

reputation which he acquired; if he now believes the tariff system to be injurious even to her, he assuredly displays no "ingratitude" in laboring to procure a modification of it, profitable to her apart, yet if he supposed it to be injurious on the whole to the Union, he would be bound, as an American politician, to act as he has done. Mr. Gallatin cannot "have filled, at home and abroad, some of the highest offices of our government," and be "still a heart an alien." The case may be pronounced impossible, and the fact be well disputed by all impartial persons, who know the statesman and his performances. It is only a few years since, Mr. Gallatin was sent by the administration of which Mr. Clay was so distinguished a member, to represent this country at the Court of Great Britain and to manage very important national interests.

We feel reluctance in consigning the above remarks to the press. We can make allowance for the impetuosity of Mr. Clay's feelings on a subject in which his soul is wrapped; he strikes at a formidable antagonist without reflection upon the mode and degree.—But we hold ourselves obliged to defend Mr. Gallatin's political reputation to be an American and National one at present, after he has filled, "during thirty years, some of the highest offices under the general government," and when he is attacked for having merely taken a prominent part on one side of a question of public economy, about which the country is divided."

Law of Indiana.

An act to incorporate the Lawrenceburgh Insurance Company.

[APPROVED, February 3, 1832.]

Sec. 1. Be it enacted by the General Assembly of the state of Indiana. That there shall be, and hereby is established in the town of Lawrenceburgh, an Insurance Company with a capital stock of one hundred thousand dollars, to be divided into shares of fifty dollars each, and subscribed and paid for by individuals, companies, or corporations, in manner hereafter specified; which stockholders & subscribers, and their successors, shall be and hereby are created a body politic and corporate, with perpetual succession, by the name and style of "the Lawrenceburgh Insurance Company;" and by that name shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, in all matters whatsoever, with full power and authority to acquire, hold, possess, use, occupy and enjoy, and the same to sell, convey and dispose of, all such real estate as shall be necessary and convenient for the transaction of its business, or which may be conveyed to said company, for the security or in payment of any debts which may become due, and owing to the same, or in satisfaction of any judgment of a court of law, or any order or decree of a court of equity in their favour; and may have and use common seal, and the same alter, change, and renew at pleasure, and may also make, ordain and establish, and put in execution, such by-laws, rules and ordinances of said company, as shall be necessary and proper for the good government of said company, and the prudent and efficient management of its affairs; *Provided*, That no by-laws, ordinances, rules, or regulations of said company, shall in any wise be contrary to the constitution and laws of this state, or of the United States.

Sec. 2. That said corporation shall have full power and lawful authority, to insure all kinds of property against loss or damage by fire, or any other cause or risk, to make all kinds of insurance against loss or damage on goods, merchandise and produce, in the course of transportation, whether on the land or on the water, and any vessels or boats, wherever they may be, to make all kinds of insurance upon life or lives, to lend money on bottomry and respondentia, to cause themselves to be insured against any loss or risk they may have incurred in the course of their business, and against any maritime, or other risk upon the interest which they may have in any vessel, boat, goods, merchandise or other property, by means of any loan or loans which they may make on mortgage, bottomry and respondentia; and generally, to do and perform all other necessary matters and things connected with, and proper to promote these objects.

Sec. 3. That it shall be lawful for said company, to invest any part of their capital stock, monies, funds or other property in any public stock or funded debts, created or to be created by or under any law or laws of the United States, or of this or any other particular state, or in the stock of any chartered bank in this state or of the United States, and the same to sell and transfer at pleasure, and again to invest the same or any part thereof, in such stocks or funds, whenever so often as the exigencies of said corporation, or a due regard to the safety of its fund may require, or they may loan the same, or any part thereof to individuals or public corporation, on real or personal security, for such periods of time, and under such restrictions and limitations as the directors thereof for the time being, shall deem prudent and best for the interest of said company; *Provided*, That it shall not be lawful for said corporation, to use or employ any part of their capital stock, money, or other funds in buying or selling goods, wares, or merchandise, nor shall said corporation issue or emit any bills of credit, as a circulating medium of trade or exchange, nor in any manner engage in the business or operation of banking, otherwise than in the purchase and sale of bank stock as aforesaid; nor make any contracts in writing, except under the seal of the corporation, for the payment of money, other than such as may be contained in their policies of insurance.

