

The following communication was received from the Governor, read and referred with the accompanying documents, to the joint Judiciary Committee:—

EXECUTIVE DEPARTMENT,
Milledgeville, Nov. 25, 1831.

To the Senate, and House of Representatives.

I submit to the General Assembly, for its consideration, copies of two communications received yesterday, purporting to be signed by Henry Baldwin, Esq. one of the Justices of the Supreme Court of the United States, and to be citations to the State of Georgia, to appear in the Supreme Court, of the second Monday in January next, to show cause before that tribunal, why two several judgments should not be set aside, which have been lately rendered in the Superior Court of the county of Gwinnett, against Samuel A. Worcester and Elizur Butler, for a violation of an existing law of the State, committed within its jurisdictional limits. Also a copy of a notice purporting to be signed by William Wirt and John Sergeant, as counsel for Samuel A. Worcester and Elizur Butler, informing me of an intended application to the Supreme Court, for a hearing on writs of error filed by those persons.

The obvious object of the proceedings to which the notice and these citations relate, is to call in question, and attempt to overthrow, that essential jurisdiction of the State, in criminal cases, which has been vested by our constitution, in the Superior Courts of the several counties of the State.

My respect for the Supreme Court of the United States as a fundamental department of the Federal Government, induces me to indulge the vain hope, that no mandate will ever proceed from that court, attempting or intending to control one of the sovereign States of this Union, in the free exercise of its constitutional, or civil jurisdiction. "The powers not delegated by the Constitution to the United States, nor prohibited by it to the States, are reserved to the States respectively." Such a control over our criminal jurisdiction, as these proceedings indict, it is believed, has not been delegated to the United States, and consequently cannot be acquiesced in or submitted to.

Any attempt to infringe the evident right of a State to govern the entire population within its territorial limits, and to punish all offences committed against its laws, within those limits, (due regard being had to the cases expressly excepted by the Constitution of the United States,) would be the usurpation of a power never granted by the States. Such an attempt, whenever made, will challenge the most determined resistance; and if persevered in, will inevitably eventuate in the annihilation of our beloved Union.

In exercising the duties of that department of government, which devolve on me, I will disregard all unconstitutional requisitions, of whatever character or origin they may be; and to the best of my abilities, will protect and defend the rights of the State, and use the means afforded to me, to maintain its laws and Constitution.

WILSON LUMPKIN.

(COPY.)

UNITED STATES OF AMERICA.

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 of January next, pursuant to a writ of error filed in the Clerk's office of the Superior Court for the county of Gwinnett in the State of Georgia, wherein Elizur Butler is plaintiff in error and the State of Georgia is defendant in error, to show cause if any there be, why judgment rendered against Elizur Butler 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 Henry Baldwin one of the Justices of the Supreme Court of the United States, this the twenty seventh day of October, in the year of our Lord, one thousand eight hundred and thirty one.

Signed, HENRY BALDWIN.

(COPY.)

Samuel A. Worcester Plif in Error, } In the Supreme Court
vs. } of the U. S.
The State of Georgia Defen. in Error. }
Elizur Butler Plaintiff in Error, } In the Supreme Court
vs. } of the U. S.
The State of Georgia Defen. in Error. }

SIR—You are requested to take notice, that on the part of the plaintiffs in error in these cases, application will be made to the Supreme Court of the United States for a hearing at their next session, immediately after the expiration of sixty days from the delivery to your Excellency of this notice.

We are respectfully, your most ob't servants.

Signed, WILLIAM WIRT,

JOHN SERGEANT,

Counsel of S. A. Worcester and E. Butler.

Philadelphia, Nov. 10, 1831.

His Excellency the Governor of Georgia.