

SOUTHERN RECORDER.

BY GRANTLAND & ORME.

MILLEDGEVILLE, GEORGIA, MONDAY EVENING, APRIL 9, 1827.

No. 10, or VOL. VIII.

The Recorder is published weekly, at Hancock street, between Wayne and Johnson, at Three Dollars per annum, payable in advance, or Four Dollars, if not paid before the end of the year.

ADVERTISEMENTS conspicuously inserted at the usual rates. Those sent without a specification of the number of insertions, will be published until ordered out, and charged accordingly.

Sales of land and negroes, by Administrators, Executors, or Guardians, are required by law, to be held on the first Tuesday in the month, between the hours of ten in the forenoon, and three in the afternoon, at the court-house of the county in which the property is situated.—Notices of the sale of land must be given in a public gazette, and will at all times be supplied with plentiful provender and an attentive officer.

Notice of the sale of personal property must be given in like manner, forty days previous to the day of sale. Also, notice to the debtors and creditors of an estate must be published for forty days.

Notice that application will be made to the Court of Ordinary for leave to sell land, must be published for four months.

All business in the line of Printing, will meet with prompt attention at the *Recorder Office*. Letters for business may be post-paid.

LAND LOTTERY LIST.

FROM an examination of the Land Lottery Lists, published here, we are convinced that reference to them for particular lots of land, must be attended with very great inconvenience. These Lists are, notwithstanding, arranged in the best manner possible, under the circumstances attending their publication. It has occurred to us that, after the drawing is completed, a list may be published obviating all the inconvenience found to exist in the present one. This is the plan of it:

We will begin with the *Third Section*, of Troup County, that being the most important—take the first district in that Section, and arrange the lots in that district in numerical order, from one to the last number, describing the quality of the land, and specifying by whom it was drawn, and his place of residence. We will then pass to the *Second District* of that Section, and give the same information with regard to it, and so on, through all the Sections, Districts and Lots. A List arranged on this plan, it seems to us, must present many facilities and advantages to the public.

It is obvious to every one, that such a work cannot be commenced before the completion of the drawing. If sufficient encouragement is offered, it will then be published with all possible expedition, and sent by mail, in sheets, to the subscribers.

For the whole List (in advance in all instances) \$3.00
For my Section, separately, (in advance also) 1.00
All communications must come post paid.

Canaak & Ragland 9-1f

LAW.

THE undersigned have united in the PRACTICE OF THE LAW, who will attend to the business of their profession jointly, in the several counties of the Flint, and in the counties of Troup and Muscogee, the Chattoochie Circuit.

ABSALEM H. CHAPPEL, THOMAS N. BEALL.

February 17 3

LAW.

THE undersigned have united in the PRACTICE OF THE LAW, and will attend to the business of their profession jointly, in the counties of Green, Morgan, Putnam, Jasper, Hancock, Taliaferro, Oglethorpe and Clark.

WILLIAM C. DAWSON, YELVERTON P. KING.

WM. C. DAWSON will attend the Courts in the counties of DeKalb, in the Chattoochie, Newton, in the Flint, and Walton, in the Western Circuits.

Greensboro', Jan. 5 1-13

Law Office.

THE SUBSCRIBER has removed his Office to Marshall's Ferry, Troup county. He has Maps of all the districts of Troup, and all the valuable districts in Muscogee, and expects to examine all that part of the purchase, which will make it to the interest of persons to employ him who wish to return land, as he will generally be able to inform them whether or not the land is worth returning.

Persons holding executions against drawers, can have them attended to; and in all instances the subscriber will, if necessary, examine the land and see that it is not sacrificed without paying the debt.

He will practice in the several counties comprising the Chattoochie Circuit. Letters addressed to him at Thomastown, Upson county, will be attended to.

Manfield Torrance, 9-1f

Kinchin L. Haralson,
ATTORNEY AT LAW,
RESPECTFULLY informs the public that he has settled in Zebulon, Pike county, and will attend the Courts of the adjoining counties, Upson, Butts, and Monroe, of the Flint, and all the counties of the Chattoochie Circuit.

March 26 9-4

BOATING.

THE undersigned having connected themselves in the Boating business for the present season, will deliver Cotton in Savannah at the customary price. To prevent loss to the owners, or themselves, they have made arrangements to have every bag insured. Liberal advances will be made to those who may think proper to ship them, and every exertion used to obtain the highest market price. They will have a flat ready to start upon the first rise of the river, and one every month afterwards during the season.

EDW. CARY, JOS. H. BIGHAM, 9-1f

MILLS JONES,
Barber and Hair-Dresser,
RESPECTFULLY returns his thanks to his friends, his customers and the public generally, and informs them that he continues the above business in all its various branches, at the

SIGN OF THE POLE.

on Hancock street, a few steps East of Lafayette Hall, opposite the Recorder, Printing Office, where he hopes to meet the continuance of past favors and a share of public patronage. He promises constant, assiduous, and industrious attention to the duties of his profession, and hopes to merit the requests which he makes. He has on hand sharp Razors, good Soap, essential Oils, and some Curls, &c., and will endeavor to render his customers agreeable, beautiful and pleasant.

March 12 6-14

COFFEE HOUSE.

*T*HE Subscribers desire to acknowledge their thanks to their friends and the public generally, for the very liberal patronage heretofore received, and solicits a continuance of their favors.

Boards for the year or half year, will be received at twelve dollars and fifty cents per month,—man and horse per day, at one dollar and fifty cents. His bar will be furnished with good liquors, and his table with the best the country affords; his studies are large and airy, and will at all times be supplied with plentiful provision and an attentive waiter.

JOHN DOWNER.
Milledgeville, March 26. S-31*

WASHINGTON HALL, MACON, GEORGIA.

*T*HIS establishment will be open on the 26th inst. for the reception and accommodation of Travellers and regular Boarders, under the superintendence of the Subscribers. This is a large, elegant, comfortable building, situated on the corner of Madison and Broad Streets, fronting the Court-house Square, and expressly calculated for a PUBLIC HOUSE, being entirely new, three stories high, in an elegant situation for business, immediately at the junction of the Forrest and Federal roads, with all convenient buildings and an extensive Stable.

The Subscribers pledge themselves to devote their entire attention to render such as may call them comfortable; and from their experience in this line of business, they can but believe that they will give general satisfaction. Their Table, Bar and Stable will be well furnished with the best the market affords:

*T H Moreland,
C. Townsend*

February 19 4-1f

Cotton Gins.

*T*HE SUBSCRIBER wishes to inform his old customers of Baldwin and the adjacent counties, that he intends early in this month, taking his old stand on Wayne street, near Capt. Jarrett's, for the purpose of

Repairing Cotton Gins.

Having provided suitable materials for the purpose and experienced workmen, he hopes he will be able to give general satisfaction to all those who may favor him with their custom.

JOHN SMYTH.
N. B. The subscriber has for sale at his stand in Monroe county, NEW GINS, ready for use.

J. S. Milledgeville, Sept. 4 31-1f

Notice.

*A*LL persons indebted to the estate of Joseph Bagby, deceased, are requested to come forward and make immediate payment, so far as having claims against said estate, will present them properly attested within the time prescribed by law.

Charles Coarsey, Adm'r.
Elizabeth Bagby, Adm'r x

March 14 7-4

*A*LL persons indebted to the estate of Joel Flanagan, late of Covington, Newton county, dec'd, are requested to make immediate payment, as the situation of the estate is such that no indulgence can be given; and those to whom the estate is indebted, are desired to present their claims duly attested, within the time prescribed by law.

Francis Kirby, { Adm'r.
Thomas Baber, { Adm'r.

March 17 7-6

*A*LL persons having any demand against the estate of John Howell, late of Houston county, dec'd, are requested to render them in terms of the law, and those indebted, are requested to make payment immediately.

HENRY PITTS, { Ex'rs
THOMAS HOWELL, { Ex'rs

March 7 7-6

*A*LL persons having demands against the estate of M. McCopquadale, late of Washington county, deceased, are requested to present them to the subscriber in terms of the law, and those indebted to the said estate to make immediate payment.

JOHN LAWTHON, Adm'r.

