

Georgia attempt to ameliorate her penal code and soften the rigor of cruel and bloody punishments, if the savages in her very bosom, are allowed to tear open the wounds, it has been the anxious effort of twenty years to heal.

Government at best is a state of restraint, and made for the benefit of the many over the few, and no one will deny that it is better for a savage, to be under the government of a civilized people, than for the latter to be subjected to the horrid irregularities of the former. The same laws that govern us, will govern them, with no other exceptions than such as their peculiar situation will naturally require. At all events they will not be more severe, they will be treated with humanity. Their rights have always been respected by the state government witness the number of white persons who have been rigorously prosecuted and punished for a violation of their persons and property; Witness the successful issue of the case of their reserves, than which none could have met with more violent opposition—Witness how few of them have ever been punished by our courts. Have they ever come among us without receiving our ready charity, and kind hospitality? The reproaches against Georgia for the unjust treatment of the Indians, to say the least of it, is undeserved, and could our Northern brethren know the truth of this matter, we should have been spared their unkind censures.

It is true they are deprived of many privileges that belong to the citizens, but their condition is precisely the same in the rest of the states. They have never been put upon the same footing *any where*, and it is a great act of insincerity towards Georgia, and a fatal delusion to the Indians to attempt to inspire such a belief. And it cannot be expected that Georgia will submit to any thing to which other states have not submitted. It is true we have said they shall not be witnesses against white men this is a municipal regulation and is entirely of our own concern; subject to no other scrutiny than that which refers to the wisdom of any other regulation; we may be censured for our folly but we *usurp no power*. The same authorities that exclude slaves, infidels, convicts and idiots, from giving testimony in courts of justice, on account of a defect of moral principle, can do the same thing towards any other class of persons, whom they in their judgment may deem to be labouring under the same disability, and we are answerable to no one but ourselves. With regard to other privileges, the Indians cannot expect to be placed upon the same footing with our own citizens; we do not allow that to enlightened foreigners, much less to wandering savages, and I beg to be considered as not using this term here or elsewhere reproachfully. This is a prerogative that belongs to all governments, and must be exercised under that sound discretion which is supposed to rest in every well regulated society. That power in government which prescribes five years to an alien before he shall be entitled to the rights of a citizen could place a limit of fifty years to the same privilege, may they could deny it altogether, and where is the greater injustice in exercising a precisely similar power in relation to the Indians, a people much less entitled to such a right, either from moral improvement or intellectual elevation. No! the truth is, whenever they deserve it they will receive it, but this must always be left, as is every other social rule, to our own best judgment.

A case has been presented, in this state, which serves to illustrate the principle of exclusive jurisdiction as contended for in the foregoing remarks. Some years ago the Indian title to a portion of the Cherokee nation was extinguished, leaving however in different parts a number of *Reserves* of one mile square, to which their title was *not extinguished*, and these fell into separate organized counties of the state, and were occupied by the Indians for whose benefit they were reserved, like very many similar Reserves, in other states. Now will it be conceded that these Indians and these Reservations constituted independent territories within the counties where they were situated, and that the laws of the state could not extend into them? That their inhabitants were beyond any control from state jurisdiction so long as they kept in their own bounds, and that within those limits, they might commit what crimes they pleased? In favour of such a doctrine, I humbly conceive, no one can be found.

Then what is the difference, between one Indian on one mile square and 5000 Indians on two hundred miles, both being within the acknowledged chartered limit, of Georgia?—This subject considered in reference to the first case is perfectly within the comprehension of the narrowest capacity, but increase the numbers and enlarge the limits, and a principle, before as plain as noonday, vanishes into doubt, and all at once becomes a question of "very delicate" speculation.

I cannot conclude without greatly commending the forbearance and dignified moderation of the people of Georgia, under the late multiplied insults they have received from various parts of the Union. Time will dissipate the error that lies at the foundation of such gratuitous unkindness. But if contrary to all reasonable hope this just expectation should not be realized, and our adversaries abroad, by their sickly solicitude, should cause an invasion of a new settled and decided right, they will not only have to contend against the force of an *undivided people*, but they may find, behind that very moderation and forbearance, which they so much affect to contend, all the resolution suited to any *alternative* which a graceless intrusion may provoke. The plea over ruled.

From the Athenian.

Mr. Shaw.—I find a report in circulation that I had refused a warrant to Col. Montgomery, the Indian Agent, the object of which was to remove certain intruders from the Indian lands now engaged in digging gold; upon the ground that they were justified in their conduct. This report is very erroneous, and as it is calculated to involve many of our good citizens in difficulty, and occasion them to commit acts of impropriety, I beg leave to correct it through your paper.

