

Western Carolinian.

It is even wise to abstain from laws, which, however wise and good in themselves, have the semblance of inequality, which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

Dr. Channing.

SALISBURY, ROWAN COUNTY, N. C. TUESDAY, JANUARY 18, 1831.

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FROM THE GEORGIA JOURNAL.
The Georgia Legislature adjourned on Thursday 23d ult: after an arduous session of nine weeks and four days. The number of laws passed is 167, a list of which will be found in our columns, together with a synopsis of those most important.

On Wednesday evening the Governor transmitted to both Houses, the subjoined communication, relating to a summons addressed to him in a cover, but directed to "the State of Georgia," admonishing said State to appear on the second Monday in January next, before the Supreme Court of the United States, to answer in the case of an Indian tried at Hall Superior Court, found guilty of murder and sentenced to be hung.

The summons is so extraordinary, that many members of the Legislature, and other citizens, are under the impression that it is spurious. Whether it is so or not, the Legislature have treated the subject seriously and in a becoming manner, as will be seen by the resolutions adopted by both branches, House of Representatives, Wednesday Dec. 22.

The following communication was received from the Governor, which, after being read, with the accompanying document, was referred, on motion of Mr. Haynes, to a select committee, composed of Messrs. Haynes, Beall, of Twiggs, Howard of Baldwin, McDonald, and Schley.

EXECUTIVE DEPARTMENT.
December 22, 1830.

I submit to the legislature, for its consideration, the copy of a communication received this day, purporting to be signed by the Chief Justice of the United States, and to be a citation of the State of Georgia to appear before the Supreme Court, on the second Monday in January next, to answer to that tribunal for having caused a person who had committed murder within the limits of the State, to be tried and convicted therefor.

The object of this mandate is to control the State in the exercise of its ordinary jurisdiction, which in criminal cases, has been vested by the constitution exclusively in its Superior Courts.

So far as concerns the exercise of the power which belongs to the Executive Department, orders received from the Supreme Court, for the purpose of staying, or in any manner interfering with the decisions of the Court of the State, in the exercise of their constitutional jurisdiction, will be disregarded; and any attempt to enforce such orders will be resisted with whatever force the laws have placed at my command.

If the judicial powers thus attempted to be exercised by the courts of the United States, is submitted to, or sustained, it must eventuate in the utter annihilation of the State governments, or in other consequences not less fatal to the peace and prosperity of our present highly favoured country.

(Signed) GEORGE R. GILMER.

UNITED STATES OF AMERICA, &c.

To the State of Georgia, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the second Monday in January next, pursuant to a writ of error, filed in the Clerk's office of the Superior Court of the State of Georgia for Hall county in the county of Hall, wherein George Tassel, alias George Tassels, alias George Tassel, alias George Tassle, alias George Tassle, is plaintiff in error, and the said State of Georgia is defendant in error, to show cause, if any there be, why judgment rendered against the said George, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the honorable JOHN MARSHALL, Chief Justice of the said Supreme Court of the United States, this 12th day of December, in the year of our Lord, 1830.
(Signed) J. MARSHALL,
Ch. Just. of the U. S.

The committee to whom the above had been referred, made the following report, which was agreed to by the House, and concurred in by the Senate:

Whereas, it appears by a communication made by his Excellency the Governor to the General Assembly, that the Chief Justice of the Supreme Court of the United States has sanctioned a writ of error, and cited the State of Georgia, through her Chief Magistrate, to appear before the Supreme Court of the United States, to defend said State against said writ of error, at the instance of one George Tassels, recently convicted in Hall Superior Court,

And whereas, the right to punish crimes against the peace and good order of this State, in accordance with the existing laws of this State, is an original and a necessary part of sovereignty which the State of Georgia has never parted with,

Be it therefore resolved by the Senate and House of Representatives, &c. That they view with feelings of deep regret, the interference by the Chief Justice of the Supreme Court of the United States, in the administration of the criminal laws of this State, and that such an interference is a flagrant violation of her right.

Resolved further. That his Excellency the Governor be, and he and every other officer of this State, is hereby requested and enjoined to disregard any and every mandate and process that has been or shall be served upon him or them, purporting to proceed from the Chief Justice or any associate Justice of the Supreme Court of the United States for the purpose of arresting the execution of any of the criminal laws of this State.

