

Letter from Governor Troup to the Delegation of the State of Georgia, in the Congress of the United States.

EXECUTIVE DEPARTMENT, Geo. }

Milledgeville, 21st February, 1827. }

GENTLEMEN: I was glad to learn, by the mail of to-day, that measures had been taken by the President, subsequently to the communication of the Secretary of War, of the 29th ultimo, to procure the lands left out by the instrument called the New Treaty. I have uniformly urged this measure on the General Government, from the moment it professed a willingness, contingently, to adopt it, and in no part of the correspondence more strenuously than in my letter to the Secretary of War, of the 26th January, a copy of which was transmitted to you by the last mail. It was known to me, that a sincere desire to procure them, accompanied by corresponding efforts, could not fail of success, and I had felt both surprise and regret that any reluctance had been manifested to have recourse to the necessary measure without delay. The reasons assigned for the postponement were, in no aspect of them, satisfactory; and so the President was informed in a candid and amicable spirit. You are at liberty to state to the councils before whom you represent the interests and right of this State, what has been repeatedly represented to the President himself, that the Governor of Georgia has never at any time, entertained the idea of resorting to military force to counteract measures of the Government of the United States, but on the occasion where it was deemed better in honour, in conscience, and in duty, to sacrifice every thing we hold dear, than unresistingly to submit. On the last occasion, when military coercion was threatened, the President was promptly and candidly informed of my resolution to meet that coercion in a military manner. So far as a determination was expressed to resort to the civil process, it was decided to resort to the like process

to sustain, according to the Constitution and laws of the United States and the Constitution and laws of the State, the public officers of Georgia engaged in the execution of their duties, under the orders directly of its Legislative and Executive authorities—an obligation, on our part, enjoined by the very sanction which the President, in his late message, refers to, as being paramount to any human power, and, of course, equally imperative with us as with him. I cannot acknowledge a power in the United States to bring before its Judicial Tribunals for trial, and judgment, and punishment, the Governor, or Judges, or Representatives, or other officers, as such, acting under the authority of the Constitution and laws of the States. Whilst, therefore, no intention exists to resist the Civil Authority of the U. States, I consider myself bound to afford to officers of Georgia acting under my orders, all the protection I can, consistently with the constitution and laws; and I can never admit that wrongs done by officers of the United States to officers of the State, shall not be inquired into and redressed by the state tribunals.

I consider all questions of mere sovereignty as matter for negotiation between the State and United States, until the competent tribunal shall be assigned by the Constitution itself for the adjustment of them.

I am not wanting in confidence in the Supreme Court of the United States in all cases falling within their acknowledged jurisdiction. As men, I would not hesitate to refer our cause to their arbitration or umpirage. On an amicable issue made up between the United States and ourselves, we might have had no difficulty in referring it to them as Judges, protesting, at the same time, against the jurisdiction, and saving our rights of sovereignty. If the U. States will, with or without the consent of Georgia, make a question before the Supreme Court, it will be for the Government of Georgia ultimately to submit, or not, to the decision of that Tribunal. But according to my limited conception, the Supreme Court is not made, by the constitution of the United States, the arbiter in controversies involving rights of sovereignty between the States and the United States. The Senate of the United States may have so considered it, because it has been proposed to make that honorable body itself the arbiter and umpire between them. The States cannot consent to refer to the Supreme Court, as of right and obligation, questions of sovereignty between them and the United States, because that court, being of exclusive appointment by the Government of the United States, will make the United States the Judge in their own cause: this reason is equally applicable to a State Tribunal. Hence the difficulties likely to arise even by a resort to the civil process, and thus you will perceive how infinitely preferable it is to carry into effect immediately the measure contemplated by the instructions to the Agent.

It is indeed to be lamented, that a person so well known here for his unfitness, should have been charged with such an office, but this very knowledge will make the failure, if the failure happen, not our fault but the fault of his employers.

Of all the wrongs wantonly and cruelly inflicted, none have been borne with more patience than the charge of seeking a dissolution of the Union. My intentions have been to cement and perpetuate it, by preserving, inviolate, the rights of the parties to the compact, without which, the compact would be of no value, and to this end I have unceasingly laboured. Time may probably disclose, that a very imperfect judgment had erred in the adoption of the best means, but the intentions will remain the same, and he who must finally judge, will certainly not mistake them.

Hoping that the President will not fail in the contemplated negotiation, and that the matters in difference may be speedily and amicably adjusted to the entire satisfaction of the parties in controversy, I have not hesitated to make you this frank disclosure and explanation that you may use it at your discretion, to promote the peace and harmony which ought ever to subsist between the States and the United States, and in which I assure you none can feel deeper concern than

Yours, very respectfully,

G. M. TROUP.

*The Honourable Senators and Representatives from Georgia, in Congress of the U. States.*