On the first morning of Hall Court, the agent informed me that a respectable gentleman of that county, who was concerned in the above business, had agreed, upon being required to leave the nation, to submit the matter to my decision, provided I would issue a warrant, and determine the question upon the validity of the *intercourse* law. I replied to the Agent, if he would leave it to my individual opinion, I would have no difficulty in saying the gentleman was *wrong*, and that he and all others ought to leave the nation. But I stated I could not conscientiously support, or attempt by my official acts to carry into effect, *any law*, that took from the state of Georgia *one particle* of its jurisdic-

tion or sovereignty. That it was an early inattention to rights like these, that had induced the General Government to draw to itself, so many powers that do not rightfully belong to it, and which will finally overwhelm the states if not firmly opposed. I stated that *all the territory* within the chartered limits of Georgia belonged to her, except such as had been legally disposed of, and consequently, as territory and jurisdiction are, inseparable, *all the people*, within that territory, were subject to her jurisdiction, that there was no difference between the whites who held their lands *in fee*, and the Indians who held theirs *by permission*, for a difference of *tenure* could make no possible difference in political condition. That in relation to the Indians on this territory, the General Government held but one *single right*, and the identical same right they held in relation to the citizens of the other part of the state, and precisely in the same manner, for they were found side by side in the Federal Constitution, viz: "to regulate commerce among the states and with the Indian tribes." That if this clause was expunged from the constitution, so far as that instrument is considered good authority, it would leave the General government as *wholly and essentially without power* in reference to Indians in this state, as it is in regard to our slaves. That I was at a loss to perceive how it was possible to construe a power to *regulate commerce* into a power to punish simple naked trespasses, totally unconnected with that subject, the prevention of which, exclusively belonged to the state of Georgia. I did not believe that any one, be his infirmity of mind what it might, if it left but the bare exercise of reason, could honestly come to the conclusion that merely going into the nation, or while there, the cutting down a bee tree, the killing a deer, the surveying or tilling of land, or the digging of gold, were acts properly and legitimately within the range of commercial regulation, as known and received by the commercial world. If they are, then I pronounce that there is no other regulation which may not be wrenched within such a limitless construction, and as the very same power extends to the other parts of the state, it follows that the whole territory and jurisdiction of Georgia may be effectually lost to her by the mere operation of commercial laws. That crisis had not yet arrived, and though it was approaching, and perhaps in view yet there was on that account the greater necessity on my part to withhold all aid from any movement tending to such a deprecated result.

I stated explicitly, that the gold diggers were wrong, and ought to come away, but it was upon another principle; that the land belonged to all the good people of Georgia, in common, and no one had a right to go there and enjoy it in any manner, until *all* could by law, be permitted to do the same thing. That this premature occupancy of the territory, by some, where all had a right, afforded a pretext to persons of other states to take the same liberty, and individuals from at least four states, were there robbing the citizens of Georgia of their future interests.

I stated further, that the Intercourse law did certainly forbid such a trespass, and that the Federal Court had the execution of this law, and whatever might be my opinion, it did not by any means affect that tribunal; and that the persons were running great risk, in braving the consequences of a trial of the question, before a court, that had uniformly enforced the law.

A. S. CLAYTON.

MISCELLANEOUS

Facts of Bees.—In a state of tranquillity, when the sun is beautiful and warm, some bees often be seen to have taken place between two inhabitants of the same hive. In some cases the quarrel appears to have begun within, and the combatants may be seen coming out of the gates eager "for blows." Sometimes a bee peaceably on the outside of the hive, or walking about, is rudely jostled by another, and then the attack commences, each endeavoring to obtain the most advantageous position. They turn, prouette, thruste each other; and such is their utter earnestness, that Reaumer has been enabled to come near enough to observe them with a lens, without causing a separation. After rolling about in the dust, the victor watching the time when his enemy uncovers his body, by elongating it, in the attempt to sting, thrusts his weapon between the scales, and the next instant its antagonist stretches out its quivering wings, and expires. A bee cannot be killed so suddenly, except by crushing, as by the stung of another bee. Sometimes the stronger insect produces the death of the vanquished by squeezing its chest. After this feat has been done, the victorious bee constantly remains, says Reaumer, near his victim, standing on his four front legs, and rubbing the two posterior ones together. Sometimes the enemy is killed in the hive; then the victor always carries the corpse out of the city, and leaves it. These combats are strictly duels, not more than two being concerned in them; and this is even the case when armies of bees meet in combat.

History of Insects.

Motive to Parental Usefulness.—One most powerful inducement to parents to be very faithful in discharging the duties they owe to their children, is derived from the uncertainty of the period during which they shall have an opportunity of conveying instruction and admonition. First, their own lives are uncertain. How many parents have been suddenly removed from their families by a stroke which cut off all future opportunities of promoting the spiritual good of their children; or, secondly, their children may be taken away; and there is not a more poignant feeling of deep solicitude experienced on earth, than that which is associated in the mind of a Christian parent, with the thought of the manner in which he has discharged his duty to his departed children.

"The remembrance of any imperfection in the discharge of parental duty, even where it was not altogether neglected, has often excited the deepest regret when the thought occurred: If there has been a deficiency in my fidelity to my children, alas! the possibility of supplying it is now gone forever! May this consideration be deeply impressed on the mind of every parent who has the interesting charge of those immortal souls which God has given him, still left under his care; and let it effectually stimulate him to the greatest possible fidelity in bringing them up in the nurture and admonition of the Lord."

Equivocation.—An equivocation is nearly related to a lie. It is an intention to deceive, under words of a double meaning, or words which literally speaking, are true, and is *equally criminal with the most downright breach of truth*. A nod or sign may convey a lie as effectually as the most deceitful language.—Whether we deceive by action, or words, we are equally culpable.

Every engagement, though only of the lightest kind, should be punctually observed, and he who does not think himself bound by such an obligation, has little pretensions to the character of an honest man.

Beauty.—The best part of beauty is that which a picture cannot express.