

GOVERNOR'S MESSAGE.

Executive Department, Geo. }
November 4th, 1828. }

FELLOW-CITIZENS.—It is my first duty to invite your attention to the signal Providential favours which the State has experienced, in the unusual degree of health enjoyed during the past year by its Inhabitants, and the abundance with which a fruitful soil has so generally rewarded the labour bestowed upon it. In the gradual improvement of the whole State, and in the rapid developement of the resources of the Territory last settled on the Chatahoocchie, there is every motive for mutual congratulations, and united gratitude to Heaven.

“It would have afforded me the liveliest satisfaction to have been able to solicitate you on the arrangement of those questions of interest pending at the adjournment of the last General Assembly. They remain still undecided, and must be the subjects of your deliberation under the changes that have been produced since that period. The line of demarkation between this state and Florida has not been traced, nor has the act of Congress, under a particular provision of which the execution of the work, in conjunction with the United States, was suspended, been repealed or modified. Conforming to the request of the General Assembly, communications were made to the President of the United States, of the claims of the State and the grounds on which they rested.—The President submitted the whole to Congress. Copies of the Reports made by Committees of the Senate and House of Representatives of Congress, and of all the letters to the President of the United States, and to the members of the Delegation in Congress from this State, are submitted for your examination. The Report made to the Senate recommended a postponement of the whole subject until it could be ascertained whether or not an agreement, alledged to have been made by Andrew Ellicot and the Spanish Commissioners, who were appointed to run and mark the line in 1796, was among the archives of the Spanish Government, there being no evidence of its ever having been among the archives of the United States.

The subject was not therefore discussed in the Senate, because a document, the authenticity of which must depend upon its having been presented duly executed to both the Governments of the United States and Spain, was not in the possession of the U. States—a paper the existence of which is matter of surmise, and which when produced can throw no additional light upon the controversy.

The Report made to the House of Representatives remains to be disposed of, at the ensuing session of Congress. The Committee have adopted a conclusion adverse to the State's claim, under a persuasion that the weight of evidence is against us—a conclusion which I cannot suppose will receive the sanction of the Representatives of the people in the Congress of the United States. If any thing were wanted to strengthen the overwhelming evidence of our right, it would be found in the enactment of the first law respecting this Boundary line after the peace of 1782. The act of the General Assembly for opening the Land Office passed on the 17th of February 1783. The 13th section of that act ordains and declares, that the limit, boundary, jurisdiction, and authority of the State, extends from the fork of the Apalachicola, where the Chatahoocchie and Flint Rivers meet, in a

direct line to the head or source of the Southernmost Stream of the River St. Marys, and along the course of said River St. Marys to the Atlantic Ocean—a satisfactory proof that the Southernmost stream was, at that day, known or held to be, the main branch of St. Mary's River. Whatever may be the decision of Congress, if not approved by the state, it is not obligatory. Since the cession of Florida to the Federal Government, the state of Georgia is a party in the settlement of this controversy, no longer represented by the General Government, but independently asserting its own right, and to be heard before the competent tribunals, on whose integrity and judgment reliance may be confidently placed for the final establishment of it.

Having given the strongest evidence of our desire to avoid the ill consequences of agitating the question before the judicial tribunals, it is for you to consider whether it is proper to wait tranquilly the decision of Congress, or to take, provisionally, measures to ensure a speedy investigation of our right, should Congress refuse to repeal or modify their act of 1825.

The state of Alabama is not yet reconciled to the boundary line between us from the Chattahoochie to Nickajack. I regret that it has been thought necessary by Alabama to protest against the act of Georgia as an infringement on the rights of her sister state. Copies of the protest and the correspondence with the governor of Alabama in relation to it, accompany this message.

