

From the Louisville Public Advertiser.
INDIAN QUESTION, SETTLED.

The following sketch of the decision of the supreme court of the U. States, in the case of the Cherokees vs. Georgia, is copied from the National Intelligencer of the 19th inst.

The Supreme court of the United States terminated its annual session yesterday.

Among the decisions pronounced previous to the adjournment, was one up on the application, on the part of the Cherokee nation, for an injunction to stay certain proceedings of the state of Georgia. The decision of the court was an unequivocal denial of the injunction.

The opinion of the court was read by chief justice Marshall and is therefore presumed to be from his luminous mind and pen. We have not been able to obtain it for publication, anxiously as we desired to do so. We heard it read, however, and shall venture so far as to report the grounds of it, as to state, that the court disclaims jurisdiction of the case, on the ground that the Cherokee nation is not a *foreign* nation, in the sense of the constitution. These Indian nations, it is the opinion of a majority of the court, are not sovereigns, independent of the sovereignty of the United States, but domestic dependant nations, in a state of "pupilage" to the United States or in a relation corresponding to that which wards have to their guardians. The supreme court, therefore, cannot take cognizance of cases to which it is sought to make them parties as nations. With respect to the rights of the Cherokees, however, as individuals, to the lands guaranteed to them, it was pretty distinctly intimated in the opinion of the court, that there is a mode by which they may be brought before the supreme court for adjudication.

The opinion went on to say, that, if the objection to entertaining jurisdiction in this case were not fatal to the application, there were other grounds on which as application for the interference of this court in the case would encounter grave objections. If jurisdiction was exercised in the case, it must be on the ground that the Cherokees are a foreign nation; and the relations between foreign powers and the states, are placed in the charge of a different branch of the government. —For this court to undertake to arbitrate such questions, would be to assume a political power not intended to be vested in it. If it were true, as argued, that the Cherokee nation is oppressed by the state of Georgia, &c. &c. it belonged not to this court, (the opinion concluded) but to other tribunals, to assert their rights and redress their wrongs.

Mr. Justice Baldwin delivered a very long separate opinion, agreeing entirely in the conclusion to which the majority of the court had arrived, but not concurring in the opinion which had been read.

Mr. Justice Johnson also delivered a separate opinion on the question.

Our own opinion on the subject is of little consequence; but the reasoning of the court upon the constitutional provisions bearing upon the case, appeared to us to be conclusive."

Our readers will perceive the decision of the supreme court fully sustains the arguments advanced a few weeks since in the Advertiser on this subject. The right of eminent domain asserted by Georgia, is maintained by the court. On this point the decision will give entire satisfaction to the friends of state rights.

In addition to denying, unequivocally, to the Cherokees, the injunction prayed for, the court has declared that it has no jurisdiction—that is, that it is not clothed with constitutional power to interfere between the government of Georgia and the Cherokees residing within the limits of Georgia. This is all we have concluded for.

What will the Clayites say, in relation to this decision? For omitting to use force, in order to prevent Georgia from extending her criminal code over the Indians residing within her limits, the opposition have charged the president with "openly countenancing and abetting rebellion." This, it was asserted, was the highest crime with which the executive could be guilty; and, for this, it was urged, that he ought to be impeached. Now, who does the supreme court tell us? I tell us that the views of the president are correct—that he had no power to prevent Georgia from subjecting the Indians within her limits to the operation of her laws.

The president has not only been abused, but threatened with impeachment, because he was unwilling to play the part of an usurper—because he was unwilling to sustain the claims of the Cherokees to self government, in violation of the federal constitution!

This important case ought to be re-collected, as it exhibits the opposition in their true colors—as the enemies of state rights and the advocates of consolidation.

On one point, judge Marshall seems to have travelled out of the record. He intimates, that the rights of the Cherokees, as individuals, to the lands guaranteed to them, can be adjudicated on by the supreme court. This intimation is *extra judicial*, and clearly indicates the leaning of the chief justice in favor of the principles avowed by the opposition.

