

The message of the President of the United States on the subject of the Creek Indians, having been received,

Mr. Forsyth moved to refer it to the Committee of the Whole on the State of the Union.

Mr. Everett moved to refer it to the Committee on the Judiciary.

Mr. Owen said, he did not rise to enter into any discussion as to the merits of the question, but principally to say that he saw no reason for a reference of the subject to the committee on the Judiciary. What are the duties of this committee? To superintend the judiciary department of the government. Is this a subject of that character? It is one which carries on its front an aspect of the most alarming character to the country. It is of vital importance to this Union, and requires the fullest and most dispassionate consideration.

When the subject was before the House a few days since, some gentleman had stated, in reference to some acts of sovereignty contemplated by independent states, that if they encroached upon the laws of the United States, they would do it on their own responsibility and their own peril. The states were fully aware of their situation, and of all the advantages which they derived from the Union, but they were not prepared to look to this House for denunciation. What they propose to do, they have a right to do, and not to do it would be treachery to themselves.

[Here the Speaker suggested to Mr. O. that his remarks should be confined to the subject before the House.]

Mr. O. resumed. He was coming to the point. If the States of this Union view any acts of the United States as encroaching on their sovereign rights, they have the undoubted privilege to express their feelings, to remonstrate against the violation, and to resist it. No part of the responsibility which might result from this measure could be cast on his head; for he had foreseen these difficulties at the last Session of Congress, and had called on the House to pause before it acted as it then did act. He did not mean to say, however, that any State would oppose resistance to the expressed opinion of the whole confederacy. He only wished to see such an expression of opinion, and whenever that should be made, Georgia would acquiesce. The State also which he had the honor in part to represent, would take the same course, and submit to the general judgment. These States had as fair and correct a knowledge of the principles of the government under which they are confederated, and as just a conception of their own sovereign rights, as any State, or any representative of any State upon this floor. He hoped the House would appoint a Select Committee on a subject which, if fairly and fully investigated, would put it out of the power of any future collisions to shake the basis of our Union; but which, if hastily or improperly acted on, might lead to results of an opposite character.

Mr. Haile said he had risen for the purpose of propounding some interrogatories to the gentleman from Massachusetts, who had made some remarks a few days since. He was then precluded from the opportunity of replying to the observations of that gentleman; and he would now say, that he should have regretted the circumstance, if that opportunity had been afforded: as his reply might have been dictated by an excited feeling, rather than a correct judgment. Being the only representative on this floor of one of the sovereign States of the Union, it was with deep regret that he heard it proclaimed to him—that he had heard the threat denounced, that if the State he represented should presume to legislate on a particular subject, on which he believed it was her right and her intention to legislate, she would do it on her own responsibility, and on her own peril. Would not such a denunciation apply equally well to every other act of legislation by that or any other State? He would ask if this language of menace was to be confined to that small and feeble State; or whether it would be used to awe other States of the Union, and if it was expected that they would submit to the denunciation? If so, he would only use the language of the Roman orator, and say, "Farewell—a long farewell to all my country's greatness."

He was aware, that whenever a State performed any act of legislation, or discharged any constitutional duty, she did it always on her own responsibility. But he greatly regretted that this language of menace should emanate from the source from which it did come. He did not know whence the gentleman from Massachusetts derived the power and the authority to use this tone of dictation. Was it to be ascribed to the influence which he possesses on this floor? or did he utter this language as the organ of the administration—the executive government of the Union? And was the inference intended, that military force should be resorted to for the purpose of coercing

any State into submission! In the remarks which he (Mr. Haile) had made, he had been governed by no feelings of faction. He would be the last person in that House to light up the torch of civil war. But if the legislature of the State of Mississippi acquiesced in this assumed power, so far as to refrain from the exercises of her own sovereign rights, she would cease to be a State.