March 9 7-6

*A*LL persons having demands against the estate of John Howell, late of Houston county, dec'd, are requested to render them in terms of the law, and those indebted, are requested to make payment immediately.

RODERICK LEONARD, Adm'r.

March 8 6-6

Notice.

*A*LL persons having demands against the estate of Nicholas Currey, dec'd, late of Washington county, are desired to present them duly authenticated, and all persons indebted to said estate, are requested to make immediate payment.

ROBERT CURREY, or JAMES M. FRANKLIN, { Ex'rs

March 9 6-6

*A*LL persons indebted to the estate of William Wilson, sen. late of Green county, dec'd, are requested to make immediate payment, and all those having demands against said estate, are hereby notified to render them properly attested within the time prescribed by law.

Thomas Wilson, { Ex'rs
Abraham Greer, { Ex'rs

March 13 7-6

Notice to Creditors.

*A*LL persons having legal claims against the estate of Garritt Brown, late of Washington county, deceased, are requested to render them in duly authenticated within the time prescribed by law.

JOSHUA D. BOSTICK, J. P.

A true copy of the original recorded in my office.

LAWRENCE GRIFFIN, Clerk

March 13 9-34

MILLS JONES, Barber and Hair-Dresser.

*R*ESPECTFULLY returns his thanks to his friends, his customers and the public generally, and informs them that he continues the above business in all its various branches, at the

SIGN OF THE POLE.

on Hancock street, a few steps East of Lafayette Hall, opposite the Recorder, Printing Office, where he hopes to meet the continuance of past favors and a share of public patronage. He promises constant, assiduous, and industrious attention to the duties of his profession, and hopes to merit the requests which he makes. He has on hand sharp Razors, good Soap, essential Oils, and some Curls, &c., and will endeavor to render his customers agreeable, beautiful and pleasant.

March 12 6-14

FROM THE COLUMBIA (S. C.) TELEGRAPH.

*M*essrs. Editors.—On reading and carefully considering ARTHUR YOUNG's account of the Vice district of France, I have arrived at the following conclusions, which I believe are not very wide of the truth. I have been on my guard against extravagant calculations.

Expense of putting ten acres into a vineyard near Columbia S. C.

The poor sandy land of South Carolina, on the average of convenient situations, if cleared in a proper manner and well fenced, will be worth at least \$ 15 per acre.

Ten acres at \$15. \$150

A French Arpent is 40,000 square feet French measure: that is 45,434 feet English measure. An English acre comprises 52,560 square feet English: so that an arpent is to an acre, as 1,043 to 1. The French plants there grow sometimes so thick as 8000 to an acre, instead of 1500 per acre.

Labourers by the year or half year, will be received at one dollar and fifty cents per month,—man and horse per day, at one dollar and fifty cents.

Boards for the year or half year, will be furnished with good liquors, and his table with the best the country affords; his studies are large and airy, and will at all times be supplied with plentiful provision and an attentive waiter.

JOHN DOWNER.

Milledgeville, March 26. S-31*

and by acts of cunning and hypocrisy, which weigh more with the multitude than the words of eloquence, or the arguments of sages. The people listened as to their Cicero, when he twanged out his apostrophes of *Peuple vertueux!* and hastened to execute whatever came recommended by such horrid phrases, though devised by the worst of men for the worst and most inhuman of purposes.

Vanity was Robespierre's ruling passion, and though his countenance was the image of his mind, he was vain even of his personal appearance, and never adopted the external habits of a sanguine. Amongst his fellow jacobins, he was distinguished by the nicety with which his hair was arranged and powdered; and the neatness of his dress was carefully attended to, so as to counterbalance, if possible, the vulgarity of his person. His apartments, though small, were elegant, and vanity had filled them with representations of the occupant. Robespierre's picture at length hung in one place, his miniature in another, his bust occupied a niche, and on the table were disposed a few medallions exhibiting his head in profile. The vanity which all this indicated, was of the coldest and most selfish character, being such as considers neglect as insult, and receives homage merely as a tribute; so that, while praise is received without gratitude, it is withheld at the risk of mortal hate. Self-love of this dangerous character is closely allied with envy, and Robespierre was one of the most envious and vindictive men that ever lived. He never was known to pardon any opposition, affront, or even rivalry; and to be marked in his tablets on such an account, was a sure, though perhaps not an immediate sentence of death. Danton was a hero, compared with this cold calculating cretin; for his passions, though exaggerated, had at least something of humanity, and his brutal ferocity was supported by brutal courage.—Robespierre was a coward, who signed death warrants with a hand that shook, though his heart was relentless. He possessed no passions on which to charge his crimes; they were perpetrated in cold blood, and upon mature deliberation.

Let me purchase for the vine plants be for ten acres. The labour of planting at least as much,

Labour in training and cultivating for four years,

Average supply and repairs of vine-props, trellises &c. for 4 years,

Buildings, wine press, cellars, casks, tools &c., to be put up during the third and fourth years,

Interest on capital and superintendance for four years,

Expenses incurred during 4 years, \$ 2280 Or allowing for unforeseen accidents,

2500 Produce of wine at the end of the fourth year, 3000 gallons to be sold at one dollar per gallon in 30 gallon casks, to be paid for by the purchaser.

If kept for a twelve month, the wine will be worth \$1 1-4 per gallon. A higher price than this cannot be expected.

Profit at the end of the 4th year, \$ 500

Produce at the end of the fifth & succeeding years for a great length of time to come, 3,500 gallons at a

So that a disbursement of 2500 dollars without expending any

at the end of the fourth year, will ensure a clear profit of at least 3000 dollars a year as a permanent.

Can a parent do better for a son, or as a provision for a daughter? For many years, good domestic wine will be sure of sale at one dollar per gallon; but even half that price will pay better than any other crop.

A. B.

In the 1st number of *The American Quarterly Review* there is a review of Scott's *Life of Napoleon*, and some extracts from his "preliminary view of the French Revolution." One of these, describing the fierce triumvirate Danton, Robespierre, and Marat, we republish.

"Three

the past twenty years, questions have been drawn into discussion in the upper tribunals of this country, vital to its integrity as a confederated nation.

No doubt the settlement of such questions requires a double portion of prudence, which a great deceased statesman abroad considered the god of this lower world. Great Jurists are, indeed, the great lights of every free nation. They personally purify the Temple of Legislation. They hold in equilibrium the sacred seals of Justice; and when in such scales, State Rights and Sovereignies are to be weighed, and national controversies adjusted, surely Judicature itself can admit of no loftier function.— Yet such has been the confidence of a thinking people in the ability and integrity of their highest Court, that power States and turbulent parties, have again and again acquiesced in decisions relating to their pride and repugnancy to their local interests—decisions and events pregnant with political benefits to great and polished communities, by exhibiting the efficacy of moral influence enthroned upon the ruins of *ultima ratio regum*, which has enslaved mankind.— The moral influence of Washington's unparalleled character during his eventful and momentous life, proved the sheet anchor of our fluctuating vessel of state. Since the loss of the utility of that impious counterpoise to faction, it is vain for superficial leaders to deny that such *nercifal weight* in this vast confederacy, has been chiefly supplied by the wisdom of the decrees of the Supreme Court of the United States. And the truth of this assertion, which will be developed and demonstrated by historians of the next century, affords even now the best eulogy of our Chief Justice. Such in brief is John Marshall, one of the great lights in the upper region of American Judicature. Long may he continue such—a wise and well—annual seated as he now is, on the bench of our Supreme Court in Washington. Altho' now passing down the vale of years, long may he yet bless and adorn and illuminate his country, by the steady beams of his judicious mind in the unimpaired lustre of his meridian emanations.

Washington Messenger



THE RECORDER.

MILLEDGEVILLE, APRIL 9, 1827.

