

THE RECORDER.

MILLEDGEVILLE:

THURSDAY, NOV. 24, 1831.

TO THE VOTERS OF GEORGIA.

In the Georgia Journal of the 17th instant, Judge Clayton is announced as a candidate for Congress, to fill the vacancy occasioned by the resignation of Wilson Lumpkin, Esq. and in the Federal Union of the same date, Judge Schley of Augusta, is announced to fill the same vacancy. You are to determine which of these gentlemen you will select to represent you; and you will make that determination, according to the qualifications of the candidate, and according as his political principles and conduct are in unison with the great and leading political tenets of Georgia. The first of these gentlemen is familiarly known to you, as Judge of the Western Circuit—distinguished for his ability as a jurist, and characterised in his political course by the pure republicanism of the Jefferson school—whilst his competitor is not by any means free from the leaven of Federal unrighteousness. Much of Judge C's life has been devoted to the best interests of the State. In the State Legislature and upon the Bench, he has asserted and maintained the rights of the State against Federal usurpation, and his able & untiring pen has been wielded oftener and more successfully in the advocacy of the policy of the State in relation to her Indian lands, than that of any other gentleman. You can but recollect the numerous and powerful essays which have flowed from his pen upon local and general subjects, all breathing a spirit of devotion to the rights of our State. But already has the Federal press at Milledgeville begun the work of traducing him, and of misrepresenting to you his acts and his principles. It is said that his decision in the case of the Indian, Canatoo, should be an insuperable bar, to his faithful representation of the State in Congress. It is known to you, that as Judge of the Western Circuit, he was called, under solemn sanctions of his oath of office, to determine the question, whether the Indians had the right to dig the mines within the limits of the Cherokee nation. This question he met fearlessly and promptly. In the face of all consequences to himself, he dared to do his duty, and exhibits that grand spectacle of the moral sublime, an honest man yielding himself a sacrifice to duty and conscience.—So far as that decision proves aught, it establishes for the Judge, a character for moral courage, worthy the best days of Roman virtue. The decision of this question is said to disqualify him for a seat in Congress, because say they, it is at war with the policy of Georgia; but it remains yet to be shown, how in any event this question can come before Congress—it is a question between Georgia and the Cherokees alone. But this decision did make it inconsistent to retain the Judge upon the bench. The Legislature had determined by law, that the mineral wealth of the nation belonged to the State, and made it penal for an Indian to dig gold—the Judge determined the law to be void—the Legislature and the Judge were in collision, and it became necessary, either to remove the Judge or repeal the law, and the Legislature has maintained its policy, by removing Judge C. from the bench. And what is the conduct of Judge C. under this sad reverse? Without a murmur, and without one single reproach, he bows to the majesty of the laws and yields to the supremacy of the people. And in obedience to the call of his fellow citizens, he stands before you a candidate for Congress; there with his varied talents and commanding eloquence, to defend the great cause of State Sovereignty and Free Trade, and to maintain the rights of soil and jurisdiction, which Georgia claims to the Cherokee lands.

But with what grace does this objection to Judge Clayton come from the friends of Judge Schley? They say that his opinions upon the subject of the digging of gold disqualifies him for a faithful representation of the State, yet they did believe that it did not disqualify him for the bench of the Western Circuit—for with unparalleled unanimity they voted for him in preference to Mr. Dougherty.—They are unwilling to send him to Congress, where, the digging of gold may never be agitated, yet they were willing to restore him to the bench, when his opinions would necessarily defeat the law of the State, making it penal to dig gold. Strange inconsistency this, which proves one of two things; either that they are insincere, heartless and designing, when they make the objection, or the purity of the Judge has wrung a high tribute of respect even from these his enemies and accusers. But enough of Judge Clayton, we submit his pretensions to a public, quick to discern merit, and prompt to reward it.

But what of Judge Schley, and what are his claims to your favor, and what are the opinions which he holds in reference to subjects of the most vital interest to the honor, and peace and dignity of our State? His talents are very moderate; but we could bear with his weakness, if his principles were pure. Honesty is more wanting in these days of political infidelity than mind. The organ of the party to which he is attached, (the Federal Union,) avowed some weeks since, that the present Governor was in favor of an immediate occupancy of the Cherokee lands, and that organ now tells you that it is important to have in Congress a man "who will ably and efficiently sustain the policy of the Governor in regard to our Western lands." Permit me to tell you, that this same organ would deceive you, either as to Mr. Lumpkin's policy in relation to the Western lands, or as to Judge Schley's opinions relative to the occupancy of the Cherokee lands. For Judge Schley is opposed to an immediate occupancy of those lands, and cannot therefore represent what they say is Mr. Lumpkin's policy. In proof of what are Judge Schley's opinions upon this subject, permit me to refer you to the Journals of the last Legislature. Examine them, and you will find that he voted against the proposition for immediate possession. Will the Republicans of Georgia vote for a man who believes that the Chief Justice of the Supreme Court of the United States has a right to interfere in the administration of our criminal laws? You are prepared with an indignant response in the negative.

Will the high minded and noble race of men, who are the People of Georgia, support a man for Congress, who believes that the Governor ought to respect and obey a process of the Supreme Court, served upon him, for the purpose of arresting the execution of the criminal laws of the land? You certainly would not. Will the enlightened constituency of Georgia give their suffrage to one, who believes that this State should so far compromise her sovereignty, as to become a party to a case before the Supreme Court, involving her sovereign rights? You would not—you cannot therefore vote for Judge Schley; for he does believe in the anti-republican principles contained in the above interrogatories. When the Governor's communication during the session of the last Legislature, relative to the

taion of the Chief Justice of the Supreme Court, in the case of the Indian, Tassels, was laid before the Legislature, a committee was appointed to take the matter into consideration. The committee reported the following resolutions, to wit:

“ Be it resolved by the Senate and House of Representatives of the State of Georgia in General Assembly met, That they view with feelings of the deepest 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 interference is a flagrant violation of her right.”

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

“ Resolved further, 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 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 cause 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 insure the full execution of the laws in the case of George Tassels, convicted of murder in Hall county.”

Upon the final vote upon these resolutions, the yeas and nays were taken, and the great body of the Legislature, of all parties, voted for them; a few gentlemen, ten only, voted against them, & among that number was Judge SCHLEY. Judge ye; whether or not, he entertains such opinions, as become a Representative of this State, in Congress.