Sec. 4. That the real and personal estate, business, property, funds, and prudential concerns of said corporation, and the admini-

stration of its affairs, shall be under the management, direction, and control of a board of nine directors, who shall be stockholders and residents within this state, and citizens of the United States, and after the first election, they shall be elected by the stockholders, on the second Monday in October annually, at such time of day, and at such place, in the town of Lawrenceburgh, as said directors for the time being shall direct; they shall hold their office for the term of one year, and until their successors shall be chosen; and notice of such election shall be advertised and published for three weeks next preceding the same in a newspaper printed in said town; and such election shall be by ballot; and a plurality of votes received and counted in public, by and under the inspection of three stockholders, not directors at the time, to be previously appointed by the board of directors for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper, printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares; and such individual, company or body corporate, shall at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice, in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors; which election shall in all respects be governed by the provisions of this act for the election of directors; and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

Sec. 5. That the directors duly chosen under the provisions of this act, shall as soon as may be, after the first, and every annual election, elect from their own body a president, who shall preside in the board until the next annual election, and in case of his death, resignation or absence, the board shall appoint a president pro tempore; they shall fill all the vacancies which may occur in their own body, during the time for which they shall be elected, and shall appoint a secretary, and all subordinate officers, clerks, agents, and servants of said corporation, fix their compensation, define their powers, and prescribe their duties, who shall hold their several offices during the pleasure of the board, under such regulations, restrictions, and limitations, not inconsistent with the provisions of this act and the by-laws, rules and ordinances of said company, as the directors for the time being shall prescribe; they shall make such by-laws, rules and regulations, for their own government, and for the management and disposition of the stock, property, estate, funds and business of said company, and all matters referring thereto, as shall be needful and proper, not contrary to the provisions of this act, and the by-laws, rules, ordinances and regulations, adopted at any regular meeting or meetings of the stockholders; they shall hold stated meetings agreeably to their own regulations, and at such other times as the president thereof, for the time being, shall order and direct; and a majority of the whole number shall constitute a quorum, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest, as may be agreed upon by the parties.

Sec. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors, to assign such policy to the vendee or vendees of such property, and such assignee or assignees, shall have the full benefit thereof; *Provided*, That before any loss happens, notice shall have been given said company of said assignment; and provided that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

Sec. 13. That whenever said corporation shall be notified of any loss sustained or incurred on any policy of insurance, granted or issued by the same, it shall be the duty of said corporation, to pay the amount so lost or incurred on such policy, within sixty days after being so notified; *Provided*, There shall have been no violation of the conditions of the policy on the part of the insured; and on all judgments obtained by said corporation, there shall be no stay of execution. The stockholders may at any regular meeting, either increase or diminish the number of directors; *Provided*, That there never shall be more than thirteen, nor less than five.

Sec. 14. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

The New York Courier and Enquirer gives the following synopsis of chief justice Marshall's opinion, in the case of the Missionaries:—

Sec. 9. The books for the subscription to the capital stock of said company shall be opened in the town of Lawrenceburgh, by and under the direction of William Tate, George Tousey, Norval Sparks, Stephen Ludlow, John P. Dunn, David Guard, Thomas Shaw, George H. Dunn, and James W. Hunter, who are hereby appointed commissioners for that purpose, whose duty it shall be, or any three of them, to give notice of the time and place of opening books for subscription, in a newspaper, printed in said town; and it shall be lawful for any individual, company or body corporate, to subscribe for any number of shares; and such individual, company or body corporate, shall at the time of subscribing, pay to the said commissioners one dollar on each share so subscribed; and it shall be the duty of said commissioners, as soon as four hundred shares are subscribed, to give two weeks notice, in some newspaper printed in said town, of the time and place for the stockholders to meet and elect the first board of nine directors; which election shall in all respects be governed by the provisions of this act for the election of directors; and the board of directors thus elected, shall constitute the first board, and shall continue in office until the next annual election.