Mr. Powell said this was a question of reference. He did not regard it as a matter of great importance whether the subject was sent to a Select Committee, or to one of the Standing Committees; but he did not think it should be referred to the Committee of the Whole House. It would be necessary, as a preliminary matter, that various facts should be ascertained, and this was a duty which it would be impossible to discharge in a Committee of the Whole. A Committee of a different character could alone perform that duty. It was evident from the tenor of the message, that the construction of several laws of great importance, and of treaties, would form the subject of inquiry and of investigation. Now, ought not the House to have a report on these matters from a competent Committee, either the Judiciary, or a Select Committee.

Again, in the examination of this message, it may become necessary to adopt some new act of legislation. If the subject is to be examined with a view to such contingent result, it would require the calm investigation of some able committee. It may have to inquire into the character, construction, and bearing of existing laws; and he should therefore deprecate a reference of the subject to a committee of the whole House which was the most unfit body for such a task. He believed the result of investigation by a Committee of the whole would not be such as to satisfy ourselves or the country. He refrained from going into any of the general merits of the question; but he thought all discussion would be premature, until we had before us the facts on which alone an opinion could be grounded.

Mr. Webster observed, that the question before the House was a mere question respecting committees to which this communication was to be referred. He should confine his remarks to this question, and could not, therefore, without violating the proper order of debate, make any reply to the remarks which had fallen from the gentleman from Pennsylvania, on the general topics contained in the communication from the Executive. He thought the communication ought to go to some committee which might be competent to ascertain whether the whole matter was before the House, and whether any legislation would be necessary. He was not at all solicitous to send it to any particular committee; and certainly not to that with which he was himself connected. As one of that committee, he would say that they would neither seek the reference, nor shun it if it were made. But undoubtedly it ought to go to committee, to investigate the facts, especially as there was a proposition upon the table which looked to legislation on the subject. This was the ordinary course; it was the usual course; and he knew nothing in this case which ought to put it out of the usual course. Mr. W. agreed with the gentleman from Alabama, that the subject was both important and delicate. But he did not think it was so very alarming a matter as that gentleman seemed to suppose. There were at least two sides to the question; and if there was danger in holding that any act of a State legislature might violate the constitutional laws of the U. S. State, so, on the other hand, it must be allowed there was danger in denying the validity of a treaty made under the authority of the United States, and duly ratified. The whole subject was one well worthy of mature deliberation. One word, said Mr. W. as to the honorable member from Mississippi: When any member of the House asks of me an explanation of any thing personal as to himself, I am ready to make it: if any gentleman asks an explanation as to any facts, or any argument, or a clearer statement of any argument, I am ready at all times, to comply with his wishes. For all other purposes, I cannot submit to be catechised; and to some of the queries which that gentleman proposed to me, I shall therefore, give no answer.

Mr. W. went on to say, that he had menaced nobody; had uttered no threats, as seen to supposed; but on the contrary, the tone of menace seemed to him to come from the other side, and not from his side of the question; of that, however, the House would judge. What was this whole matter? Was it offensive to sovereign States for him to say that they acted, in any particular matter, on their own responsibility, and at their peril? Sir, those States do act at their peril; and if they undertake to extend their legislation in the manner referred to, they do so on their responsibility, and at their peril. I shall not take back a syllable of what I said, either in manner or substance. I wish to be understood as repeating it word for word, and syllable for syllable. —Sir, what are the circumstances of the case? The lands over which these States claim to exercise exclusive jurisdiction, have never been subject to State laws from the foundation of this govern-

ment; the control of those lands has always been with the Congress of the U. S. States. We regulate the sale of those lands, rather, we forbid the purchase of them by individuals. We enact all general regulations concerning the Indian tribes who inhabit them. Their municipal concerns have hitherto been managed by themselves; they maintain their own peace and their own laws. It was now said, that the States of Alabama and Mississippi either had extended, or intended shortly to extend, their legislation to the lands and persons of these Indians. They will therein do what has never been done or attempted before, and what has at least a very doubtful aspect; and when I said that they must do this on their responsibility and at their peril, I meant no more than that they would venture on the exercise of a power which they might be found not to possess.