The solemn promise of the United States made in 1802 to remove at their expense the Indians from the territory of the State, is yet to be performed. Of the wish and determination of the Federal Government, in all its Departments, to fulfil that promise as early as practicable we have repeated assurances. The policy heretofore pursued towards the Indians, the mode of effecting the purpose of the General Government, by contracts with the Chiefs of the Indian Tribes, or with the Government created by those Chiefs, is still persisted in, nor is there any indication that a change is contemplated. In this State it is well known, that, without a change of policy, the Government of the United States cannot by a contract with their Government remove the Cherokees. The rulers of that Tribe, who have since the year 1818 systematically devoted themselves to defeat any attempt to purchase out their permitted occupation of our lands, have as a last resort adopted a Constitutional form of Government. By this instrument the annuity paid to the Tribe by the United States, and all the rights and privileges of the individual Cherokees are controlled—a Government professing to be independent, is set up in defiance of the authority of the States of Georgia, Tennessee, Alabama, and North Carolina, upon the territory and within the jurisdiction of those States. The Cherokees have been indeed tardily informed by the Chief Magistrate of the Union, that this attempt will not make any change in the relation in which they stand to the United States. The new Government however continues unmolested to exercise its power, and seeks to strengthen itself by conferring citizenship or denizenship upon such white mechanics as choose to incorporate with them. Here, within our own territory, upon the land forming a part of our sovereign property, is a Government exercising authority independent of ours, and denationalizing our citizens in order to strengthen itself in its opposition to our will. This state of things cannot be endured. If the United States are unable, acting on the policy to which alone they choose to adhere, to induce the Cherokees to remove, and unwilling to vindicate our right over the persons and territory within our sovereignty, in the only practicable mode, our duty to the people and to posterity requires that we should act. Of the right of the General Assembly to legislate over all persons and all things within our territorial limits, on general principles, a doubt cannot be entertained. Is there any thing in our Constitution—in the Federal Compact to which we are a party—or in our relation to the Cherokees, inhabitants of this State, which impairs, in respect to them, our sovereign right? In the State Constitution there is no limitation of the Legislative power over the Indians within our territory. In the Federal Compact, sacred in our eyes, to the provisions of which we have ever looked with veneration, and which we will be the last to impair, the only clause which can be tortured to bear upon the question is that which gives to Congress "the power to regulate commerce with the Indian Tribes."

To the Cherokees within the State we owe protection, and to us they owe obedience. In no instance, since the adoption of the Constitution of the U. States, has the authority of a State exercised over the Indians within its limits been disputed or disregarded. The Penobscots and Passamaquoddies in Massachusetts; and Maine; the Narragansetts in Rhode Island; the Senecas and Onandagas, &c. in New York; the Choptankes and Nanticokes, in Maryland; the Pamunkies, in Virginia; the Catawbas, in S. Carolina; the remnants of various tribes yet existing in the old thirteen States, except North Carolina and Georgia, are all protected and governed by State laws. On what just principle or plausible pretext, can the right of Georgia to exercise similar power in regard to the Cherokees, be resisted? Believing that our right is undoubted, that the exercise of our sovereign power is required by the best interests of the State, an important consideration presents itself for examination. What disposition is to be made of the Cherokees who reside within the State? To expel them would be cruel and unjust; to leave them as mere tenants at will of their present settlements would be a reproach to the character of the State; for incorporation, with equality of rights as a part of our political family, they are unfit. Under these reflections, I recommend to you to extend *all the laws of the state* over the territory lying within our limits occupied by the Cherokees—the Indians to

to subject as other persons to the operation of those laws.—To secure to the Indians, immediately, the enjoyment of all civil rights—To grant to each Indian family now living in the State, while they continue in it, a sufficient body of land for their comfortable support, looking to the General Government under the compact of 1802 for the value of the lands thus granted, and for all the expenses that may be incurred by the state in the execution of the proposed enactments. As an evidence of respectful deference to the United States, and of our determination to treat with tenderness the Cherokees whose fate is to be effected by these regulations, I recommend that the operation of the act be prospective—not to take effect until the President of the United States shall have ample time to ascertain whether the Cherokees choose to remove for a just equivalent, or to remain and to submit themselves to the authority of the State Government. You will find in the contract made by the President of the United States and the Arkansas Cherokees, herewith submitted, a proviso for this delay. I have been informed by one of our Senators (Mr. Cobb) that an article in that contract was inserted for the express purpose, and under the belief that it would be effectual, of enabling the President to induce the Cherokees to remove to some place beyond the Mississippi, and that the whole contract, notwithstanding it contained many highly objectionable features, was inserted in the name of the United States.

Having been casually informed that the Creek Indians had given permission to one of their chiefs to erect saw-mills near the Chattahoochee, to be supplied with water power by a canal from the River, I considered it necessary to forbid the execution of the scheme as inconsistent with the rights of the state. By the correspondence submitted, you will find that the President concurring in this opinion, has directed the Creek agent to prevent the Indians from erecting any such work unless authorized by the General Assembly of this state.