We have been furnished by a friend with the following document for publication—We understand its history to be as follows:

Soon after the failure of the negotiations recently attempted with the Chickasaw and Choctaw Nations of Indians, for procuring a further extinguishment of their title to lands in the state of Mississippi, the motion of Mr. [unclear] in Congress from that state, a meeting of the Senators and Representatives of those Southern States, within whose limits there yet remained lands to which the Indian title was not extinguished, was requested.—

Accordingly, a majority of the Senators and Representatives from the states of N. Carolina, Tennessee, Georgia, Alabama and Mississippi, and the delegate from Florida attended.—A committee was appointed consisting of two from each state, to consider and report upon the causes of the failure of the recent attempts to procure further purchases of the Indian title, by treaty with the tribes within the limits of the states represented, and also as to any other means which could be legitimate adopted to procure the removal of the Indians, and the extension of the settlements of the several states, so desirable for the safety and prosperity of the states interested.—This large committee appointed a sub-committee consisting of Messrs. McKinley, of Alabama, Reid, of Mississippi, and Cobb, of Georgia.—The document now published, was in part the result of the labors of this sub-committee. That part of the report which was intended to enquire into the causes of the failure of the negotiations lately attempted with the Southern Indians, has not been furnished to us, nor do we know that it was ever completed—circumstances prevented another call of the meeting, so that the report was never considered or adopted by those at whose instance it was made. We do not now venture to express any opinion upon the merits of the report, further than to say, that it is well calculated for the purpose for which it was intended, viz., to direct the public attention to the consideration of the important topic which it discusses.—*Editors.*

THE REPORT.

"From the foregoing considerations, the committee venture to express the opinion, that the removal of the Indian tribes occupying lands within the limits of the States and Territories represented in this meeting, by the means heretofore used of negotiation and treaty, is extremely improbable. The next question which naturally presents itself is, are there any other lawful and practicable means to which resort can be had for accomplishing an object so desirable for the prosperity, and so necessary to the strength and safety of the states and territories concerned?

The committee think there are—they believe that if the several states for themselves, and Congress for the territories, will extend the operation of the municipal laws of each, over the persons of the Indians within the limits of each, and in cases where they have the right, will judiciously appropriate the lands occupied by them, assigning to the Indians, individually, such portions, by the cultivation of which a very ordinary degree of industry, a subsistence can be easily provided; one of two effects will be produced—Either 1st, the Indians will be speedily induced to remove to the west of the Mississippi, or 2d, being incorporated into the body

politic, will soon lose their distinctive character, language and colour.

According to the notions of philanthropy and human policy now so fashionable and prevalent, the proposed measure may be considered as somewhat bold and daring, and requires to be sustained by an appeal to the principles of all laws, national, political and moral, by which the civilized world is governed in the presentage. It is believed it will bear the test of all of them. The committee admit the necessity of enquiring into the propriety of its adoption upon principles which even prejudiced minds cannot deny, because of the novelty and importance of the subject in itself, and of the consequences to which an erroneous decision may lead.

It is to be regretted that the avocations of the committee at this time, prevent that degree of research and deliberation requisite in such an investigation. They have therefore resorted to but few authorities and documents; but the respectability and authenticity of these will not be doubted. If the labors of the committee produce no other effect than the excitement of further investigation, much will have been done for the object in view.

The subject necessarily leads to an inquiry as to what *mixt*, and is the *Law of Nations*, as established by the universal assent of the civilized world, with respect to the rights and powers according to civilized nations from the discovery, occupation and colonization, as well of uninhabited and desert countries, as of such as were possessed by a sparse and barbarous population?

As to *desert and uninhabited* countries, the law of nations, as explained by Vattel, (the only authority that we shall quote) is explicit.—"All mankind," says he, "have unequal right to the things which have not yet fallen into the possession of any one; and these things belong to the first possessors. When therefore, a nation finds a country uninhabited and without a master, it may lawfully take possession of it; and after it has sufficiently made known its will in this respect, it cannot be deprived of it by another."—(Vat. B. I. c. 18. s. 207 et seq.)

But the American continent when discovered, was not desert and uninhabited. In the Northern part of it especially, were found an uncivilized, barbarous and erratic race of people, by whom the soil of the vast territory over which they roamed was not cultivated, and the prudence of whose render them incapable of possessing and using but a small portion of it at one period of time. In such case, what rights resulted to the discovering nations?

This question is also solved by the same writer. If they were such nations as the "ancient Germans and modern Tartars, who having fertile countries, disdain to cultivate the earth, and choose rather to live by rapine, [they] are wanting to themselves, and deserve to be exterminated as savage and pernicious beasts."—

"There are others who, to avoid agriculture, would live only by hunting and their flocks." To which description of persons the North American Indians properly belong, the committee will not express an opinion, insomuch as they conceive that such a decision is unnecessary to any conclusion to which they wish to arrive. The author proceeds—"This might doubtless be allowed in the first ages of the world, when the earth with out cultivation, produced more than was sufficient to feed its few inhabitants. But at present, when the human race is

so numerous, as to exceed the capacity of all nations resolved to live in idleness, if all

"Those who still retain this idle life, usurp more extensive territories than they would have occasion for, were they to use honest labor, and have therefore no reason to complain, if other nations, more laborious, and less closely confined, come to possess a part," &c.—(Vat. B. I. c. 7. s. 81.) In a subsequent part of the same work, the author discusses directly, the question, (as growing out of the discovery of the American continent) whether "a nation may lawfully take possession of a part of a vast country in which there are found none but erratic nations, incapable by the smallness of their numbers to people the whole?" After a reference to the passage just quoted above, he arrives at the conclusion, that although the "moderation" of the first English Colonists, "who purchased of the Indians the lands they wished to cultivate is deserving of praise" yet the discovering nations "have not deviated from the views of nature in confining the Indians within narrow limits."—(Vat. B. I. c. 18. s. 209.)

Considering Vattel as good authority as to what is *national law*, it is believed that the following deductions necessarily flow from the passages of his work, quoted or referred to.

1st. That the right of the discovering nations to possess, occupy and colonize such countries as the North American Continent, is expressly admitted as being "no deviation from the views of nature."

2d. That if the inhabitants of such countries as the North American Continent at the time of its discovery, are "erga omnes," i.e., "choosing rather to live by rapine," they may, and "deserve to be exterminated as savage and pernicious beasts."

3d. That if they are not of this savage and pernicious character, but are yet "eradicable," "refusing to use honest labor" in cultivating the soil, and are "incapable by the smallness of their numbers to people the whole country, &c," that still the discovering civilised nation may lawfully possess, and occupy the country and establish colonies there, and "confine the Indians within narrow limits."

Upon these principles all the civilised nations of Europe have acted; and by all, their force and truth have been admitted, insomuch that they ought not, indeed, cannot now be disputed. In some instances superstition, and the force of religious prejudices have induced such nations as professed the Roman Catholic faith to attempt to add to the strength of rights thus acquired, by obtaining the sanction and grant of the head of the church;—such attempts have only excited the ridicule of all men of common sense.

To any one who will read the history of the colonization of the North American Continent, it will be evident, that this "moderation" in purchasing, rather than forcibly taking, the lands discovered, from the Indians, was more the result of policy, dictated by a knowledge of their own weakness, in the first colonists, than from any doubt or scruple as to their right to possess. In every instance where they had no title, they had no such moderation.

The methods pursued by the different discovering nations, for the usurpation and maintenance of their rights to their new discoveries thus acquired, were not uniform. Spain and Portugal immediately proceeded to establish complete dominion by the exercise of force against the inhabitants, in cases where that dominion was disputed; a method, however much it has been reprobated, no obligation ever claimed the right to forbid or prevent.

Great Britain exercised similar rights and powers, by making extensive grants of the lands occupied by the inhabitants, to individuals or companies, authorising them to occupy and settle them. By such grants, the boundaries of the several states, as they existed at the declaration of independence, were settled. In cases where such grants and charters were surrendered, the crown proceeded in the work of occupancy and colonization upon the original right of discovery.

There are, according to the law of nations, certain other rights, flowing as necessary consequences from this right to possess, occupy and colonise such countries, which it is proper to notice at this stage of our investigation. We shall do so by quoting the words of Vattel literally.

