

*John Howard Payne.*—We are glad to see that the Georgia Legislature have, with a spirit and promptness becoming the subject, taken notice of the recent unlawful and outrageous arrest of Mr. Payne by the Georgia Guard. The report of Mr. Clayton, chairman of the committee to whom the subject had been referred, is creditable to the magnanimity and sense of justice of the state. An extract from the report is subjoined.

The only testimony before your committee, relative to the arrest of Mr. Payne, will be found in the communication of his excellency William Schley of the 10th instant. In that communication, the Governor says —“I have received a communication, dated the first instant, from Col. Wm. N. Bishop the Commander of the Cherokee Guard, informing me that on his return from Milledgeville to Spring Place in November last, he found John Howard Payne, in custody of the Guard—“who say Col. Bishop, was found engaged in examining and writing papers, suspected of some design against the government.” This admission of the commander of the Guard, is sufficient of itself, to show the utter recklessness & want of authority, in the guard to make the arrest

The commander of the guard, says, in his letter to the Governor. "I have examined those papers and find some very improper and indiscreet statements in relation to the President, our government and state authorities and agents, both government and state agents, the Georgia Guard, &c—and many bitter remarks concerning the Cherokee matters; but finally concluded that they were not of such a nature as would justify his being bound over to answer for his offence in our Courts, I therefore, after keeping him a few days under guard, have discharged him." How long he was kept under guard before the arrival of Col. Bishop at Spring Place, your committee are uninformed. Yet it is evident to your committee that the instructions of the late Executive, to the Guard in this matter, were entirely disregarded, for the Governor's direct instructions were, that whenever individuals were arrested for offences committed against the laws of Georgia, they were immediately to be brought before the civil authorities, to be dealt with as the law directs. But the commander of the Guard says, after examining his papers and finding him guilty of no offence for which he was answerable in our Courts—"I," the commander of the Guard "kept him in custody a few days and then discharged him." Your committee would ask with feeling of mortification, why was he kept in custody ONE MINUTE, beyond the time, when it was ascertained he had committed no offence? Was it to punish him; for his "*indiscreet statements in relation to the Georgia Guard!*" Perhaps so. But in so doing, the Guard have violated every principle of the constitution, which guarantees, *liberty and equal rights* to the citizens of this country. They have jeopardized the character and reputation of the State of Georgia abroad, by this act of wanton and uncalled for Vandalism—And will bring down upon the people of State theine vitable and odious charge of inhospitality and cruelty to the stranger. Your committee conceive therefore, that the State of Georgia can only relieve herself from the obnoxious charges and denunciations that will be made upon her, by a firm decided, & unequivocal disapprobation of the conduct of the Guard in this matter, by the Representatives of the people in their Legislative capacity. The character and standing, which the State of Georgia has always held amongst her sister States, demands, that upon this subject, she should speak *firmly and quickly.*