

From the Standard of Union.

DEFEND YOUR CANDIDATE!—Judge Dougherty has been charged again and again, with voting to surrender the sovereignty of the State, into the hands of the President, and of recognizing the right of the Federal Government to invade the State with a military force to arrest her in the exercise of her most sacred rights; and when his friends are called on to defend him, they either stand mute, or refer us to Judge McDonald's vote in the Tassels case, and blazen out in their columns a portion of the proceedings on that question, very disingenuously withholding that portion which fully exculpates the Judge from voting against a proper exercise of State sovereignty. We allude to the substitute offered by Mr. Turner of Putnam, which we copy from the Journal of the House of Representatives, as follows:

“Mr. Turner offered the following as a substitute to said report, to wit:

“Whereas, the circumstances under which the citation to the State, from the Supreme Court of the United States in the case of Tassels, an Indian, convicted of murder, in the Superior Court of Hall county, are unfavorable to calm deliberation; and whereas, the General Assembly have confidence in the intelligence of the Executive and Judicial Departments of the Government of this State, into whose cognizance the case of Tassels will more immediately come:

Resolved, That the action of the General Assembly is deemed unnecessary at the present time, in the case of George Tassels aforesaid.”

Upon receiving this substitute, the vote stood for it eleven, against it sixty-two—Judge McDonald voting in its favor, from which it appears that he had full confidence in the Executive and Judicial Departments of the Government, to which he believed the cognizance of the Tassels case properly belonged, and so it did, and although we reported the Resolutions and supported their passage, we believed then, and still believe that the jurisdiction of the case belonged exclusively to those two Departments, but in common with the majority, having less faith in their energy than Judge McDonald, and the ten who voted with him, we were willing to encourage them and spur them on by an expression of our opinions, which at last, possessed no more binding force upon them, than if they had been adopted by an equal number of private individuals.

Who believes that the Legislature possesses the power to hang a man by resolution? No man in his sober senses; nor even by a statute. Let us ask if the Legislature should pass a law that a certain individual should be hanged, does any body believe it would be enforced? no; and yet the whigs would make the impression that Tassels was executed under the resolutions, and that if they had not passed, he would have escaped unpunished, and the sovereignty of the State would not have been sustained. That will not go down.—But suppose the Legislature had not been in session at the time the citation was served upon Gov. Gilmer? What would he have done, and what would Judge Clayton have done? We cannot tell what answer their State Rights friends will make to the question, but we have the answer of Judge McDonald. He says, I have full confidence in those Departments, and full faith that they will execute the law; and if his confidence was not misplaced, Tassels would have been as effectually hanged without the expression of Legislative opinion, as he was with it; and if he had not been, those two functionaries would have been very fit subjects of impeachment.—

Our deliberate opinion is, that they would have done their duty; that Tassels would have been executed, and that Judge McDonald was right in the confidence which he expressed, whatever opinions might have been then entertained under the peculiar excitement of the times; and if Judge McDonald could be made to suffer for his course upon the question, it would be rather cruel that it should come from the hands of Gov. Gilmer's and Judge Clayton's friends, and that too, for his implicit confidence in them as public officers.

All we ask of the whig papers is, when they talk about the Tassels case, to publish the whole of the proceedings, from which it will appear manifest that if Judge McDonald was to blame at all, it was only for placing too much confidence in the Executive and Judiciary Departments of the Government.

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