The intimation was uncalled for and unnecessary, and ought not to have been made. In making this remark, we do not mean to be understood as contesting the validity of the mere *possessory title* of the Indians to the lands they occupy, at his request.

On the contrary, we admit their right to hold their lands, until their title to them, such as it is, shall have been extinguished; but we deny that the general government can sustain the Indian tribes within the states in the enjoyment of self government.

On the whole, the decision in this case, is a *foe* to the allies of the Indians—*alias* the Clayites. The Indian question is SETTLED. On this subject the opposition are fairly *united*—“routed and overcome.” Their favorite tribunal has pronounced their clamor at war with the principles of the constitution, and fully sustained the views of the president. What will be their next hobby? We are anxious to learn. They will not return to the subject of internal improvement, because they know the veto of the president is approved by at least four-fifths of the American people; and we find them so ignorant of the actual operation of the tariff that they really cannot tell what sort of a tariff they want. Under these circumstances they have no alternative, but to continue to misrepresent the “frank letter” and the *clerical erasures*. Poor fellows! They are, indeed, “left without a loop to hang a hope upon.”

It is reported that the president has been notified by chief justice MARSHALL that he intends, in a short time, to resign the office of chief justice of the United States.—*Ib.*

EXTRACT

From the Speech of Mr. Grundy, in answer to Messrs Holmes and Clayton, on the resolution respecting the Post Office Department.

I now approach a subject more intimately connected with the inquiry before the Senate. The removals of Postmasters, called by the gentleman from Maine “proscription,” a word which, from long habit and frequent use, he pronounces better than any man in this nation. There are about 8,500 Postmasters in the United States; and since this administration came into power, which has been near two years, about 500 have been removed. Let us now see whether there be not unquestionable causes of removal, which may properly have produced as great a result as this. If a postmaster should commit any depredation on the mail, he surely ought to be removed, although the gentleman from Maine should proclaim “proscription.” Should a Postmaster violate the secrecy of correspondence, which some men have done, the Postmaster General ought not to be deterred from removing him by the cry of “proscription.” The same fate should await all delinquents in paying their dues—like wise those who fail to render their accounts—or who abuse the franking privilege; and if for any of these causes, removals take place, the gentleman from Maine entertains the Senate with his “proscription.” Fraudulent extactions of postage—concealing or detaining letters, or pamphlets—constitute just causes of removal, and if they are made, we hear the gentleman from Maine cry out “proscription.” Habits of intemperance disqualify a man for the office of postmaster, and although temperance societies have done much in removing this destroyer of the human race from our land, I would still ask, if there are no drunkards in Maine! and should I be swayed, that these worthy societies have entirely succeeded in the east, we are not quite so fortunate in the west, although they have made promising and successful progress. Still this vice in some degree prevails; and should a postmaster be seen staggering and reeling to his office, so blind that he could not see a letter, and he should be removed, the gentleman from Maine unconsciously and from habit, would cry out “proscription.” Insulting or unaccommodating deportment to persons having business at the office—habitual carelessness and inattention to the duties of the station, constitute just cause of removal—incompetency—refusing to comply with the standing regulations of the department—employing assistants of bad character—the commission of crimes—a dissolute course of life—such conduct as is calculated to destroy public confidence in the office;—these are just causes of removal, and if a postmaster be removed for any of these, another victim is added to the gentleman’s “proscription.” The remote residence of the postmaster from the office—the refusal to give new bonds when required—being engaged in pursuits of a disqualifying character, such as will cause long periods of absence from the office—having too considerable a correspondence for the postage to be withdrawn from the revenue being concerned in a mail contract—the inconvenient location of the office—all these render removals proper; and yet the present postmaster cannot act upon such cases as these without hearing the political clamor of “proscription.” And men should in some instances, be removed to obtain the services of those who are better qualified to discharge the duties of the appointment. It has happened under every administration; it has happened under this, and will occur under every succeeding one, that from misrepresentation some improper removals and appointments will take place. Taking into view all these causes which I have enumerated, it is not rather a matter of wonder, that in the course of nearly two years, but a few more than 500 out of 8,500 have been removed? My apprehension is, that even yet there remain among the subordinate agents of the Departments, some men unworthy of their places. I confidently hope that the present Postmaster General may go on, until none shall be continued in the employment of the department, but men of worth and integrity, and that he will not be