During the last session of the Legislature, complaints were made of depredations having been committed in Lee county, by parties of Creek Indians, who crossed the boundary line, in search of such means of subsistence, as are to be found in our forests. Since that period, similar complaints have been made by other frontier counties, and great apprehension has been more than once felt, that it would be necessary to use the Military power of the state, to punish the Indians for their misconduct, and to drive them beyond the Boundary line. The Constitution of the United States, limiting the power of the state Executive, to cases of actual invasion, by an enemy, or such imminent danger as does not admit of delay, in the absence of any state law, it was found necessary, as there was obviously no settled plan of hostility, on the part of the Indians, to appeal to the President of the United States, keeping him accurately informed of every new event, and making in the interim, all necessary preparation to act with effect, if active interference should be indispensable. After much correspondence with the Federal Administration, it has been thought proper to station temporarily, a body of troops near the Chattahoochee, whose commander is charged to prevent parties of Indians from crossing into our territory. Evidence of all the depredations committed, has been carefully collected under the authority of the State, and sent to the Creek Indian Agent, that a demand may be made on the Creek Tribe, according to the Law of the United States. Our citizens who have suffered in property or person, have a right to expect and will no doubt receive eventually indemnification, under the guaranty of the United States, contained in the 14th section of the act of Congress of the 30th March, 1802. I request your attention to the numerous papers relating to this subject, and suggest the propriety of some act, authorizing the civil and Militia officers of the State to disarm, arrest, and send beyond the Boundary line, any Indian not a resident, who may be found wandering, armed in our territory.

By an act of the General Assembly of the 22d December 1808, jurisdiction is ceded to the Federal Government, over all places which may be thereafter acquired by the United States, for the purpose of erecting forts and fortifications, with the single proviso, that forts or fortifications shall be erected thereon. The Framers of the Federal Constitution, seeking to procure for the Government created by it the necessary and exclusive jurisdiction, over forts and fortifications, &c. &c. intended to protect the States against the possible abuse of this exclusive power; by making the consent of the State Legislature necessary, before jurisdiction could be acquired. A general law leaving every thing to the discretion of Congress is certainly not according to the spirit nor within the intention of the Constitution. The Legislature acting at the time the purchase is to be made, can alone judge of the propriety of granting the exclusive jurisdiction desired. It is from no illiberal feeling nor unworthy jealousy of the Federal Government, that this act is brought to your notice. The repeal of it is necessary, not to preserve us from intended injury, but that our Legislation under the Constitution, may conform to the true construction of that instrument.

The information collected, pursuant to the wishes of your immediate predecessors, on the subject of the Penitentiary system, from other states who have adopted it, is laid before you. It would be useless to disguise the fact, that our efforts to execute the corrective system have not been entirely successful. Our partial failure is to be traced to several distinct causes; the most prominent cause is the insufficiency of the buildings prepared for the purpose. Large sums have been injudiciously expended on a plan so defective, that it is difficult to decide whether an attempt to improve the buildings now in use, or the appropriation of them to some other public purpose, and the erection of new ones in a better situation, pro-

would be most economical. The devotion of a large portion of your time to this subject, that all defects in the organization of the Institution, in the system of discipline prescribed for it, and in the execution of the laws for its government, may be discovered and corrected, is required by the interests of the community, the character of the State, and a sacred regard to humanity. It would be a grievous reproach if we, who were comparatively late in adopting that benevolent system which seeks the redemption of the character of offenders against public justice, in the punishment inflicted for their crimes, should be the first to abandon it. If we should be compelled to acknowledge that we have not wisdom, virtue or constancy enough to execute a plan in full operation and producing the most happy results in other States.