Does the gentleman call this language minatory, and come here a week afterwards with a list of questions which he wishes to propound to me as to what I meant by the observations I made? I tell that gentleman that I mean what I say. I told that the propose measure will be the act of a sovereign State. Be it so. Is it not a possible thing that sovereign States may sometimes act in a manner which violates the Constitution? Are not conflicting laws of a State and of the United States to be discussed and settled for or against a State, before the Judicial tribunal? If I and my learned friends were in another part of this Capitol, we can speak of these things without offence, and the judgment comes upon them, without offence. There, at least, it is admitted to be very possible that a sovereign State may be in the wrong.

It is not my intention now to discuss the general question, or to go into an extended reply to the observations which have been made upon it: but I am told by the honorable gentleman from Georgia (Mr. Forsyth) that the Courts are open, and that this question may be settled by a Judicial tribunal. This might have been a remarkably good argument to address to the State of Georgia before she took the remedy into her own hands. It is a new mode of settling a constitutional question, to seize the lands in dispute, and send on the Hancock troop of horse to defend the possession of them. But, at this stage of the affair, that appeal to the Court comes with rather an awkward grace. When a man advances a claim against the lands of his neighbor, he makes his appeal to the law; but, when he forcibly enters upon the possession of them, he makes his appeal to something different from the law.

[Here Mr. Hamilton called the gentleman to order; and when called upon by the Chair to point out wherein Mr. Webster was out of order, he explained himself as wishing to prevent any course of remark which might tend to produce excitement. The Chair decided that Mr. Webster was in order.]

Mr. W. resumed. I have no intention to produce excitement on this subject, but I have my own opinions upon it. I believe them to be tenable, and, at a proper time, I shall not forbear to express them in this House. I have been induced on the present occasion, to make some remarks which I should not have made, had not the inquiries of the gentleman from Mississippi called me out. Mr. W. concluded by expressing his hope, that the matter would be allowed to take the usual course of reference to a committee for examination.

After considerable farther debate, in which Messrs. Everett, Hamilton, Haile, Forsyth, Webster and others participated, the question was taken on Mr. Forsyth's motion to refer the message to the Committee of the whole, and negatived; it was then, on motion of Mr. Webster, referred to a select committee. This committee is composed of Messrs. Everett, Powell, Cooke, Drayton Whittlesey, Lawrence, and Buckner.

ANCIENT LAND MARKS.

The Administration of the first Adams President of the United States, will be distinguished in the political annals of our country as the era of the formal organization of those great parties under the names of Federal and Democratic; terms of better use as the rallying words of hostility than as distinctive appellations to mark the present differences of opinion on questions of national policy; whose struggles continued to disturb social happiness during the stormy periods of past times. The spirit of conciliation, after the exciting causes had passed into oblivion, crumbled the walls of partition, and the bickerings of rival interests, were sacrificed on the altar of patriotism. The first President Adams, under the relation of recent victory, lost that equanimity which is the requisite of an accomplished statesman. His political demise was followed by a crisis threatening the very dissolution of the union, when that notorious man, whose commanding talents and unbounded ambition might have gained for him the blood stained honors of the Cæsar instead of the infamous celebrity of the Cataline of the confederacy, the slayer of Hamilton and the aspirant to the crown of the south, was seduced by the confusion of suffrages to become the competitor for the chief magistracy, and by the infatuation of the electors almost became the successful rival of Jef-

erson. Fortunately the consequences of uniting the highest civil power with military talent and aspiring ambition remains to be tested by future experiments, and Mr. Jefferson, long the leader of the party he created, was placed at the head of the government after the memorable session of Congress in 1801. The excitement of a fiercely disputed election had not disturbed the serenity of his manner, or changed the devotion of the new President to the best interests of the country. His very moderation, and the calmness with which he uttered the purest maxims of political wisdom, provoked his opponents, and their violence was curiously contrasted with the even tenor of policy coolly pursued by him.