"The settlement of newly discovered countries, which he denominates a "right," he says, "comprehends two things; 1st, the *domain*, in virtue of which the nation alone may use the country for the supply of its necessities, and may dispose of it in such a manner and derive from it such advantages as it thinks proper; 2d. The *empire* or right of *sovereign command*, by which the nation *ordains and regulates* at its pleasure every thing that passes in a country."—(Vat. B. I. c. 18. s. 207.) These two rights constitute *absolute sovereignty*, and the space over which it is exercised, is the "seat" of the nation's "jurisdiction," and is called its "territory."—(ibid.)

This right of domain is again subdivided into the "high domain," which is nothing but the domain of the body of the nation, or of the sovereign who represents it; and which is every where considered as inseparable from the sovereignty, or the "useful domain, or the domain reduced to the rights that may belong to a particular person in the State, and may be separated from the empire; and nothing prevents the possibility of its belonging to a nation in places that are not under its obedience." (Vat. B. II. c. 7. s. 83.)

These distinctions, in regard to the several rights of "domain," either the "high" or the "useful," and of "empire" or "sovereignty" "jurisdiction" and "territory," as drawn by our author, should be particularly borne in mind, because it is the intention of the committee to attempt to show.

1st. That anterior to the Revolutionary War, they were all claimed, and to a very great extent exercised by Great Britain over the territory which, directly after that event, was claimed by the several States of this Union:

2d. That by the adoption of the Federal Constitution, the people of the several States, surrendered a portion of their right of empire or sovereign command, retaining other portions, each State to itself;

3d. That several of the States (and among others, Georgia,) by articles of cession, surrendered to the U. States, both the "high" and the "useful domain" as to parts of its undivided "territory," retaining, each State to itself, both those rights as to other parts, in so far as the same were not surrendered by the Federal Constitution:

4th. That new States, by the admission of certain into the Union (as Mississippi and Alabama,) the United States transferred to the people of such States, all of "high domain" and of "empire," acquired by cession from the old States, over the ceded territory, (and not surrendered in the Constitution by the old States,) also such portions of "empire" as was not yielded by the old States to the Federal Government.

5th. That as regards any interest in the soil, the Government of the United States, on the admission of such new States, retained no more than the "useful domain," a right which cannot, and ought not, to interfere with the exercise by the States, of any of the rights of "high domain" or of "empire" as are not surrendered in the Constitution.

1st. That Great Britain claimed, and to a very great extent, exercised, all the rights we have attempted to define, from the period of her first discovery of the North American Continent, to that of the American Revolution, a proposition not difficult to maintain.—As has already been said, it was in the full exercise of those rights, that the British crown made such extensive grants of territory with certain defined limits, *without the least regard to the Indian title*, to companies and individuals. By these grants, as existing at the commencement of the revolution, the boundaries and jurisdiction of the several States, were ascertained and established.

At the time these grants were made, the soil granted was wholly occupied by the Indians. But how could it be had to, in any of them to show that they are not represented? But leaving these to speak for themselves, the committee will examine, because it is more intimately connected with the subject under discussion, a Proclamation issued by the head and representative of the sovereignty of Great Britain, in establishing certain new Governments on the North American Continent. In this document, it is believed, it will be found, that *all the rights* which have been defined, were unequivocally claimed and asserted, some of them actually exercised, and others were suspended, not because of any doubt as to the want of right or power, or title, but from mere motives of policy.

The Proclamation to which allusion is made, was issued on the 7th Oct. 1763, soon after the conclusion of the Treaty of Paris, (10th February, 1763,) (see I. vol. L. U. S. p. 443.) The leading object of it, as is just said, was to establish three new Governments on this Continent, most of the territory within the defined boundaries of each of which, was then in the occupancy of the Indians. In this very act of establishing new Governments over territory thus occupied, is contained an assertion of all the rights which are constituents of absolute sovereignty. The "space" within the defined boundaries of each Government, is expressly called the "territory" of the British crown. A like assertion of sovereignty may be found in the commission given to Sir James Wright as Governor

of Georgia, in which the boundaries of that Colony are defined and established—(see I. vol. L. U. S. p. 443.)

In this Proclamation, the very case of Lands occupied by the Indians, not only in the new Governments thereby created, but within the limits of other North American Colonies, is alluded to, and regulations made respecting such lands. It speaks of the "Indian Tribes," as being a people, "with whom we (the British crown) are connected, and who live under our protection." The lands occupied by them are referred to, not as being the absolute property of the Indians, (as is now ridiculous asserted by the new school philanthropists,) but as being "reserved to them as their hunting grounds," by the exercise of a right of sovereign command. Many parts of it might be quoted to sustain the proposition under consideration, did the limits necessary to be preserved in this report, permit it. One only will be referred to—it is as follows: "And we do further declare it to be our royal will and pleasure for the present, as aforesaid, to reserve under our sovereignty, protection, and dominion, for the use of the said Indians, all the lands and territories lying to the westward of the sources of the rivers which fall into the sea, from the West and Northwest as aforesaid; and we do strictly forbid, on pain of our displeasure, all our loving subjects from making any purchase or settlements, or taking possession of any of the lands above reserved, without our especial leave and license, for that purpose first obtained."—

From this paragraph of the proclamation, and more especially if taken in connexion with other parts not quoted, it can be safely contended, that the following positions are clearly established—1st, The assertion of sovereignty and dominion as well over the persons of the Indians, as over the "territory" occupied by them is direct, positive, and unequivocal. 2dly.—That as the subjects of such sovereignty and dominion, the Indians were taken under the "protection" of the British Government. 3dly. The right to appropriate at discretion the lands occupied by the Indians, as asserted, while at the same time it was conceived to be expedient to suspend its exercise "for the present," except in so far as to "reserve" them for the "use" of the Indians in their hunting grounds.—

But an examination of the clause will show, that a portion of the "Territory" was not so reserved, to wit, that, (and it was a considerable one) which was situated

East of the sources of the rivers mentioned. This also, to a great extent, was occupied by the Indians—Yet were they not appropriated to the "use" of the Indians, but reserved to be disposed of in some other way, at the discretion of the sovereign authority.

The previous paragraph of the same instrument equally sustains all these conclusions; and from the terms used it is evident, that but for the express prohibitions contained in it, grants and appropriations of land occupied by the Indians would have been valid, if, in other respects, they conformed to the general laws and regulations in relation to them.

To this claim and exercise of sovereignty, all other civilized nations assented.—Other nations had exerted a similar sovereign authority, but in a manner different from the course pursued by the Government of Great Britain. As before said, Spain and Portugal at once enforced an obedience on the part of the Indians to all their laws, and appropriated the lands in their occupancy. So also the Government of Great Britain have done; had not a different policy been preferred, as attended with less cruelty and bloodshed, and as being more in accordance with humane and benevolent feelings; for which reasons it received the warm praises of the distinguished author to whose work such frequent reference has been made.

It requires no other argument than the mere statement of the proposition to prove, that by the war of the Revolution all the sovereign rights and powers, thus acquired, asserted and exercised by Great Britain, passed to the people of the States of this Union, (to the people of each State within its own limits)—The words of the Treaty of peace, will however be quoted to show what Great Britain yielded, and the States acquired. "His Britannic Majesty acknowledges the said United States (including each,) to be free, sovereign, and independent States; that he treats with them as such; and for himself, his heirs, and successors, relinquishes all claims to the Government, property, and territorial rights of the same, and every part thereof."

The same motives which actuated the British Government to suspend the exercise of complete sovereignty, operated upon the Governments of the States of this Union, after the right to exercise it was thus transferred to them. Indeed the circumstances in which many of the States, claiming the largest portions of unappropriated territory, were placed, furnished additional motives for such suspension. Georgia and North Carolina were two of them. They were comparatively with what they now are, weak in population and resources. They had just ceased from participation in the Revolutionary struggle, exhausted the means necessary to sustain their sovereignty against the Indians, then much more numerous and warlike than they now are. An attempt to exercise these sovereign rights, undoubted as they were, might have led to bloody contests, greatly destructive of human life and productive of human misery. Humanity and magnanimity principles doubtless had their influence—but in fact such an exercise of authority was then, and until recently has been, unnecessary, because theretofore the relinquishment of the Indian occupancy, (permissive and gratuitous as it was,) for an extent of territory more than could be required for the purposes of cultivation, was easily procured for a trifling consideration. Nor was the Indian character at that period, such as to render an incorporation of them into the body politic as "members" of the States, at all desirable. These, with many other reasons, may be alleged, not only with plausibility, but truth, as operating causes for the policy pursued. But it will be

found, that without it some of the powers undoubtedly granted, could not be exercised—but that the "useful domain" as vested in the several states, especially to unappropriated lands within their respective limits, was yielded by the Constitution, is positively denied. It may be that the Federal government have exercised and can exercise this right of "useful domain" over certain limits of territory; but that right was acquired, if acquired at

all, not by the Constitution, but by compact with particular states.