Every day's experience adds to our knowledge of the defects of the Penal Code. I recall to your attention, the communications heretofore made by my predecessors, particularly to the Executive Message of 1827, communicating a report from one of the Judges (Schley) of the effects of the amendatory act of 1820. To the information contained in that report, I will add, that it is ascertained that the punishment of a free person of colour, convicted of inveigling a slave, is now one year's imprisonment in the Penitentiary, while a white person is subjected to severer penalties—a distinction not justifiable in itself, and dangerous in its consequences, to the security of property and the peace of the state. Another of our Judges (Colquett) during the past year, found himself compelled to sentence a person convicted of the offence of mayhem to the pillory, and the payment of a fine of 100l. or to suffer if unable to pay the fine, the barbarous punishment of one hundred lashes laid on his naked back. The poverty of the person convicted, was so notorious that the payment of the fine was not to be expected, and the Executive under a recommendation from the Judge, was obliged to interfere to prevent the infliction of a brutal punishment—a disgrace to our criminal jurisprudence, and which in the opinion of the community, has been long since expelled from our Code. A careful and matured examination of the act of 1820, will enable you to correct these and other errors that have unavoidably arisen from the use of general terms, and their application to all the previous legislation of the state on crimes and punishments.

Fifty thousand dollars have been paid out of the public treasury, during the past year for internal improvement, forty thousand appropriated for 1827, ten thousand for 1828. The commissioners of the Altamaha, Ockmulgee and Chattahoochee rivers, to whom this money has been paid, are either engaged in the execution of their respective duties, or making actively, preparations to commence their operations. If reason did not teach us, that large appropriations of money and lavish expenditures were insufficient to develop the internal resources of a state, for facilitating commercial intercourse, the experiment made here, have furnished a never to be forgotten lesson of instruction. The sum of two hundred and seventy-one thousand dollars has been appropriated and partially expended on the navigable waters of the state. On public roads, if the value of the labour our citizens are liable to perform annually, be fairly estimated, as much money is expending in Georgia as in any part of the Union. I need not remind you that there is not a water course in the state which affords all the commercial facilities it might be made to yield, nor one of our roads to the extent of one hundred miles in length, in perfect order. Does this arise from a want of a well matured general system of internal improvement? From the imperfection of the laws for the improvement of the roads and water courses of the state? or from a neglect or unfaithful execution of those laws? A moment's reflection will suffice to prove that the want of a general plan is a fatal error, and that the provisions of our laws are in many respects imperfect. The Commissioners appointed to improve the navigation of our rivers, and the Commissioners of the Public roads, are unpaid labourers in the public service; to hold them answerable as officers whose time is devoted to the public for an equivalent remuneration, would be unjust. That constant care, unwearied diligence, and wheel-horse labour, necessary to a perfect and faithful execution of their duty, cannot be expected from those who derive little reputation from success, and who in place of receiving compensation, are compelled to incur considerable expense, and lose much time in the performance of the tasks imposed upon them. In great emergencies, and in all cases where sudden calls are made upon our citizens for important and striking sacrifices to the public good, patriotism may be safely relied on; but in the execution or superintendence of public works, when the toil is constant, wearisome and enduring, the successful execution of them, necessarily long protracted, and the honours obtained by the completion of them, divided among many persons and contracted within narrow limits, those who rely upon the influence of patriotism alone will be sorely disappointed. It may be safely asserted, that the laws are in general as far as we have a right to expect, faithfully and carefully executed. In recommending a thorough revision of all the laws for internal improvement, and the adoption of a system embracing within its scope all the great rivers and roads in the state, I consider it my duty to express the opinion, that the appropriations of money, without the adoption of a general system wisely matured, and to be carefully and perseveringly executed, is an improvident application, if not a waste of the public treasury. Connected with this subject, I have to state the great embarrassments under which I have laboured with regard to the Civil Engineer. I found that officer in service under an appointment unlimited as to time, and receiving under an appropriation of the preceding year a salary of \$2500. He had

however, given notice to my predecessor of his intention to resign on a given day. The last General Assembly having adjourned without making any appropriation for the salary of the Civil Engineer, it would have been taken for granted that whether the intended resignation was made or not, the officer was to be considered out of the public employment. The General Assembly thought proper to express great regret at the loss the public was about to sustain by his withdrawal from service, and pointed him out as a proper person, in his character as Civil Engineer, to superintend the additions to be made to the State House on a plan furnished by him—an intimation of preference, the Executive could not disregard without a violation of the respect due to the two Branches of the Legislature. The Engineer having been thus selected to superintend the improvements to the public building, did not resign his appointment as Engineer, and the Executive was under the necessity of looking for a fund out of which a compensation was to be paid for his services. This compensation will be paid out of the fund heretofore drawn upon, until the end of the present quarter. The General Assembly being now in session, there is no longer a necessity for the exercise in this regard of the Executive discretion; beyond the period indicated, it will not therefore be exerted. An examination has been made by the Engineer, of the Chattahoochee from Columbus to its junction with the Flint river, and the Ockmulgee above Macon—his reports are herewith submitted.