If we remember correctly, the great sin charged to the federal party during the periods of contention following the accession of Mr. Jefferson, was the systematic opposition to the then present administration of the general government, the constant and untiring effort to push its officers from their places, and the clamor against all its measures, however salutary they were deemed by its supporters. How does the course of conduct pursued by the opponents of another administration at this day differ from the policy so bitterly condemned by themselves? The co-incidence in the manner of election which placed Mr. Jefferson and Adams in the presidential chair is well known. It was said, in 1801, that the patriot who has recently departed from among us, was placed in the chair of state by intrigue, corruption, and favoritism of the House. The same charges have been renewed against the second President Adams, and the discontented would seek to persuade themselves by their own repetitions that he was not the candidate of the people, but of a party. The co-incidence in the terms of abuse, lavishly poured forth from the presses of the opposition, in that day & in the present period, is most striking. — The difference between the ancient ultra federal papers, and those claiming to exclusive republicanism in modern times is too small, if the names be changed, to be perceptible. *National Aegis.*

Ex-Governor Tyler, of Virginia, has addressed a letter to his friend, Robert Douthat, Esq. which has since been published in the Enquirer, in relation to the heinous charge of having written a letter to Mr. Clay immediately after the result of the Presidential election, approving his choice of Mr. Adams. In this communication, he admits he did write to Mr. Clay, and gives an abstract of the contents of the letter. He says, that in preferring Mr. Adams at that time, to General Jackson, he only expressed the sentiments of the people of Virginia. He says, the conclusion is ridiculous, because he does not believe Mr. Clay, along with the western delegation who sided with him, to have been bought and sold, that he is bound to support an administration, which may oppose all his convictions of proper policy. He declines very properly to give any pledges as to his future course. He says, if his recorded votes in Congress, from the years '16 to '22 given on the very subjects, or the greater part of them, now forming the subjects of contention—if a uniform course through all time, as well of peace as of war—if his conduct in the Legislative and the Executive Departments of the State, do not develop the principles which will govern him, any avowal he might now make, might well be considered the result of the circumstances in which he is placed, and as a propitiatory offering to those who have seen so much cause of disquietude in his election to the Senate. *Raleigh Register.*

It is a part of the extraordinary policy of the Opposition to imagine charges against the Administration, however improbable and to take no notice of their refutation. A good deal of bustle and vapouring took place about the allowance to Mr. John A. King, as Charge des Affaires at London. Information was asked and given. But none of the opposition papers have published the Secretary of State's report, because it demonstrated that the allowance complained of, could not have been refused without violating the established usage of the Government, and that Mr. J. A. King's situation as a Charge was the natural and necessary consequence of the principles of public law. *Nat. Journal.*

*Election of Governor.*—Pursuant to joint resolution, the General Assembly proceeded on Saturday, to the choice of Governor to succeed to office from and after the 4th March next. On the first ballot, Wm. B. GILES, Esq. received a majority of the whole. Giles 107, Nelson 62, Floyd 37.

We are well pleased with the result. Though we have not admired the temper, or approved the entire views exhibited by Mr. Giles, since his last appearance on the political theatre, commencing with his newspaper lucubrations, we are not forgetful on the other hand, of his services in organizing and leading the Republican party to victory. We are of those who prefer to remember former merit rather than recent error. Mr. Giles' feelings have appeared to require some token of legislative confidence, to atone for what he deemed an unmerited fall

from grace, at the time he incurred the censure of the General Assembly for a violation of instructions, real or supposed. We have no question that the operation of that censure on Mr. Giles' mind, soured the milk of human kindness which was supposed once to predominate so largely in his composition, and produced that tendency to indiscriminate warfare, which we have seen to characterise his latter productions. We may hope that the restoration of confidence of his country, will once more give the milk ascendancy over the gall, and convert the Ishmaelite into the Israelite. *Richmond Whig.*