If there be in the Constitution any grant of the rights in question, it will be found in one or the other of the following, 1st, the power "to regulate commerce with the Indians;" or 2d, the power "to make treaties &c." Each of these grants will be briefly examined.

Under the words "to regulate commerce with the Indian tribes," is the power conceded to the Federal government, either to appropriate the lands occupied by the Indians, within the limits of any State, or to extend the operation of the municipal laws (both State and Federal) over the persons of the Indians, if deemed expedient to do so, and especially in cases where the State at the time of the adoption of the Constitution, possessed and exercised the rights of "domain" and "empire," as before defined and attempted to be shewn?

If examined by a rule *merely strict*, and strip them of all political mysticism, these words have nothing enigmatical in them, and will admit of easy construction. Although it may appear childish, they will be examined in the order in which they stand in the Constitution. "To regulate" means simply to prescribe rules.—

"Commerce," means no more than that trade, traffic or intercourse, carried on between nations or individuals, by an exchange of equivalents in value. The "Indian tribes" are the *native occupants* of "territory" reserved to them, over which the States (each within its limits) claimed and exercised sovereignty after the Treaty of 1783 with Great Britain, and who were thenceforward considered either as "members" of the States, or if not "members" wandering and unsettled "inhabitants" (see Vattel b. I. c. 19. s. 213) under the "sovereignty, dominion, and protection" of the States within whose limits they were. As such "tribes" they have been, and will be considered until they did, or shall become "members" of the States, and of course the subjects of municipal regulation. From the moment they became or shall be *such* "members" and subjects, they *will* or *will not* lose their character and title of "Indian tribes" and assume that of "inhabitants" not to say "citizens" of the State in which they are. Yet so long as they continue an erratic people, and not the subjects of the municipal laws of the States, they are viewed as "tribes." But even in this character, they can have trade, traffic or commerce, with their more civilized sovereigns. Whether considered as *hunters* or *herdsman*, (and as yet they have risen no higher in the scale of civilization) they can procure by labour that which is useful, and therefore valuable to civilized man.—Their furs, their hides, their flesh of deer and buffalo, and many other articles, are useful to the people of the U. States, and therefore fair subjects of traffic or "commerce." That such "commerce" can be prosecuted, if not regulated, without frauds, impositions, and consequent alterations and strife, is not to be expected. That each State can "establish rules" for its prosecution, is impossible.—The conflicting regulations of the States, as in the case

therefore citizens of a State, and the subjects of its jurisdiction. The committee will not stop to discuss any such claim of power, further than positively to deny its existence. Discussion itself would admit something like plausibility in the claim which is totally and absolutely inconsistent with the sovereignty of the State Government with the exercise of it by the Federal Government would, in the event, deprive the States of all power in dealing with what shall be the condition, and character, and rights of any description of their inhabitants—a power which the Southern Confederates—*ought* not—*do* not, resign into other hands than their own.—*Ed.*

But what power is conferred on the Federal Government in these respects, by the grant "to make Treaties?"

The first remark which will be made upon this subject of enquiry is, that the exercise of this power between two parties necessarily carries with it the idea that both parties possess sovereignty. But if the course of reasoning which we have pursued be correct, it has been shown that the Indian tribes are not sovereign, but that they were under the "dominion, sovereignty, and protection" of Great Britain first, and then of the several States of this Union; and if so, then the idea of making Treaties with them, in the true and legitimate sense of the word, is worse than ridiculous.

It will readily be admitted that this grant of power was not intended to extend to *pacts* or *agreements* made between the Federal and State Governments. Many such have been made, yet no one ever imagined that they should be ratified "by and with the advice and consent of the Senate." The very *essions* from the Senate, by which the Federal Government grants such an extent of Territory *East* of the Mississippi, were of that kind. But they were never considered or ratified as Treaties. Yet, it is not hazardous to guess that the States claim too much to say that the States claim and exercise a *sovereignty*, a thousand times greater than can be supposed to exist in any tribe or tribes of Indians within the limits of these states; and it is not the whole degrading to the character of the states, considered as *sovereignties*, that *pacts* or *agreements* made with those tribes, as *Treaties*, while *pacts* made with themselves, are said to require no such formality.

The second remark which will be made is, that anterior to the Revolution, it is not known or believed that *pacts*, *agreements* made with the Indian tribes, were ever placed upon the high footing of *Treaties*, concluded between independent *sovereignties*, and therefore requiring the formalities of ratification by the crown to give them force or validity. It is not believed that any instance of such ratification is to be found on record—certainly none has been discovered by the hasty researches of the committee. Where the crown had granted the lands occupied by the Indians to companies, or Lords Proprietors, they were left to make their own bargains for the extinguishment of Indian title, the validity of which never seems to have been questioned because of the want of ratification. In cases where the lands had not been granted by the crown, or where the charters were surrendered, such *bargains* (now and perhaps then called *Treaties*) were made by the Colonial governments under the Royal authority, & it is not known or believed by the committee that ratification was ever deemed necessary to give them full force and efficacy.

During the period between the adoption of the articles of confederation & the constitution such *bargains* or *agreements* were made by the States with the Indians within their own limits. In some states the form of a deed was given to them, as in the State of N. York. In others they were made in the form of *Treaties*, as in Georgia. Whether made in one or the other form, ratification by either the Federal or State government does not appear to have been deemed necessary to their validity. In the early period of the government

* The above remarks in the Report have led to certain reflections, to which we feel constrained to give utterance, wishing them to be viewed rather as *reflections* deserving of deep consideration, than as *expressed opinions*. The principle combated in the Report, is the *exercise of a power by the Federal Government, first to create, and afterwards to admit to the privileges of citizenship, the Indians within the limits of any state*. The claim of such a power in regard to the Indians within the limits of any state, involves necessarily, the claim of a power in the same government, to determine at its discretion, what shall be the condition and rights of any of the inhabitants of a state. It is immaterial under what grant in the Constitution this power is claimed by the Federal Government; if claimed & exercised with regard to one description of inhabitants within the limits of a state, it can be claimed with equal plausibility in regard to any other description of inhabitants. If the Federal government can exercise the power with regard to the Indians, (who are a colored people,) why not exercise it with regard to any other colored people?

The exercise of such a power under the grant to "regulate commerce with the Indian tribes," or that to "pass uniform laws on the subject of naturalization" or to "make Treaties," would admit of as much doubt and dispute as a power to admit the free negro in any State to all the rights of citizens, under the grant to "regulate commerce among the States" or the power to naturalize, or to prevent the "migration or importation" of persons of colour. The exercise of any such power, by the Federal Government, (which now claims to be the exclusive judge of its own powers,) would necessarily preclude the exercise of the like power by the States, because in the case of a conflicting exercise of powers by the two Governments, the fashionable doctrine is, that the States must yield to the Federal Government, whose acts are said to be "supreme." The end of the whole matter will be, that the States will be robbed of all power to determine what is or shall be the condition or rights of any portion or description of their inhabitants.

