it over the common heritage. From these countries ours annually receives a large increase of citizens, who bring their habits and prejudices with them. Wise men need guard the portals of religious and civil liberty. On both sides they will shun the unhallowed union.

SICKNESS IN NEW ORLEANS.

"Man's inhumanity to man, Makes countless thousands mourn."—Burns.

The following letter from New Orleans, is the one of which we spoke yesterday. Its details are revolting; but we have every reason to believe them true, and we offer no apology for their publication. Can it be possible, that a city like the great capital of Louisiana, should have such miserable regulations with respect to human suffering, when the experience of the people in sickness of all sorts, should have taught them to make every arrangement for its amelioration?—Philadelphia Gazette.

"I have taken the liberty of writing you a few lines upon the subject of the late, and I may say present epidemic, which has abated from the want of subjects. I am a Philadelphian, just recovered from a severe attack of the fever, during which time nearly all my Philadelphia friends are gone. Among them was Mr. J. C. Tillinghast, for many years paying Teller in the Commercial Bank of your city. Until the moment of the attack, he enjoyed excellent health; in five days he was a corpse. Mr. Tillinghast, had just engaged with Martin Gordon in the Custom House, a few days before he was taken. To enumerate the names of all, would swell my letter to a double one; I shall therefore refer you to the newspapers, which no doubt you daily receive. To be taken sick in New Orleans is, I may say, to die. Your chance of escape is one to five; and in that situation I place myself. The difficulty of getting a good nurse renders the sick man's situation truly horrible; confined, as is frequently the case, in a small close room, a Calomel Doctor calling every hour or so, and ordering you at each visit thirty or forty grains—fever raging—reason itself gone; there you lie, with fifty leeches on your temples, at one dollar a piece! a black assassinating looking nurse at your bedside, and wishing you out of the world, (though getting ten dollars a day!) so that she may steal what little you have and clear out. In the room next to that in which I lay, a young man who had been bled in the morning, during a paroxysm of fever, tore off the bandage, and with the blood spouting from his arm, alarmed the nurse, who ran down stairs for help. Ere she returned, he fainted; on the next day he died. A short time previous to his death, I heard him praying, may be getting for a glass of water; but as he was well up with calomel, water was prohibited, and he died—without it!"

Of the physicians of New Orleans, each one has a different mode of practice. We have the Theoran Doctors, the Steam Doctors, the Calomel and the Anti-Calomel Doctors; and among them, somehow or another, nearly all die. I have had some little opportunity of seeing their mode of administering medicine, and added to it a callous sense of humanity, they seem more like demons than administering angels. Battling thus with Death and the Doctors, the poor suffering patient at last yields up his spirit without a sigh.

The city hospital, in a place like this, should be a large, extensive, airy building—sufficiently so to accommodate five hundred patients. Picture to yourself a snug built place, scarcely large enough to hold half of that number; I mean persons taken with the fever. During the greater part of this season, the number averaged three hundred, and only one attendant physician, and a surgeon belonging to the Institution, the physician being a calomel and castor-oil one, administered so often, that twenty to twenty-four die daily. This place is kept in the most filthy condition, only fifteen old, dirty, ignorant nurses to attend three hundred, and the attendant physician dispatches his business there in half an hour, so as to enable him to visit his out-door patients, from whom he has higher expectations. The poor wretches at the hospital lie wallowing in their filth, the blood, from the effect of calomel, running out of their mouths and noses; thus they die—and are carried off like brutes, and buried, the Lord knows where! As soon as one is removed from his pestiferous bed, another is laid upon it, of course to die? The poor victims are carried from their boarding houses in

carts to this Death's hole, and many of them die before they reach there. If it should happen that one should have money, the landlord becomes all at once humane; and while the money lasts he is treated well; but the very moment it is gone, then goes the patient to the hospital, and is heard of no more.

A SOJOURNER.

New Orleans, Sep. 28, 1833.

Mr. Schiads, a Prussian, has lately invented a wind instrument which imitates at the same time, the sounds of the hautboy, the clarinet, the bassoon and two French horns, in all their purity and different tones. He has called this comprehensive instrument the lyre of Apollo. This lyre, which is a foot high, and seven inches wide, embraces four octaves, has no less than forty-two keys, and only six holes.

NEW BOOTS AND SHOES. A. AYRES,

HAS just received a new supply of Gentlemen's fine Calfskin Boots, Bottees, Shoes and Pumps, Ladies Gaiter Boots, Ladies Prunella, Morocco, and Seal-skin Bottees, Shoetees, Shoes and Slippers, Children's Prunella, Morocco and Leather Bottees and Shoes, Coarse Boots, Bottees and Shoes, India Rubber Shoes, Men's, Boys and Children's Caps and Hats. Nov. 1st. 1833.