Sec. 10. That as soon as the board of directors are elected as aforesaid, it shall be the duty of the commissioners to pay over to said board of directors, all monies that may be in their hands belonging to said company, and deliver over to them all books and papers belonging to the same; and it shall be the duty of the directors to demand and receive of each stockholder the full amount of the stock by them respectively subscribed, which payment shall be made either in cash, or secured to be paid by giving real or personal security to the satisfaction of the directors; and if any stockholders shall fail to make such payment, or give such security as aforesaid, within thirty days after the election for directors, such stockholder shall forfeit to the company, the amount paid on such stock at the time of subscribing; *Provided*, That the said corporation shall not commence business, or grant any policies of insurance, until four hundred shares are subscribed and paid for, or secured to be paid as aforesaid, it being one fifth of the capital stock. All the remaining balance of the stock, shall be offered for sale at such time and place, and on such terms, as the directors for the time being, may from time to time direct.

Sec. 11. That when said corporation shall have commenced business as aforesaid, and shall grant any policy or policies of insurance on any kind of property, real or personal, against loss or damage by fire, or any other cause or risk, or any goods, merchandise or produce, whether on the land or on the water, on any vessels or boat whatever, and wherever they may be, on life or lives, or shall lend any money on bottomry and respondentia, or shall become the underwriter of any foreign or domestic bill of exchange, bond, note or obligation, it shall be lawful to charge such rate of premium or interest, as may be agreed upon by the parties.

Sec. 12. That whenever any property, real or personal, on which a policy may have been effected, shall be sold during the existence of the policy, it shall be lawful for the vendor or vendors, to assign such policy to the vendee or vendees of such property, and such assignee or assignees, shall have the full benefit thereof; *Provided*, That before any loss happens, notice shall have been given said company of said assignment; and provided that said company, when so notified, shall be at liberty to return a ratable proportion of the premium, and thereupon be exonerated.

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Sec. 14. This act shall be in force from and after its passage, and shall be deemed and taken to be a public act, and shall be construed favorably for every beneficial purpose.

The learned Judge commences by deciding the question one of deep interest, the defendant being a member of the Union, exercising the power of government over a people denying its jurisdiction. He then examines the legality of the record, which is pronounced to be regular and valid; and proceeds to enquire whether the Supreme Court can take cognizance of the case. The indictment charges the plaintiff, he being a white man, with residing in the Cherokee nation without license, and refusing to take the oath of allegiance to Georgia. The defendant enters his plea that he is a citizen of the United States—a resident in the Cherokee country—a missionary preacher—residing without the jurisdiction of Georgia; that he was engaged in civilizing the Indians under the provisions of various treaties set forth as made with the Indians, and confirmed by the President and Senate; and that the laws of Georgia under which he is imprisoned, are unconstitutional, null and void, because they seek to control the intercourse with said Cherokees, which belongs exclusively to Congress—and,