*Since this speech was delivered, it has appeared by Mr. Abraham Bradley’s evidence before the committee, that when he left this Department, there were forty-two clerks in the General Post Office, a large majority of whom were opposed to the present administration, and I am authorized to say that but three clerks have been removed by the present Postmaster General, since he came into office. In another case, the son of a clerk was substituted for his father.

deterred from his duty by the cry of “proscription.”

The power of appointing his deputies, is given by law to the Postmaster General sole. What right of supervision has the Senate over his discretion in these matters? If they have any, it must result from the claim that the functions of the Executive are to be performed in the subordination to this body. This is neither in accordance with the theory, the practice, nor the principles of the Constitution of this Government.

I will now show to the Senate some of the effects of this “proscription,” which, in the poetical language of the gentleman from Maine, “makes the land turn pale.” It will be recollect that, on the 1st of May, 1829, the postmaster in this city was removed, and Dr. Jones, who is no Midas, at whose touch every thing turns to gold, was appointed his successor. According to the report on my table, the net proceeds of the office, immediately preceding this change, for one year was \$2,803 25, and in the first year under Dr. Jones’ management, the net proceeds amounted to \$7,843 11, producing a clear gain in one year of \$5,139 86.—Yes sir—this single post office, under the present administration, without the aid of additional commerce, or any unusual assemblage of citizens, has produced a profit in one year to the government, of the sum which I quoted, and this is “proscription.” I call it *reform*—call it by what name you may, it has produced results beneficial to the country; and the profits since the year I have mentioned, have shown that the increase is not of a temporary character.

Another effect produced by what the gentleman calls “proscription,” may be exhibited. There are not half so many new cases of delinquent postmasters as at former periods; there is a reduction of the number of delinquencies since the first of January, 1825, of more than one half; and this reduction has been sensibly experienced within the last year. This must be owing to some adequate cause. I know of no other to which it can be ascribed, but the terror of “proscription,” which teaches, that for failures in the discharge of their duty, they will be removed from office. When I see such effects produced, I shall not be dismayed by the term “proscription,” for my country profits though the incumbent lose his place. We shall hear no more of such losses as \$10,000 in a single post office, as in the case of Fowler.

A List of Letters

REMAINING in the Post Office at Vinton, censes, Kox county, Ia., the quarter ending the 31st March 1831, which if not taken out in three months, will be sent to the General Post Office as dead letters.

A. John Law, 4. Henry S. Law, 1. Joshua Anderson, 2. Catharine Lindsey, 3. Adam Like, 4. David Arnold, 5. M. Seneca Almy, 6. Joseph Arpin, 7. B. John McCord, 8. Robert McClure, 9. Francis Mohana, 10. Maria Miller, 11. William Miner, 12. Samuel McClure, 13. Jacob Myers, 14. Frederick Markle, 15. James McCoy, 16. John McClure, 17. Isaac Miner, 18. A. L. Mills, 19. Asa McChord, 20. John Mitchell, 21. N. H. B. Netherton, 22. O. Robert Oliver, 23. P. William Purcell, 24. Joseph Purcell, 25. Richard P. Price, 26. H. or F. Powers, 27. Julius C. Christy, 28. Hannah Councilman, 29. Andrew Pitkaff, 30. John Palmer, 31. Thos. & John Pope, 32. R. A. G. Roberts, 33. Samuel Rodarmel, 34. David Reel, 35. Daniel Rollins, 36. Daniel R. Swings, 37. Godfrey Reel, 38. Ann Rawlings, 39. Benj. F. Ruby, 40. Jacob Roier, 41. E. S. Riley, 42. David Reaugh, 43. S. Michael Shafer, 44. S. K. Sneed, 45. Thomas Sayre, 46. A. B. Spalding, 47. Samuel A. Stewart, 48. Wallace W. Sullivan, 49. James K. Sneed, 50. W. Stone, 51. Catharine Shower, 52. T. Samuel Tomlinson, 53. Wm. Taylor, 54. U. John Underwood, 55. V. Abr'm Vanarsdell, 56. W. Sarah Withers, 57. Cornelius T. Wolfe, 58. Stephen Webb, 59. John Webster, 60. A. Westfall, 61. Marcellus Withers, 62. Y. John Young, 63. JOHN SCOTT, P. M. April 1, 1831. 8-3t-136 L.