And be it further resolved, That his Excellency the Governor be and he is hereby authorized and required, with all the force and means placed at his command, by the constitution and laws of this State, to resist and repel any and every invasion from whatever quarter, upon the administration of the criminal laws of this State.

Resolved, That the State of Georgia will never so far compromise her sovereignty, as an independent State, as to become a party to the case sought to be made before the Supreme Court of the United States by the writ in question.

Resolved, That his Excellency the Governor be, and he is hereby authorized, to communicate to the sheriff of Hall county, by express, so much of the foregoing resolutions, and such orders as are necessary to ensure the full execution of the laws, in the case of George Tassels, convicted of murder in Hall County.

From the Columbia Times and Gazette.

LEGISLATURE.

The great battle of the Republican and Federal parties of this State, was yesterday decided in the House of Representatives. The leading measure of Convention, on which the Republican forces were divided, was carried by a majority, but not a constitutional one, and has therefore failed. The passage of the sixth resolution, however, recognizing the right of a State to interpose and arrest the usurpations of the Federal Government, which is the doctrine of Nullification, as we have understood and advocated it, and as it is expressed in the Protest, is considered as an overwhelming triumph, on the part of the Republicans. We give the following history of the proceedings, and for the better understanding of the matter republish the report of the Federal Committee, with the various alterations it received.

Mr. R. B. Smith, who was entitled to the floor, moved as soon as the house went into Committee of the Whole, that the further discussion of the Report be arrested and the vote taken. This motion being adopted, the question was taken, in the Committee on agreeing to the Federal Report, and carried. The Committee reported the Resolutions of the Federal Committee to the House, where they were taken up and decided as follows. The three first resolutions were agreed to unanimously, to wit:—

Resolved, That the Legislature of the State of

South Carolina, do unequivocally express a firm resolution to maintain and defend the Constitution of the United States, and the Constitution of this State, against every aggression, either foreign or domestic, and that they will support the Government of the United States in all the measures warranted by the former.

Resolved, That this Legislature most solemnly declares a warm attachment to the Union of these States to maintain which, it pledges all its powers; and that for this end it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union, because a faithful observance of them can alone secure their existence, and the public happiness.

Resolved, That this Legislature doth explicitly and peremptorily declare, that it views the powers of the Federal Government, as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, and in case of a deliberate, and palpable, and dangerous exercise of other powers not granted by the said compact, the States who are parties have the right, and are in duty bound to interpose for arresting the progress of the evil, and for maintaining within their respective limits, the authorities, rights, and liberties appertaining to them.

Mr. D. E. Hugar, then moved to insert between the third and fourth resolutions the following:

Resolved, That this Legislature doth not recognize as constitutional, the right of an individual State to nullify or arrest a law passed by the United States, in Congress assembled.

This resolution was objected to as a negative proposition which it was not necessary to decide, and that the word "nullify" had received too many interpretations to warrant its adoption, without such an explanation of it as the sixth resolution contained. A motion for indefinite postponement was decided to be out of order. Mr. Thompson then moved to insert the word "unconstitutional," so as to make it read "arrest an unconstitutional law, &c. &c." which was not agreed to. Mr. Glover then moved to amend it by striking out all after the word "Resolved," for the purpose of inserting "That the Legislature doth recognize the right of a State to arrest an unconstitutional law of Congress." The yeas and nays were taken on this amendment, which was carried, 60 to 57. The whole amendment was then rejected, almost unanimously. The fourth resolution was then read and agreed to by a vote of 83 to 31. It is as follows:

Resolved, That the several States comprising the United States, are not united upon the principles of unlimited submission to the General Government, but by compact under the style and title of the Constitution of the United States and of amendments thereto, they constituted a government for special purposes—delegated to that government certain definite powers, reserving each State to itself, the residuary mass of right to their own self-government; and that whenever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force. That to this compact each State acceded as a State, and as an integral party. That the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact between parties, having no common judge, each party has an equal right to judge for itself, as well of intrusions as of the mode and measure of redress.