therefore, the defendant prays the judgment of the Court.—This plea was overruled by the State Court, and the party tried, found guilty, and sentenced to four years' imprisonment in the Penitentiary.—The Courts of Georgia having overruled the plea, the Supreme Court examines it, to see whether it comes under the jurisdiction of the 25th section of the "Act to establish the judicial Courts of the United States." The averments of the plea—such as denying the jurisdiction of Georgia &c. being repeated, the Court proceeded to compare them with the 25th section of the judicial act which gives to the Supreme Court power to decide upon questions touching the validity of treaties and other constitutional points involving directly the case of the Cherokees. The jurisdiction of the court under this section, over the question at issue, being settled, the court proceeds to enquire whether the act of the Georgia Legislature is consistent with the constitution, laws, and treaties of the United States. The laws of Georgia in this case, are founded on the declaration, that having the right, they seize, on the Cherokee country, parcel it out, and extend the jurisdiction of their laws, over it—that by these laws, any white person residing in the Cherokee country without a license from the governor, shall be fined and imprisoned at hard labor—that to protect the Indians, &c. in the Cherokee country, the governor may raise a guard, and that guard may seize any person violating those laws. The Supreme Court proceed to examine whether this claim to jurisdiction over the Cherokee country, as set up by Georgia, is a rightful claim.

Here the Court commenced a learned and elaborate historical survey of the early discovery and settlements of this Country, together with the condition of the Indians and the several treaties made with them under the old Colonial Governments, which they bring down to the first treaty made at Hopewell with the Cherokees.—One article of this treaty acknowledges that the Cherokees are under the protection of the Government of the United States and no other power. The Court explain what was meant by this stipulation. The 5th article withdraws the protection of the United States to any citizen who settles on lands belonging to the Indians and if he remove not in six months, the Indians may punish him, and by the 9th article Congress is to have the sole right of regulating their trade and managing their affairs. The Court here argue that the term "managing their affairs" related merely to the regulation of their trade. The treaty of Holstein made in 1791 with the Cherokees, recapitulated the prominent articles of the Treaty of Hopewell and confirmed the previous declarations of considering them an independent nation. In 1819 Congress passed an act for civilizing the Indians, one of the provisions of which was giving the President the right, *with their consent*, to appoint teachers, &c. &c. thus considering the Indian country as separated from the United States; the Court then ask, is this the rightful exercise of power or is it usurpation? The Court then proceeded at some length and with great ability to show that the acts of the United States tending to make and confirm the Indian tribes as independent nations, was a rightful exercise of power inherent in the Government, and admitted as such even by the acts of Georgia herself—and the Court conclude that

"The Cherokee nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress. The whole intercourse between the United States and this nation is, by our constitution, and laws vested in the Government of the U. S."

From this the court avers that the imprisonment of the Missionary was illegal, and the law under which he was imprisoned was repugnant to the treaties, constitution, and laws of the United States, and therefore should be reversed and annulled.

This is a brief sketch of the opinion, which is learned and temperate.

It is unfortunate that the regulation of the trade, habits, and condition of the savages should originally have taken the same direction as solemn treaties made with civilized powers; not that good faith should be broken with Indians, but that we should be tied down by the form of treaties with men who will not be civilized, when the object originally was only intended to protect them from aggression and eventually consolidate them with the other people forming the nation. But so it is, and the people of Georgia, we hope, will consider this question as one of law and not of feeling, and let the missionary go about his business. This course, we are sure, will disappoint the fanatics and politicians who hope to make something out of the divisions and discontent flowing from this exciting question.

From the Albany Daily Adv., March 14.

Flood and Disasters on the River.—The recent rains have at length had their effect upon the river. The water rose rapidly on Monday evening, and about two o'clock on Tuesday morning, the ice which had started a few yards on Monday afternoon, took up the line of march for New York. The water rose to the hour of 12 o'clock yesterday, at which time it had reached nearly to Market street, in the middle part of the city, and in fact overflowed it at Hamilton street, at the lower market, and Ferry streets, as well as the pasture below and above the new wharves.

The access to the Eagle Tavern, National and Columbian Hotels, and Exchange Coffee House, could only be by boats or carriages. The principal damage was done yesterday forenoon, when the ice setting in at the head of the pier, came down with irresistible force in the direction of the stores and piles of lumber.

The three story buildings, situated at the termination of the Columbia street bridge, were crushed in a few moments—one after the other and swept from their foundations, apparently without the least resistance. The Bridge was also carried away and destroyed. That at the foot of State street, is also materially damaged, if not totally ruined.