Letters and papers from Smyrna to the 23d of November have been received in Boston. Every thing was quiet there.—The Turks were rapidly forming their regular troops, who manœuvred very well. Omer Pasha, of Negropont, is dead. The squadron from Egypt was impatiently expected at Navarin, with the pay and clothing of the troops, and provisions. Colocotroni was at Napoli, attempting to fit out an expedition against Tripolizza.

The Pasha of Candia had made himself so odious by his severe exactions upon the people of that island, that the revolts in the interior had become much more frequent and alarming, and the descents of the Greeks from abroad upon the island were more frequent and daring. The Pasha could not go more than a league from his residence, without running the risk of being taken prisoner.

Accounts from Alexandria in Egypt to Oct. 28, state that on the arrival of a Tartar from Constantinople, a portion of the troops which had been already embarked on board the squadron had been landed, and it was said the squadron was to sail without them, for the purpose of carrying provisions to Ibrahim Pasha. It was conjectured by the writer of the letter, that the cause of the disembarkation of the troops was the prospect of peace. *Nat. Journal.*

SAVANNAH, SUNDAY, FEB. 4.

*From Key West.*—We learn from Capt. Johnson, of the sloop Emline, arrived on Saturday, from Key West, which place he left 11 days since, that Com. Porter remained in that port with his frigate, the Libertad, and an armed hermaphrodite brig. The remainder of his squadron, consisting of two brigs, had sailed to scour the coast of Cuba. Two frigates and three brigs of the Spanish blockading squadron remained off the port. The Commodore was under no apprehensions from the Spaniards, as, from the nature of the port, he can put to sea without difficulty. He had dispatched one of his prizes to Havana with 150 prisoners, being the first intimation the Spaniards received of his situation. His squadron was well manned, but had few officers. His nephew, Capt. Charles Porter, was second in command.

The Colombian schooner Carabobo, Capt. Hopper, was at Key West. Capt. H. stated that during his present cruise he had taken near 50 sail of vessels, but had sent none of them in. The Carabobo had a narrow escape from the Spanish brig Hercules, and only got away by the brig getting into shoal water.

The ship Sperm, M'Pherson, from New York bound to New Orleans, was totally lost on Alligator Reef, coast of Florida, about four weeks since. A part of the cargo was saved and carried to Key West. Among the articles saved was what was said to be an Egyptian Mummy, but smelling bad it was unrolled, and after stripping it of a multitude of folds of linen, nothing was discovered but a skeleton with the neck dislocated. The smell was so offensive that the collector ordered it to be burnt.

Capt. Johnson spoke the light ship Caesar, on Carysford Reef, the captain of which requested him to state that part of his crew had been in a state of mutiny, and had broken his lantern, &c. but were then in irons.

Extract of a Letter from an American Citizen, dated,

RIO JANEIRO, NOV. 6, 1826.—“Slave vessels arrive every day or two from the coast of Africa, with full cargoes of from two hundred and fifty to three and four hundred Negroes. A day or two since, I saw a drove of them on shore for sale, with a little white boy driving them along the street, as they drove sheep in our country. The Negroes are driven to a market, and tried, to see that they are sound in limb and body. They are sold from two to three hundred dollars each.

“It was certainly a heart-rending sight, and when I beheld the poor Negroes on shore performing all kinds of labor, even such as our horses and oxen are accustomed to do at home, I rejoiced that the humane laws of the U. States furnish our own Slaves with such a comparatively happy lot.”

The House of Representatives of Massachusetts have, on a fourth attempt, re-elected E. H. Mills as a Senator of United States, by an increased majority. There were only 8 votes, out of 219, for J. T. Austin, the candidate of the Senate.