The doctrine of the Southern States is that their coloured population, whether free or bond, are not and never were citizens. This principle was well illustrated, and ably sustained by the Hon. Lewis McLane, in one of his speeches on the Missouri question, wherein he proves it as far as the principles of national law can sustain any position. We know that a contrary doctrine is maintained by some of our northern brethren. We of the South, however, must view them as mere *inhabitants*, (not citizens,) and peculiarly the subjects of state municipal regulation. Considering them in that point of view, we ought well to deliberate whether we should permit the Federal Government at all to interfere with the coloured inhabitants of the Territory of a State, as respects the extension or limitations of their rights. For let the question be examined when it will, it will be found that the extension of rights to the Indians within a State, differs from the like extension of rights to the free negroes and slaves within the same limits, only in the shade of colour between the two races—Abstractly, there is no difference.—*Ed.*

ment under the present Constitution, it is known that doubts were entertained of the propriety or necessity of ratifying them by and with the advice and consent of the Senate. The reason why these doubts were resolved in favor of ratification (and once adopted in practice, no reasonable excuse could be found for quitting it) is now well understood. Had the Federal government obtained by cession from the States, previously to the Constitution, all the Territory which it has since acquired, it is scarcely matter of doubt whether any Indian Treaty would ever have undergone the formalities of ratification. They would not have been called *Treaties*, but mere *agreements* between the Government and those subject to its authority. But at the time of the adoption of the Constitution, both N. Carolina and Georgia owned western territory which, therefore, they had positively refused to cede upon the terms that Virginia had. The Treaty-making power, conferred in general and broad terms, (though evidently intended to extend to foreign governments, as independent and sovereign in character as was that of the United States,) was held up as a rod in *terrorem* to constrain them to a cession similar to that made by Virginia. Without giving the sanction of ratification in constitutional form to these bargains or pacts made with the Indian tribes, they could not be called *Treaties*, and therefore the Federal government could not claim the exclusive right of making them. But by giving them the character of *agreements*, it was evident that they were under the "dominion, sovereignty, and protection" of Great Britain first, and then of the several States of this Union; and if so, then the idea of making Treaties with them, in the true and legitimate sense of the word, is worse than ridiculous.

But it may be said that to this power, as conferred in the Constitution, there is not annexed a provision such as that appended to the same grant in the confederation, viz. that "the legislative rights of any State, *within its own limits*, be not infringed or violated." Such a provision, indeed, is not found in precise words, but exists in fact, in the constitution, upon any fair principles of construction. The committee have attempted to prove that the Federal government has not the constitutional power to appropriate lands "reserved to the Indians, as hunting grounds" where it had no claim to the soil; or to make the Indians, within the limits of a state, the subjects of municipal regulation, and "members" of such state. They have likewise attempted to prove that the states, not only had a right to exercise, but did in fact exercise, such powers, as admitted both in the confederation and the constitution. It is contended, then, that the object of this provision in the Constitution is to *secondarily* supply the deficiency of the 9th and 10th amendments of the Federal Constitution, adopted upon the establishment of Federal power in this respect, that the states could ultimately be constrained to cede their unappropriated territory. The plan was succeeded—yet it is known that some of the states have subsequently proceeded, of their own power, to extinguish the Indian title to lands within their limits, and the validity of such purchases has not been questioned, much less annulled.*

If there be any force of truth in the foregoing remarks and arguments, the obvious conclusion to which they lead is, that the Federal government has not acquired the exclusive right by either of the grants of power in the Constitution which have been adverted to, to appropriate the lands within the limits of any State, whose right they have not acquired by cession, or to extinguish the Indian title, or to extend the operation of the municipal laws of any State over the persons of the Indians, however well qualified they may have been rendered for such a political operation; and consequently, that all those rights and powers, having existed in, and in many instances been exercised by the Committee, before the adoption of the Constitution, and were not yielded by that instrument to the Federal government, nor by any fair principles of construction prohibited to the States, they are retained by them, and may be exercised at discretion.

In support of this conclusion, the committee will observe, that although the articles of confederation have lost their obligation, yet as before said, they may be very properly referred to as affording a key to the construction of the Constitution. By the former instrument the power was also given to Congress to "make and conclude Treaties"—yet as the committee think they have shown, this grant did not extend, nor was it construed to extend to a prohibition in the States to make and conclude *pacts* or *agreements* with the Indians within their limits, extinguishing their occupancy of public and unappropriated lands, nor, as will be presently seen, to constituting them personally "members of the State."

To like manner power was given to the old Congress by the same instrument, for "regulating the trade and managing all affairs with the Indians, not members of any of the States, provided that the legislative rights of any State within its own limits, be not infringed or violated." By any rational construction of this grant of power, it will be seen, 1st, that the Indians were and might become "members" of a State.—*Quo modo?* Surely not by any ordinance of the old Congress declaring them such under the power of "regulating trade and managing all concerns" with them, and if not in that way, the only other method was by the States, extending over them the operation of their laws, and by appropriating the lands in their occupancy. 2d. It will also be seen that the States, parties to the confederation, had rights, within their own limits of Legislation, which they would not permit to be "infringed or violated." What were those legislative rights, other than to appropriate the lands *within their respective limits* in the occupancy of the Indians, and to extend the operation of their laws over all persons within their limits.

From a comparison of the powers thus conferred on the old Congress, with the corresponding powers granted in the Constitution to the present Federal government, it is believed that no remarkable difference will be perceived. By the latter, the power is simply "to regulate commerce with the Indian tribes." By the confederation it was to "regulate trade and manage all affairs with the Indians," being, if possible, thus far more enlarged than the grant in the Constitution; for it admits not only that there is a *trade* or *commerce* with the Indians to be regulated, but other affairs requiring management. But in the confederation there is an exception with regard to such Indians as were admitted to be "members of any state." In the 2d section of the 1st article of the constitution, there is a similar admission; an admission almost in words, that the States by the mere exercise of its sovereign right of Legislation within their own limits, can change the character and condition of Indians from that of "tribes" to be "members" of their social bodies. In fixing the ratio by which representation and direct taxes shall be apportioned, it declares that it shall be "determined by adding to the

* This is true particularly with regard to the great State of New-York. Recently these powers have been accompanied with the formality of the attendance of a commissioner of the U. States. But at this moment the government of N. York is indifferent about the ratification of the *rights* of the new States, (ferred out of territory thus obtained by the U. States) acquired by their admission into the Union.

"whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed three fifths of all other persons." In the very exclusion from enumeration of "Indians not taxed" is involved an admission that there were in the states, "Indians" who were "taxed." By whom taxed? Not by Federal authority; for at that period, the Federal government could levy no taxes. By the States, then of course, in the exercise of sovereignty over all within their limits. It does not require argument to prove that persons "taxed" and residing *within* a State, are "members" of that State.

But it may be said that to this power, as conferred in the Constitution, there is not annexed a provision such as that appended to the same grant in the confederation, viz. that "the legislative rights of any State, *within its own limits*, be not infringed or violated." Such a provision, indeed, is not found in precise words, but exists in fact, in the constitution, upon any fair principles of construction. The committee have attempted to prove that the Federal government has not the constitutional power to appropriate lands "reserved to the Indians, as hunting grounds" where it had no claim to the soil; or to make the Indians, within the limits of a state, the subjects of municipal regulation, and "members" of such state.

In the provisions of those articles of cession, and in the power conferred first in the Confederation, and subsequently in the Constitution of the U. States, "to admit new States into this Union," will be found those "principles of the Federal Constitution" subsequently referred to in the Treaties with France and Spain, leading to the creation of Louisiana, and Florida. The principles are, That out of the ceded Territory, new States shall be formed—that such new States shall be admitted into the Union, with the same rights of "sovereignty, freedom and independence" as the original States, provided, the new States will consent that the *sold or waste lands*, *within their territory*, shall be considered as the *common fund* of all the States, and be faithfully disposed of for their use and benefit, and for no other purpose. By referring to the acts admitting several new States, it will be found, that those provisions have been accorded to by all of them. Turning to the act authorising the people of Alabama to form a Constitution preparatory to admission, one of the *irrevocable conditions* proposed was, that the people of Alabama should forever "disclaim all right and title to the *waste or unappropriated lands* lying within that territory;" and that the same shall be and remain at the sole and entire disposition of the U. States." At the subsequent session of Congress, the State of Alabama was admitted into the Union "upon an *equal footing in all respects whatever with the original States*." But for the irrevocable condition consented to in the Constitution of that State, Alabama, by the terms of her admission, would have possessed every right, power, and jurisdiction which could be claimed or exercised by any of the original States. But in what respect does this irrevocable condition impair the "sovereignty" of Alabama? In this, the original States could appropriate the waste lands within their limits—Alabama cannot. This irrevocable condition was, in fact, a renunciation of the mere "useful domain," or the "domain reduced" to the rights that the "jurisdiction" of a nation over its "territory" consists, as has been shewn. In the 2d article, the U. States cede to Georgia, "whatever claim or right, or title they may have to the jurisdiction and soil of any lands," &c. (lying within the present defined limits of Georgia)—Upon these extracts, two remarks may be made—first, By accepting such a condition, the committee, and consequently, that all those rights and powers, having existed in, and in many instances been exercised by the States, before the adoption of the Constitution, and were not yielded by that instrument to the Federal government, nor by any fair principles of construction prohibited to the States, they are retained by them, and may be exercised at discretion.