The condition of the Judiciary requires your most serious attention. Under the present arrangement of eight Judges of the Superior courts, each confined to the Circuit for which he was elected, supreme in his authority, not bound by the decisions of his predecessors or contemporaries, and not always by his own, while these will be in their turn disregarded by his successor, there can be neither uniformity nor certainty in the laws for the security of the rights of persons or property. It is an awful reflection that property, life, liberty, and reputation, are, with us, dependent upon the decision of a single Judge, uncontrolled and uncontrollable within his Circuit, and not always distinguished for ability, intelligence and integrity. The confusion produced by cotemporary contradictory decisions, every day increases—property is held and recovered in one part, and lost in another part of the state under like circumstances—rights are asserted and maintained in one Circuit and denied in another, in analogous cases.—So much depends upon the opinion of a presiding Judge, that suits are matters of speculation and management. The most astute lawyer, scrupulously conscientious in the advice given to his clients on cases submitted to him, can only inform them, what will be the result if actions are brought and decided during the term of the then presiding Judge. Suits are brought or postponed; pressed to trial, suspended, or delayed by the parties, according to the known or supposed opinions of the presiding Judge and the nearness or remoteness of the time when a new election of Judges must occur. We have all the complicated judicial machinery for the correction of erroneous judgments. Appeals, writs of error, motions for new trials, and in arrests of judgment, are used as if in mockery, since the appeals are tried, the writs determined, the motions decided by the same Judge, whose erroneous judgment is to be corrected, arrested or set aside. All the delays of the English system are permitted, but time only is gained or lost, unless indeed the presiding Judge has a mind of extraordinary vigour and magnanimity, capable of discovering and prompt to confess its errors, or death or a new election removes him from his place. The destruction of the judicial octarchy, by the substitution of a single Supreme Judge, whose decisions should govern in all Circuits, would be an important improvement. It is not necessary to vest such tremendous power in the hands of an individual. The object to be accomplished can be obtained by less dangerous means. The most simple and obvious remedy is the establishment of a court for the correction of errors, &c.—This remedy cannot, in my judgment, be applied without a change in the constitution, which requires that "errors shall be corrected and new trials determined, in the Superior court or the county in which the action originated." Under this clause of the constitution, however, conventions of the Judges have been required, and in these, properly regulated, a palliative may be found for the existing disorders, until a radical cure can be effected by an alteration of the Constitution.

I lay before you a statement of the warrants drawn upon the Treasury, and a list of Executive appointments made during the past political year; and copies of the annual reports of the incorporated Banks of the State, except the Merchants and Planters Bank, and the Fire Insurance Company of Augusta, from which no reports have been as yet received.

I communicate to you documents and resolutions from the state of Maine on the subject of the North Eastern boundary of the United States, with copies of a letter from Governor Lincoln and of my answer—a report of a select committee of the Legislature of South Carolina and sundry resolutions on the subject of State rights, transmitted for the purpose by Governor Taylor; a report and resolutions adopted by the Legislature of Ohio, expressing their opinions of the principles and doctrines contained in the preceding report from South Carolina, and three papers received from the Governor of Vermont, the first on the subject of a proposition from Maine respecting the appropriation of a part of the revenue of the United States to the purpose of internal improvement, the second containing a resolution rejecting the amendment of the constitution of the United States proposed by Georgia for preventing the election of President of the United States, in any event, devolving on the House of Representatives of the Congress of the United States, the

and the third, in relation to the disapproval by Alabama of the resolutions of the State of Ohio of the 7th of January, 1824, proposing the emancipation of slaves.

A splendid map of Virginia has been transmitted, under a resolution of that State, by Governor Giles, as a present to Georgia. It has been deposited in the Executive Department, subject to the disposition of the General Assembly. Copies of the letter of Governor Giles accompanying this interesting gift, and of my acknowledgement of it, are presented with this message.