NEW STORE.

J. W. WORTEINGTON RESPECTFULLY informs the public that he is now opening a very general assortment of DRY GOODS, GROCERIES, CUTLERY, &c. In the Town of Newbern, At the stand formerly occupied by Mr. Jas. G. Cuthbert, on Craven Street.

Among many other articles, are the following:

- Broad Cloths, Cassimeres, Satinets, and Russel Corda, Vestings, Flannels, Sagathies, Bombazettes, Circassians, Bravertees, Rose Blankets, Point, do, Prints, (a great variety of new patterns, Ban-lamo Hk's, Cotton, do, Anglo Shawls, Marine, do, Cotton, do, Russia Sheetting, Osnaburges, Cambric Muslin, Mull, do, Mull-Jaconet do, And Book, do, Ladies Gloves, Gentlemen's, do, Cloaks, Straw Bonnets, Sewing Silks, Ribbons, Domestic, Groceries, Imperial, Hyson, Young Hyson, Chocolate, Coffee, Soup, Lump Sugar, Brown, do, Liquors, Old Cognac Brandy, Apple, do, Holland Gin, Jamaica Rum, Common, do, Old Rye Whiskey, Common do, Malaga, Lisbon, Teneriff, Malaga, Anniseed, Peppermint, Cinnamon, Every variety of Spices, Brimstone, Mustard, Soap, Candles, Almonds, Raisins, Philberts, Candies, Perfumery, Sogars, Crowing Tobacco, Goshen Butter, Cheese, Apples, Fowling Pieces, (a good assortment,) Sportsmen's screw drivers, do, Dram Flasks, new stile, Dirks, Pocket Knives, Knives and Forks, Scissors, Needles, Pins, Bodkins, Hammers, Hatchets, Hollow Ware, Be-steads, Windsor Chairs, Shoes, Hats, Caps, Staffordshire Ware, China, &c, Dishes, Plates, Bowls, Mugs, Mustards, Pepper, Salt, and Tea Ware,

—ALSO— A few sets of handsome TEA CHINA, New patterns, very low. Do. do. Dinner, elegant Ewers and Basins, Cut Glass, Decanters, Tumblers, and Wines to match, Moro Pitchers, and Creams. All the above, and many other articles in store to complete a good assortment, will be disposed of low for Cash or Country Produce Newbern, Oct. 18, 1833.

CHEAP STORE.

EMANUEL CERTAIN, At his Store on Craven-street, five doors below the Bank of Newbern, and adjoining the Pump, Has just returned from New York with a general assortment of

DRY GOODS, READY MADE CLOTHING,

GROCERIES, HARDWARE, CUTLERY, CROCKERY, GLASS WARE, IRON, SALT, &c. &c. All of which he will sell low for cash. FIRST QUALITY Spanish smoking Tobacco For sale as above. Newbern, Nov. 8, 1833.

COPARTNERSHIP.

THE subscribers have entered into copartnership for the purpose of transacting mercantile business, under the firm of HATCH and SEARS.

JAMES HATCH, WILLIAM SEARS. Newbern, October 23d, 1833.

NEW GOODS.

JUST received, per schr. Trent, a large and complete assortment of DRY GOODS, Consisting in part of the following Articles—

- Blue, black and mixed Cloths, Claret, green, brown and Drab do, Blue, drab and striped Cassimeres, Blue, grey and Cadet mixed Satinets, Red, white, green, and yellow Flannels, Drab Kerseys, Petersham's, Negro Cloths, Super black Italian Lustrings, Black and colored Gros de Naples, Pink, white, green and blue Florence, Black and colored Italian Crapes, Flain and figured Bobbinets, do, do, Swiss Muslin, Jaconet, Cambric and Mull do, Plain, figured, Book and Cross-bar do, 6-4 colored English Merinoes, very super, 5-8 and 3-4 Circassians, Black Serge do, Bombazettes, Thibet Wool, Cashmere & Marino Shawls, Prussian and English Marino do, Gauze, Silk and Crape Hdk's, Thread and Bobbinet Laces and Footings, do, do, Edgings, Linens, Lawns and Cambric Linen, Cambrics, Silk and Cotton Hdk's.

—ALSO— A very large and splendid assortment of CALICOES.