The water in the northern part of the city overflowed the canal, and rose as high as the garden of the Patroon. Large cakes of ice were thrown upon the fields on the west side of the canal, and near the stone mill. The tow path bridges are thrown over and crushed.

Many families on the dock in this city were obliged to leave their houses in a very abrupt manner, and some of the inmates were taken out in boats from their second stories.

It is, we believe the most remarkable breaking up of the river we have ever heard of. Our oldest inhabitants do not remember so much damage ever having been done before.

The Mohawk.—A letter from Schenectady, dated Tuesday morning, March 13th, says—"The Mohawk bridge is yet safe and the water falling. The river is clear below the bridge, but is so completely blocked up with ice, for three miles above, as to turn the current upon the flats. Much damage has been done on the battle ground and in Frog Alley. The water rose so high last night, as to cover, at 12 o'clock, the flats as high as the canal bank, and run over the canal through Frog Alley, to the Mohawk. The water rose so fast in this alley, that the inhabitants had not time to leave their houses. A number succeeded in getting away safe in boats; but the current soon became so strong that it was impossible to pass up with boats. Those at the further end of the street were obliged to take refuge in the upper parts of their houses, and remain there until morning, being every moment in danger of being swept away by the current. One house was thrown down and two children drowned. Another, in which were six or seven persons, was thrown down and remained in this situation until 8 o'clock this morning when the boats succeeded in reaching it and bringing them all off safe. Several buildings have gone to pieces. Mr. John Brown is the greatest sufferer. The rail road must be much injured, all that part from the inclined plane to the canal being under water. A part of the new embankment west of the canal is entirely washed away.

"Tuesday, 11 o'clock, A. M.—The mail has just come down from Amsterdam. The water was six or eight feet deep on the turnpike. On the flats near the gate, it rose so rapidly that the gate keeper had scarcely time to get his family out of the house. His horse and cow were drowned in the stable. "The river is rising again."

The Troy Budget says—"The water, since 12 o'clock last evening, has risen several feet, and extends to the jail in Ferry street, where it is about three feet deep. The lower part of the city is entirely flooded, and families forced to forsake their homes, the water in some instances rising above the second stories. Boats are plying through several of our streets."

From the N. Y. Commercial Adv., March 17.

We have received the following particular in a letter from a correspondent

STUYVESANT LANDING, Tuesday evening, March 13, 1832.

Sir: I am about to record one of the most affecting and singular providences I ever witnessed. The Hudson river had been rising for more than twenty-four hours, when the ice began to give way. It was thought that the light house standing about one mile above the landing, was in danger of being injured by the large bodies of ice which were floating down the river. About two o'clock to day, two gentlemen with great difficulty, made to the light house in a small boat, as it was now standing in and entirely surrounded by water. They advised Mr. Witbeck, the occupant of the house, to leave it, together with his family immediately. They accordingly made preparations to do so, by removing their furniture to the upper story, and making a comfortable disposition of their cows and other stock. When nearly ready to leave their threatened home, suddenly and with terrible violence the ice came rushing upon the house—they were startled by one awful and tremendous crash, and in less than a minute the whole two story edifice was a mingled heap of ruins. The family, consisting of ten persons, with the exception of one, were in the building when it fell. Four of them disappeared, and were either buried beneath the ruins, or swept off by the impetuous flood. Two daughters of Witbeck—one aged 15 and the other 13, and two of his grandsons, one 14 and the other 3—were the unfortunate victims of this dire catastrophe. By the timely assistance afforded by the two gentlemen above alluded to, who were near in a boat, six persons out of ten were saved. The survivors were badly bruised, and on reaching the shore, so chilled and exhausted that they were unable to walk. They were taken to a house near by, and made as comfortable as circumstances could admit.

I am informed that it is not expected Mrs. Witbeck will recover, and that the recovery of the other members of the family is considered very doubtful. This family is now left in a destitute condition to share the lot of the suffering and of the poor.