Commissioners were appointed under the acts of the last General Assembly, providing for the sale of the Indian Springs and McIntosh Reserves; for laying out the town of Columbus, on the Chattahoochee, and the sale of the lots and of the reserved land around the Coweta Falls; and for disposing of the residue of the lots and the reserved lands and the Bridge at Macon. The first commission has executed fully the trust confided in it; the second has performed all that could be perfected—a small portion of the property (town lots) is still unsold—the Commissioners, under a discretionary power given to them by the General Assembly, suspended the sales from a belief that adequate prices could not be obtained for them. The third commission, in order to finish its labors, has yet to dispose of the Bridge at Macon. Great praise is due to these Commissioners and the persons employed by them, for their industry and zeal in the performance of their several duties. Considering the pressure of the times, all the public property sold commanded fine prices. The money received and the sums due by purchasers will be stated to you in the annual report of the Treasurer.

Preparatory to the sale of the reserved lands of the state, under the act of the 22d of December, 1827, a surveyor was appointed to lay off the reservations named in the 3d section of the act, and it was deemed expedient to cause a survey to be made of the Islands in the Chattahoochee.

The two persons appointed, Messrs. Benthune and Mitchell, performed in due time the services required of them. It is necessary that you should decide on their compensation, no provision being made for the first in the act of 1827, and being deemed proper to place both on the same footing.

The Commissioners elected by the last General Assembly, have advertised for sale, in obedience to the act under which they were chosen, all the lands that have reverted to the state by the default of former purchasers.—In one or two cases your interference is requisite to prevent individuals from suffering great hardship. The act for the relief of former purchasers, required, that the interest due and a proportion of the purchase money, should be paid by the 25th July last. Money for that purpose was, in some instances, enclosed to the Treasurer and entrusted to the mail before, but it did not reach his hands until after that day. As the state can have no desire to injure any citizen, and must be unwilling to profit by the inability or even negligence of the purchasers of the public property to comply with their engagements, I suggest to you the propriety of permitting former purchasers to redeem their lands, at any time before the day of sale, by the payment of the balance of principal and interest due, and such an additional sum as will cover the expenses incurred respecting them, by the state, since they were forfeited.

The views entertained of the constitutional obligation of the General Assembly to provide for revising, digesting and arranging, under proper heads, the body of our laws, civil and criminal, and the promulgation of them in a convenient form for popular use, have not been changed since that subject was brought before your predecessors. To the special message sent to the last General Assembly on the 12th November, 1827, I request your attention.

Before concluding this address, already too long, although many subjects of great interest, that might be properly introduced, are excluded, of remarking upon an act passed at the last Congress—the Tariff of 1828—an act which has filled the whole Southern country with resentment and dismay. The wishes, the remonstrances of the people and their Legislatures in the Southern States have been disregarded, the interests of a whole section of the Union recklessly sacrificed for the benefit of a class of persons recently sprung up among us, to whom grant after grant of special favor has been improvidently made since the close of the last war. Under the pretext of raising revenue, an act has been passed confessedly to protect manufactories by destroying revenue—to diminish the public income, without lessening popular burthens.—The effect of which, must be, to enrich a few villages and small incorporated companies, and to ruin states and communities. An act so strangely framed as to be acceptable to no one, and passed, not because there was a majority of Congress who believed it just or wise, but because neither of the great parties who are now struggling to make the next President, was willing to take the responsibility of rejecting it, for fear that Kentucky and Ohio, Western Maryland, Western Pennsylvania, and Western New York, might visit the rejection of it, as a sin upon their favourite candidate. Looking upon it as a gross perversion of power, as indefensible on principle, under any government as destructive to the agricultural prosperity of the Southern, vitally injurious to the commercial interests of the Eastern and Middle States, and fatal to the maritime power of the Union, every honest and honorable effort is demanded from us by the people to ensure its repeal, and to shield them from its injurious effects. It has been imagined that these objects may be effected by state legislation. Is this true? On the most mature reflection I am convinced that it is not—that state legislation to countervail the effects of the act, to retaliate its injuries, or to express