3d. The third position assumed by the committee, and which it is their business now to attempt to sustain is, that several of the states, (and among others Georgia,) by compact and cession, surrendered to the Federal Government both the "high and useful domain" and the "empire" as held by them, to certain defined parts of their vacant and unappropriated lands within the limits of any State, whose right they have not acquired by cession, or to extinguish the Indian title, or to extend the operation of the municipal laws of any State over the persons of the Indians, however well qualified they may have been rendered for such a political operation; and consequently, that all those rights and powers, having existed in, and in many instances been exercised by the States, before the adoption of the Constitution, and were not yielded by that instrument to the Federal government, nor by any fair principles of construction prohibited to the States, they are retained by them, and may be exercised at discretion.

An appeal to the compact between Georgia and the U. States, concluded 24th April, 1802, will elucidate this position in a few words. The cession is made in the following words—"The State of Georgia cedes to the U. States all the right, title and claim which the said state has to the jurisdiction and soil of the lands situated within the boundaries of the United States south of the state of Tennessee, and west, &c." (defining the present western boundary of the State of Georgia.) The words used necessarily conveyed the "domain" both "high and useful" and the "empire" also, for it is in the exercise of all these rights that the "jurisdiction" of a nation over its "territory" consists, as has been shewn. In the 2d article, the U. States cede to Georgia, "whatever claim or right, or title they may have to the jurisdiction and soil of any lands," &c. (lying within the present defined limits of Georgia)—Upon these extracts, two remarks may be made—first, By accepting such a condition, the committee, and consequently, that all those rights and powers, having existed in, and in many instances been exercised by the States, before the adoption of the Constitution, and were not yielded by that instrument to the Federal government, nor by any fair principles of construction prohibited to the States, they are retained by them, and may be exercised at discretion.

The line now running by the joint Commission of the United States and this State between Georgia and Florida, will pass, we understand, North of the line formerly run by the State's Surveyor, and will consequently add to Florida a long strip of land, of a mile or two in width, which was supposed to be in Georgia.

The resignation by Gen. Bolivar of the office of President of Colombia, with his determination of not again resuming it, is the only news of any consequence by the last mail. Rumor says, however, that Colombia, Peru and Bolivia are to be united into one Government, of which Bolivar will be made President "for life" which is but another name for Emperor or King.

The *rights* of the Indians within the

limits of the new States, (ferred out of

territory thus obtained by the U. States)

acquired by their admission into the Union.

The cession from the State of Virginia to the U. States, contains the following expresssions: After providing by way of cession, that the ceded Territory should be admitted into States, it declares "that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom and independence as other States." But the same instrument contained a qualification to the above, which would otherwise have conferred upon any new state formed out of the ceded territory, both the *high* and the *useful domain*, as possessed by the State of Virginia, and then by the United States. It is in these words, "That all the lands within the Territory so ceded to the U. States, shall be considered as a common fund, for the use and benefit of such of the United States as have become, or shall become members of the Confederate or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever" (see 1 vol. 1, U. S. 472.) The cession from Georgia contains similar provisions, expressed in almost the identical words—(see ib. p. 483.)

In the provisions of those articles of cession, and in the power conferred first in the Confederation, and subsequently in the Constitution of the U. States, "to admit new States into this Union," will be found those "principles of the Federal Constitution" subsequently referred to in the Treaties with France and Spain, leading to the creation of Louisiana, and Florida. The principles are, That out of the ceded Territory, new States shall be formed—that such new States shall be admitted into the Union, with the same rights of "sovereignty, freedom and independence" as the original States, provided, the new States will consent that the *sold or waste lands*, *within their territory*, shall be considered as the *common fund* of all the States, and be faithfully disposed of for their use and benefit, and for no other purpose. By referring to the acts admitting several new States, it will be found, that those provisions have been accorded to by all of them.

In the provisions of those articles of cession, and in the power conferred first in the Confederation, and subsequently in the Constitution of the U. States, "to admit new States into this Union," will be found those "principles of the Federal Constitution" subsequently referred to in the Treaties with France and Spain, leading to the creation of Louisiana, and Florida. The principles are, That out of the ceded Territory, new States shall be formed—that such new States shall be admitted into the Union, with the same rights of "sovereignty, freedom and independence" as the original States, provided, the new States will consent that the *sold or waste lands*, *within their territory*, shall be considered as the *common fund* of all the States, and be faithfully disposed of for their use and benefit, and for no other purpose. By referring to the acts admitting several new States, it will be found, that those provisions have been accorded to by all of them.

We again repeat, and we speak advisedly when we say, that Mr. Calhoun will not withdraw. We do the same when we say, that Mr. Van Buren has no wish to become a candidate; and that the friends of Gen. Jackson are determined to take no step which may subject them to the imputation of bargain."

The Editor of the *Albany Argus* states, that in his intercourse with me in relation to the above partnership, will apply to Mr. Wm. S. C. Reid, Jones County, Clinton, who has competent authority to represent me in a contemplated absence from the State.

JAMES H. GEORGE.

Clinton, April 2, 1827. 10—24

Notice.

THE partnership which heretofore subsisted between Horatio S. Whitfield & James H. George, has this day been dissolved by mutual consent.

H. S. WHITFIELD.

J. H. GEORGE.

N. B. All persons having business with me in relation to the above partnership, will apply to Mr. Wm. S. C. Reid, Jones County, Clinton, who has competent authority to represent me in a contemplated absence from the State.

JAMES H. GEORGE.

Clinton, April 2, 1827. 10—24

List of Letters

REMAINING in the Post-Office at Warren, Georgia, on the 1st of April, 1827.

A—Jane Avery, Jesse Ansley, Joseph Ansley,

B—Stephen W. Burnley, Jeremiah Butt, William Butt, E. Bird, Robert Black, Jonathan Burton, John G. Bleddow, Mrs. Susan Bray, Mary Brooks, William H. Blount, 2, William Bryant, 2, David Broome, Elias Brown,

C—Benjamin Culp-Perkins, Miles Cary, Miss Sarah Castleberry, Mrs. Sina Cody, Peter Cody, Michael Cody,

D—Mrs. Mary Denmark, Arthur Daniels, Jonathan Daniel, James Draper,

E—Robert Ellis,

F—E. B. Fort, Samuel Fleming,

G—Michael Gray, G. Samuel Greenling,

H—Grenville G. Howard, George Hargraves,

I—E. Hale, Samuel Hall, Miss Sarah E. Hart,

K—Sarah Harrel, Irwin Hattaway, Solomon Hart, David Hutchinson, Thomas Had-

dron.

J—Henry S. Johnson, 9, Mrs. Candace Jack-

SHERIFF'S SALES.

Will be Sold,

On the first Tuesday in May next, at the Court-house in the town of Dublin, Laurens county, the following property, to wit:

Also one thousand acres of land more or less, on the Oconee river adjoining George Paynness and Thos. Dixon, about three hundred acres of which is the first rate swamp land, the lands whereon Etheldred Thomas lives, levied on as the property of Etheldred Thomas to satisfy sundry £ in favor of Fullwood & Welch, and John J. Underwood and others, vs. Etheldred Thomas; lands pointed out by Etheldred Thomas.

Also one negro boy by the name of Aaron, levied on as the property of William Spell to satisfy sundry £ in favor of J. H. Yopp and others vs. William Spell, levied on and returned to me by a constable.