EXECUTOR'S NOTICE

THE undersigned has taken Letters Testamentary from the Probate Court of Vanderburgh county, and State of Indiana, on the last will and testament of EDWARD RIGGS, deceased, late of Evansville, in said county. This is to notify all those indebted to the estate to come forward and make payment immediately, and those having claims will please present them for settlement. The estate is solvent from every information received. JOHN MITCHELL, Testator's Ex'r. Evansville, March 17, 1831.—7-3t.

ATKINSON'S CASKET.

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An elegant plate of the latest *Fashions* will be published in the January No. One of the Figures a full length Portrait of Queen Adelaide of England; a Lady in Ball Dress; a Walking Dress, and Cap and Turban, of the newest style.

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3. For twenty subscribers, and the subscription money, the Pearl for 1830 & 1831, and the Atlantic Souvenir and Boston Token for 1831, elegantly bound, the four containing near 45 splendid engravings, and the Ariel.

4. For twenty-eight subscribers, and the subscription money, Hume, Smollett and Bissett's *History of England*, in 9 large volumes, with 9 fine engravings, elegantly bound, also the Ariel.

These works are warranted perfect, and will be delivered free of cost in Baltimore, Charleston, New Orleans, Pittsburg, New-York, and at the Ariel office, or sent as otherwise directed, but in that case at the owner's risk. Orders may be sent in immediately and premiums will be promptly forwarded. Specimens of the Ariel will be forwarded on application, post paid, to such as wish to possess themselves of any of the premiums.

At least one of the above liberal premiums could be gained by the reader of this, in his own town, as the work is cheap beyond all precedent in the history of American publications, and if his efforts are extended to the adjacent villages, probably all of them could be secured.

EDMUND MORRIS,

January, 1831. 95 Chesnut, St.

NEW PATENT!

LETTERS PATENT having been granted to ELISHA BRIGGS, bearing date the 30th day of July, 1827, granting to him the exclusive right to make, use and vend Hollow Woden Ware, such as Tubs, Pails, &c. &c., made on an improved plan invented by the said Briggs, within the United States for the term of fourteen years; and the undersigned having purchased the said right for the State of Indiana, except the counties of Fayette, Union, Wayne, Hamilton, Madison, Henry, Delaware, Randolph, Adams and Allen, do hereby caution all persons against infringing in any manner, on said Patent, under the penalty of the law in that case made and provided.

They are now erecting an establishment at this place, and will shortly have in operation as many others as will supply the State with this description of ware; or they will sell this part of the State.

Letters, post paid, on the subject of purchasing rights or making contracts for ware, will be promptly attended to.

The ware is turned out of solid blocks, without stave or joint; is much lighter than the common ware, iron hooped and painted, and far superior in neatness and durability, to any hitherto in use.

J. EDWARDS,
R. MARTIN,
D. BARD.

Lafayette, Ia. March 10, 1831.—7-3t.

17 Accounts to be forwarded to the editor or the Free Press for settlement.

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All persons indebted, are desired to make payment.

JOHN B. DUNNING.

6-1f

March 16, 1831.

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NEW GOODS.

Barron & Hunter