our just resentment at its injustice, far from being useful, will be injurious. The state power of taxation, to which a resort has been contemplated, although embracing all objects within the state, is not unbounded—it is limited by the obligations of the Union contracted to Foreign Powers, and our obligations to the other states under the Federal compact. No state tax making a discrimination in favor of one foreign power over another, to whom the United States had promised equal treatment, would be defensible. No state tax making a discrimination in favor of one of the confederacy to the prejudice of either, or of all the rest, would be consistent with our bond of Union. Can it be supposed, that a constitution, which secures to the citizens of each state all the privileges and immunities of the citizens of the several states, does not secure the United Sovereignities from the momentary caprice, the resentment, or the jealousy of each other? In the exercise of the power of internal taxation, if these opinions are well founded, all like articles, the product or manufacture of the other states, must be considered and treated as of common origin—from whence it follows that all taxes if imposed, must operate alike on all the states, and will be paid exclusively by ourselves.—Unless additional burthens relieve the overburthened, and self-infliction is retaliation, no beneficial effects will flow from the exercise of the power of state taxation. This conclusion is neither unpleasant nor disheartening—it is not desirable that the state should have or exercise the power of retaliating upon either of the United States for the follies or the offences of the General Government—nor do I conceive the want of that power is any impediment to the destruction of an odious law. That law must perish where it was born, under the force of public opinion. Does any one believe that it can endure—that remonstrances and protests of states, combinations and importunities and denunciations of individuals who are suffering by it, will fall unheeded on the ears of the, at present, deluded inhabitants of those powerful states, whose representatives have joined to fasten it upon us?

To meet the present evil and afford some relief, until the change of public opinion, now silently working, is complete, state taxes might be diminished. Your advice should be given to the people to exercise the strictest economy; to use as few of the articles manufactured by those who are to be benefitted by the law of 1828 as their necessities will permit; to substitute for the manufactures of Europe, and of Northern and Eastern States, manufactures of their own household, to vary and to multiply their agricultural pursuits. Your advice, aided by your example, will have the force of law, be infinitely better observed, and produce the happiest effects. Solemnly protest in the Senate of the United States, as that branch of the Federal Government in which the states are directly represented, against the act, and demand its repeal—remonstrate in the strongest language with those states who have heretofore supported this wretched system, which uses man as a mere machine, whose labour is to be directed into the most profitable and convenient channels, by the superior intelligence of government. It is by these means, and these alone, that the people can be effectually relieved, and the oppressive system radically destroyed. It has heretofore happened, that all the departments of the General Government have acted upon principles we believe to be unsound, and exercised power not granted by the instrument from which all their power is derived. A majority of the states and of the people, apparently deceived and temporarily passive, have never failed to discover the offences committed against their interests and authority, and have invariably by the judicious use of that all efficient weapon for the correction of political errors, Election, punished those who abused their trusts. We shall find in every stage of our progress, ambition actively employed to obtain power and place and not scrupulous in its efforts to retain and to extend its patronage; avarice seeking to use the government for the gratification of its insatiable lust. Although lamentable it is not surprising, that combined together with daring effrontery; using in concert popular catch words; forestalling public opinion by reiterated assertions in the public Journals, of long exploded errors as sacred truths; by false statements of fact, and delusive calculations; the unhallowed pair should reach high places of trust and honour, and guide for a brief season the march of Government. "Where reason is left free to combat error," where love of virtue and truth is not extinguished, the reign of delusion is ever transient. In the gloom of the present hour who does not anticipate the coming dawn? The beams of light are on the edge of the horizon. The morning star will soon stand glittering in the sky, the harbinger of that returning day, on whose brilliant light the detested offspring of inordinate ambition and manufacturing cupidity cannot look and live.

Fellow Citizens:—We have met together under the most favourable circumstances for the performance of our duties. On the great question now agitating the United States, here, there is little difference of opinion. The storm of passion lately raging among ourselves, has subsided. A tranquil and benignant sky invites us to our constitutional labours, promising golden harvests, if those labours are judiciously applied. Popular approbation awaits every honest effort for the public good. The gratitude of the people and honourable station are the bright rewards, if those efforts are crowned with signal success. Animated by respect and affection for those who confide in our fidelity and zeal, by the hopes of present usefulness and future renown, we should unite in fervent supplication to the Ruler of Man and Empires, that he will direct us in all our deliberations, inspire us with a portion of his divine wisdom, and make us the humble instruments of his will, in promoting peace and harmony among the people, and in establishing on the most solid basis the prosperity of the State.

JOHN FORSYTHE