Also 250 acres of land, levied on as the property of E. Ballard to satisfy sundry £ in favor of W. Bishay vs. E. Ballard and C. Moore, Smith, the place wherein Bethia Slaughter now lives, and sixty acres part of lot 311 and part of lot 342 adjoining Fullwood and Benders, all levied on as the property of Wilson Slaughter and Bethia Slaughter, to satisfy sundry £ in favor of Elias F. Champion, Wm. Beck and others, vs. Wilson Slaughter and Bethia Slaughter, levied on and returned to me by a constable.

IRA STANLEY, Sheriff

WILL BE SOLD,

On the first Tuesday in May next,

At the Court-house in the town of Sandersville, Washington county, within the usual hours of sale, the following property, viz:

167 acres pine land, more or less, on Stephen's creek, adjoining Frig and others, taken as the property of Harvey Rogers, to satisfy sundry £ in favor of Alexander Price vs. Rogers—levied on and returned to me by a constable.

John Gilmore, Sheriff

March 22—8ds

WILL BE SOLD,

On the first Tuesday in May next,

At the Court-house in the town of Sandersville, Washington county, within the usual hours of sale, the following property, viz:

One sorrel horse, six cows and yearlings, and one forty two cotton gin, all levied on as the property of Lewis Davis, to satisfy a £ in favor of Martin Brooks, survivor, vs. said Davis, property pointed out by the defendant.

The interest of John Laton in 200 acres land, more or less adjoining McLendon and others, on the waters of Williamson's Swamp, 18 head stock hogs, all levied on as the property of John Laton, to satisfy a £ in favor of William Rawlings vs. said Laton.

Fifteen bushels corn, more or less, 1 spinning wheel, 1 scythe and cradle, 4 plough stocks, 3 plough hoes, 2 single trees, 3 clevies, 1 pair hames, 1 log hook, 1 back hand, 1 klegg, 2 cows and calves, one yearling, three hogs, 100 pounds seed cotton, more or less, 100 pounds fodder, more or less, 1 bell, 1 harrow, and one steel mill, all levied on as the property of Allen Jones, to satisfy a £ in favor of Anderson Sneed, beaver vs. Allen Jones and Jease Harrell, property pointed out by said Harrel.

SHERROD SESSIONS, D. Sheriff

March 22, 1827.

Will be Sold,

On the first Tuesday in May next,

In Crawfordville, Talbot county, in the lawful hours of sale, all Richard Swain's interest in and to five Negroes, viz—Winney, Rachel, Beck, Peter and Bradford, levied on as the property of said Richard Swain, to satisfy sundry executions in favor of James G. Swain, obtained in a Justice's court—levied on and returned to me by a constable.

ASA C. ALEXANDER, Sheriff

February 23

WILL BE SOLD,

On the first Tuesday in June next,

At the Court-house in the town of Sandersville, Washington county, within the usual hours of sale, the following property, viz:

Two Negroes, Easter, a woman, about thirty-five years old, and Mary, a girl, about 9 years old, levied on as the property of Alvin Coker, to satisfy a £ issued under the foreclosure of a mortgage in favor of Martin Brooks vs. said Coker—property pointed out in said mortgage £ in favor of Sherrod Sessions, D. Sheriff

March 24

Postponed Sale.

WILL BE SOLD,

At the Court-house in Dublin, Laurens county, on the first Tuesday in July next, within the usual hours of sale, the following property, to wit:

Seven negroes, viz: Charles, Liddle, Quash, Harry, Titus, Abram, and Lucy, all levied on as the property of Thomas D. Bacon, to satisfy a £ issued on the foreclosure of a mortgage in favor of John B. Bacon, Executor of Thomas D. Bacon deceased, vs. Thos. D. Bacon, and negroes pointed out by John B. Bacon, Ex'r.

IRVAN STANLEY, Sheriff

March 28

Postponed Sale.

WILL BE SOLD,

On the first Tuesday in May next,

Within the lawful hours of sale, in the town of Crawfordville, Talbot county,

200 ACRES OF LAND, more or less, adjoining John and Winston Billingsley and others, levied on as the property of John Ogletree, to satisfy sundry £ obtained by his Justice's court

William Robertson, adm'r of David Ogletree, deceased, for the use of James Findley vs. John and William Ogletree also, to satisfy one other £ obtained in a Justice's court, John Ogletree vs. John and David Ogletree—the property levied on and returned to me by a constable.

J. D. GRESHAM, D. Sheriff

March 10

WILL BE SOLD,

At the Court-house in Sandersville, Washington county, on the first Tuesday in June next,

The personal property of Nathan Vause of said county, deceased, consisting of 250 acres of land with some improvement, lying on the waters of Buffalo creek, adjoining George Vause and others—Also about 40 acres of woodland, sold for the benefit of the heirs and creditors of said deceased.

RICHARD THOMASON, Adm'r.

March 9

Administrators' Sale.

WILL BE SOLD, to the highest bidder, on

Friday the fourth day of May next, at the late residence of Joseph Bagby, dec'd, of New-ton county.

The personal property

of said deceased, consisting of a small quantity of corn and fodder, a small stock of cattle and hogs, and other articles. Terms of sale made known on the day.

JOHN LAWSON, Adm'r.

March 9

WILL BE SOLD,

At the late residence of Nicholas Currys, Adm'r, on Tuesday the 24th day of April next, a part of the

Personal Property

of said deceased, consisting of one cotton gin and running gear, one road wagon and harness, farming utensils, horses, hogs, cattle and sheep, household and kitchen furniture, blacksmith and plantation tools, and sundry other articles too tedious to mention—sold for the benefit of the heirs and creditors of said deceased. Sale to continue from day to day—Terms made known on the day of sale.

ROBERT CURRY, Adm'r.

JAMES M. FRANKLIN, Ex'r.

Washington county, March 5

Will be Sold,

At the late residence of Charles Peck, dec'd, of the PERSONAL PROPERTY of said deceased, consisting of houses, cattle, corn and fodder, household and kitchen furniture and plantation tools &c.

CHARLES PECK, Adm'r.

January 18

JOB-PRINTING

Will be Sold,

On the first Tuesday in May next, at the Court-house in the town of Marion, Twigs county, between the usual hours of sale, agreeable to an order of the honorable Court of Ordinary of said county,

Twelve Negroes, viz:

men, women and children, belonging to the estate of Job Tison, dec'd—Sold for the benefit of the heirs and creditors of said deceased.—Terms made known on the day.

JAMES OLIVER, Adm'r.

de bonis non of Job Tison, dec'd.

February 6

2—tds

Will be Sold,

At the late residence of Willis Liggon, in Morgan county, on the first Tuesday in May next,

All the Perishable Property

belonging to said deceased, consisting of cows and calves, and other cattle, one chest of carpenter's tools and sundry other articles too tedious to mention. Terms made known on the day of sale.

DAVID G. LIGGON, Ex'r.

NANCY LIGGON, Ex'r.

Newton county, Feb. 26

5—tds

Will be Sold,

At the late residence of Willis Liggon, in Morgan county, on the first Tuesday in May next,

Personal Property

of Ezekiel Inman, late of Burke county, dec'd, consisting of horses, cattle, corn, fodder, peats, household and kitchen furniture, and a number of other articles too tedious to enumerate.—Terms on the day of sale. All persons indebted to said estate are requested to make immediate payment, and those having demands against said estate are requested to present them in terms of the law.

MATTHEW JONES, Ex'r.

March 14

tds

Will be Sold,

At the plantation where Henry Pollard formerly lived, all the

Personal Property

belonging to said deceased, consisting of cows and calves, and other cattle, one chest of carpenter's tools and sundry other articles too tedious to mention. Terms made known on the day of sale.

FRANCIS H. KENAN, C'tk.

(COPY NOTE)

March 8

m—t

Will be Sold,

At the plantation where Henry Pollard formerly lived, all the

Personal Property

belonging to said deceased, consisting of cows and calves, and other cattle, one chest of carpenter's tools and sundry other articles too tedious to mention. Terms made known on the day of sale.

FRANCIS H. KENAN, C'tk.

(COPY NOTE)

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