- Blue and brown Domestic and Shirtings, 4-4 & 6-4 Bedticks, Padding, and Canvas, Apron and furniture Checks, Russia Diaper, Rose, duffle and point Blankets, Blk and col'dr Cambricks, Super Valencia Vesting, Marselles and Swansdown Vesting, and Wadding, Corded Skirts, Cotton and Worsted Hosing, Gloves, bonnet, belt and cap Ribbons, Carved and plain, shell tuck and side Combs, Brazilian, tuck, side and dressing Combs, Spool cotton, cotton Balls, Tapes, Pins, Hooks and eyes, Coat Vest and Suspender Buttons, &c &c.

All of which will be sold at the lowest prices by JOHN VAN SICKLE, Newbern, Oct. 11, 1833.

CHARLES S. WARD, DRUGGIST AND APOTHECARY,

HAS for sale at his Shop, next door to Mr. Bell's Hotel, a general assortment of

- Drugs, Medicines, DYE STUFFS, Paints, Oils, Varnishes, Patnt Brushes, Varnish Brushes, Perfumery and Cosmetics.

The above articles are fresh and of the very best quality.—Newbern, Feb. 1st, 1833.

NEWBERN PRICES CURRENT.

- BEESSWAX, lb. 16 a 18 cents, BUTTER, do. 20 a 25, CANDLES, do. 12 a 15, COFFEE, do. 13 a 14, CORN, do. 12 a 15, COTTON, do. 13 a 15, COTTON BAGGING—20 a 25 cts, FLAX, per lb. 10 a 15 cts, FLOUR, bbl. \$6 50 a 7, Corn Meal, bush, 70 cents, GRAIN, Corn, bbl. \$2 50, Wheat, bushel, \$1, IRON, Bar, American, lb. 5 a 5 1/2 cents, Russia and Swedes, do. 5 a 6, LARD, lb. 9 a 10 cents, LEATHER, Sole, lb. 15 a 25 cents, Hides, do. 10 a 12 cents, LUMBER, Flooring, M. \$12, Inch boards, do. 8 a \$9, Scantling, do. 8 a 9, Square Timber, do. 20 a 30, Shingles, Cypress, do. \$2 25, Staves, W. O. hhd. do. 16 a 20, Do. R. do. 10 a 12, Do. W. O. barrel, do. 8, Heading, hhd. do. 18 a 22, Do. barrel, do. 8 a 10, MOLASSES, gallon, 38 a 40 cents, NAILS, Cut, all sizes above 4d. lb. 6 a 6 1/2 cents, 4d. and 3d. do. 9 cents, Wrought, do. 15 a 20 cents, NAVAL STORES, Tar, bbl. \$1 40 a 1 50, Turpentine, do. \$2 30 a 2 35, Pitch, do. 1 40, Rosin, do. 1, Spirits Surpentine, gallon, 35 cents, Varnish, gal. 25 cents, OILS, Sperin, gal. \$1 a 1 20, Whale & Porpoise oil, do. 35 a 40 cents, Lined, do. \$1 20 a 1 30, PAINTS, Red Lead, lb. 15 a 18 cents, White Lead, ground in oil, cwt. \$10 a 12 1/2, PEASE, Black eyed, bushel, 75 cents, Grey eyed, do. 45 a 60, FROVISIONS, Bacon, lb. 7 a 8 cents, Beef, lb. 3 1/2 a 4 cents, Pork, mess, bbl. \$15, Do. prime, do. \$12 a 13, Do. cargo, do. 9, SALT, Turks Island, bushel, 50 cents, Liverpool, fine, do. 60 a 70 cents, SHOT, cwt. \$8 a 10, SPIRITS, Brandy, French, gallon, \$1 50 a 2, Apple, do. 50 a 60, Peach, do. 80 a 100 cents, Rum, Jamaica, 120 a 150 cents, Do. Windward Island, 80 a 90 cents, Do. New England, 35 a 40 cents, GIN, Holland, gallon, 150 a 160 cents.

CHARLESTON MARKET.

- CORN, 55 a 68 cents per bushel, COTTON, 15 per lb., BACON, 8 a 9. Hams 13, LARD, 10 a 11 cents, TURPENTINE, Wilmington, \$2 75.

NEW YORK MARKET.

- CORN, 68 a 71 per bushel, COTTON, New Orleans, lb. 15 a 16, Alabama, " 13 a 16, Upland, " 15 1/2 a 16 1/2, Tennessee, " 14 a 16, TAR, \$2 per bbl., TURPENTINE, N. County, \$2 75, Wilmington, \$2 75, PORR, Mess, \$16 50 a 17.