The fifth resolution was agreed to, by a vote of 103 to 9. It is as follows:

Resolved, That this Legislature doth also express its deep regret that a spirit has in sundry instances been manifested by the General Government to enlarge its powers, by forced construction of the Constitutional Charter which defines them; and that indications have appeared of a design to expound certain general phrases, (which having been copied from the very limited grant of powers in the former articles of confederation, were the less liable to be misconstrued,) so as to destroy the meaning and effect of the particular enumeration which necessarily explains and limits the general phrases, and to pervert certain specified grants of power from their true and obvious meaning, to purposes never contemplated by the authors of the Constitution, or the States, when they adopted it; and so to consolidate by degrees, the States into one sovereignty; the obvious tendency and inevitable result of which, would be to transform the present republican system of the United States, into an absolute government, without any limitation of power.

The Sixth Resolution reads thus:

Resolved, That the several Acts of the Congress of the United States, now of force, imposing duties upon imports for the protection of domestic manufactures, have been and are, deliberate and highly dangerous and oppressive violations of the Constitutional Compact, and that whenever any State which is suffering under this aggression shall lose all reasonable hope of redress from the wisdom and justice of the Federal Government, it will be its right and duty to interpose in its sovereign capacity, for the purpose of arresting the progress of the evil, occasioned by the said unconstitutional Acts.

Mr. Levy moved as an amendment to this resolution, to insert after the word "manufactures," the following, "and also the appropriations of money by the Congress of the United States, for the purposes of Internal Improvement." To this it was objected, that

the vetoes of Gen. Jackson, induced a belief that that system was broken down for the present; and of all events, that the proposition had not been before the Committee, and was too general in its terms, as there were some internal improvements which could not be denied to be constitutional.

The amendment was rejected, Ayes 55, Noes 60. Mr. Harrison then moved to amend it so as to read "that whenever the States are suffering, &c." This amendment was unanimously rejected. The vote was then taken on the Resolution, and stood thus: Ayes 90, Noes 24.

The last Resolution was read as follows:

Resolved, That this State having long submitted to the evil, in the hope of redress from the wisdom and justice of the Federal Government, doth no longer perceive any ground to entertain such hope, and therefore, that it is necessary and expedient that a Convention of the People of this State be assembled, to meet after the adjournment of the ensuing Session of the Congress of the United States, for the purpose of taking into consideration the said violations of the Constitutional Compact.

It was moved by Mr. Dunkin, and seconded by Mr. R. Barwell Smith, that the words after "resolved" and down to "that it is" be stricken out so as to read "resolved that it is necessary, &c." This motion was made to obviate the objections of a few of the members of the Convention side, who were unwilling to make so solemn a relinquishment of all hope of redress by the General Government, and carried by a vote of 68 to 47. The question was then taken on the Resolution, which was carried by a vote of 60 to 56. There were eight members absent from the House, from sickness and other causes, but it is supposed that their presence would have varied very little the comparative result.

The question then arose, whether the resolutions should be sent to the Senate, and the Speaker expressed some doubt, whether that on Convention, could be sent there, inasmuch as it had passed by a majority only. The question was referred to the House, and it was decided, that the resolutions could be sent, though a Bill founded on the last resolutions, was generally thought could not be, under similar circumstances. It was suggested, however, that it would be better to take up the resolutions sent by the Senate to the House, which were identically the same. They were accordingly taken up and passed.

Thus ended this important discussion. We have not space at present to make further remarks, but will ere long, congratulate our readers on the signal success of the Republican party throughout the whole session, and the manly and honorable attitude in which, by their firmness and perseverance, they have placed the State of South Carolina.

Twenty-first Congress.

SECOND SESSION.

SENATE.

Thursday, Dec. 28—The bill making provision for the settlement of the claims of certain citizens of the United States for spoliation on their commerce by the French prior to September, 1800, was considered as in Committee of the Whole, and made the special order of the day for Monday next. In the Senate, as a High Court of Impeachment, the cross-examination of Mr. L. E. Lawless, a witness on the trial of Judge Peck, was continued until near four o'clock, when the Court adjourned.

Friday, Dec. 24—The trial of Judge Peck was continued by the cross-examination of Mr. Luke E. Lawless, which occupied the Court until near four o'clock, when it adjourned over to Monday next.

Monday, Dec. 27—The cross-examination of Mr. Luke E. Lawless, which occupied the Court until near four o'clock, when it adjourned over to Monday next.

Monday, Dec. 27—The cross-examination of Luke E. Lawless was concluded by the counsel for the respondent.

Tuesday, Dec. 28—After the transaction of Executive business in secret session, the Senate resolved itself into a High Court of Impeachment, and the trial of Judge Peck was continued. After receiving the testimony of Henry L. Geyer, Esq. the Rev. Mr. Herrill, and Arthur L. Maginnis Esq. witnessed summoned on the part of the House of Representatives, and the cross-examination of those gentlemen by the managers of the Impeachment, and the counsel for the

respondent, the Court, at a late hour, adjourned.

Wednesday, Dec. 28—Mr. Dickerson introduced a joint resolution, providing for an amendment to the Constitution, so that no person who shall have twice been elected to the office of President of the United States, shall again be eligible to that office. In the trial of Judge Peck, the testimony on the part of the United States was concluded. The Court then adjourned over to Monday next, in consequence of the absence of Mr. Wirt, who was suddenly called home, by the sickness of one of his family.

Thursday, Dec. 30—After the transaction of business of a local character, the Senate spent the remainder of the day in the consideration of Executive business.

Friday, Dec. 31—Mr. Sanford presented a memorial signed by a number of citizens of the city of New York, in behalf of the claims of James Monroe, late President of the United States; which was read and laid on the table. Mr. Barnard presented a memorial from a number of the citizens of Pennsylvania, in relation to the removal of the Indians beyond the Mississippi; which was referred to the Committee on Indian Affairs. After the consideration of Executive business, the Senate adjourned over to Monday.

HOUSE OF REPRESENTATIVES.

Thursday, Dec. 23—Among other resolutions was one submitted by Mr. Yancey, of Kentucky, for the reduction of the per diem compensation of members and their mileage allowance, from eight dollars to six; the House, however, did not enter upon its consideration. After the transaction of the usual business of the early part of the day, the House adopted a resolution to attend the Senate Chamber, day by day, during the trial of Judge Peck, and at 12 o'clock they resolved themselves into a committee of the whole. Mr. Cambreleng is the Chair, and accordingly proceeded thither. At near 4 o'clock, they returned and reported, and the House adjourned.

Friday, Dec. 24—The House went into a Committee of Whole, Mr. Cambreleng in the Chair, and proceeded to the Senate to prosecute the Impeachment. On their return, they reported progress, and adjourned until Monday.

Monday, Dec. 27—The House attended the Senate, for the purpose of prosecuting the impeachment of Judge Peck.

Tuesday, Dec. 28—Mr. Buchanan, from the Committee on the Judiciary, reported a bill further to define the duties of the Attorney General of the United States, and of the Solicitor of the Treasury. It was read twice, and referred to a committee of the Whole on the state of the Union. Mr. Cambreleng, from the Committee on Commerce, reported a bill to alter certain duties on foreign merchandise, imported into various ports in the western waters; which was similarly disposed of. The House then repaired to the Senate for the purpose of attending the trial of Judge Peck.

Wednesday, Dec. 29—A short discussion arose on an amendment offered by Mr. Speight, to the resolution proposed on Tuesday, by Mr. Howard. This amendment called for the printing of the report, of the Committee of Ways and Means of 13th March, 1828, and the report of the Committee on Commerce of 8th February, 1830. It was opposed by Mr. Howard on the ground, that if were adopted, others would be offered, and the object ultimately defeated. This amendment was lost; and Mr. Cambreleng proposed to amend by adding the report of Gen. Hamilton, when Secretary of the Treasury, in March, 1792, and that of Mr. Jefferson, when Secretary of State, in February, 1793, relating to the subject embraced in the reports mentioned in the resolution. Upon this amendment a discussion arose. Messrs. Howard and Mallory opposed, and Messrs. Cambreleng, Wayne and Archer, advocated it. Before the question was taken, the House proceeded to the Senate to attend the trial of Judge Peck.

Thursday, Dec. 30—The bill for altering the time of holding the Circuit Court of the United States for the northern District of Alabama; the bill authorizing the President of the U. States to cause the boundary line to be run between Florida and Alabama; the joint resolution regulating the transmission of public documents printed by order of Congress, the bill providing for the punishment of crimes in the District of Columbia; the bill providing for the completion and support of the Penitentiary, in the District of Columbia, were severally read a third time, and passed.

Friday, Dec. 31—The House resolved itself into a Committee of the Whole on the state of the Union, for the purpose of considering the bill for the relief of Mr.