

STATE OF GEORGIA.

The Superior Court, September, 1850. This Term.

George Tassels.

By the Commission of Judges.—This is a very grave and important question, which probably never would have been submitted to judicial investigation, but for the political, party and fanatical feeling excited during the last session of Congress. When the Indians attending at Washington last winter, and their advocates discovered that the decision of the two Houses would be unfavorable to them, the idea of bringing the question before the Supreme Court was suggested and eagerly seized upon by the deputation of the Cherokee. In consequence of that determination, it is presumed that the plea now under consideration has been interposed. The manner however in which this plea has been interposed ought not, and it is presumed, will have no influence upon its decision.

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Again, the relation existing between the Cherokee Indians and the State of Georgia, was that of pupillage. No treaty between the United States and the Cherokee could change that relation, could confer upon them the power of independent self-government. If there are any clauses in any of the compacts between the United States and the Cherokee Indians (miscalled treaties) which give to those Indians the right of independent self-government, they are simply void and cannot, and ought not to be permitted to throw any obstacle in the way of the operation of the act of Georgia, extending jurisdiction over the country in the occupancy of the Cherokee Indians. But it may be urged, that the State of Georgia has neglected for a period of fifty years to exercise its jurisdiction over the Cherokee Indians, it is barred by the lapse of time, from exercising it now. It might be deemed a sufficient reply to this objection, to cite the maxim of "Nullum Tempus" which has been determined in the Courts of this State and as far as is known to this Convention, by all the States to apply to the State Government of Great Britain. But this Convention will not rest its plea upon this maxim, because a more intelligible and satisfactory reason can be readily given. When America was first discovered, as has been shown in the decision of Johnson vs. McIntosh, discovery was considered equivalent to conquest. It became therefore the duty of the discovering, or conquering nation to make some provision for the aborigines who were a savage race and of inferior intellect. In ordinary conquests one of the conquered people and became a part of the State. The habits, manners, and imbecile intellect of the Indians opposed impracticable barriers to either of these modes of procedure. They could neither sink into the common mass of their discoverers or conquerors, or be governed as a separate dependent people. They were judged incapable of complying with the obligations which the laws of civilized society imposed, or being subjected to any code of laws which could be derived from a civilized society. Humanity therefore required that they should be permitted to live according to their customs and manners; and that they should be protected in their existence, under those customs and usages, as long as they chose to adhere to them. But the Cherokee now say they have advanced in civilization, and are now formed for themselves, a regular government. They demand the influence of the laws of a civilized State, of the State of Georgia to forbid the exercise over them and which vested in Georgia, no longer exists, if the Cherokee or their Council are to be believed. The State of Georgia is imperiously called upon to exercise its legitimate powers over the Cherokee Territory.—Indeed it is made a condition of the title to a territory, that there be no jurisdiction over that territory, yet it has no right to exercise jurisdiction over the persons of the Cherokee Indians who reside upon the territory. Such a condition would present a more strange anomaly than that of a government having no jurisdiction over a territory of which it is seized in fee.

Foreign Intelligence. NEW-YORK, Dec. 27. HIGHLY IMPORTANT. TWENTY-THREE DAYS LATER FROM ENGLAND! Since their last publication, the Editors of the Commercial Advertiser have received copious files of London and Paris papers, the former to the 23d of November, and the latter to the 18th of the same month, with Shipping Lists, France Current, &c. These papers were brought by the packets, to wit: York, Burley, from Liverpool, sailed November 18. Charlemagne, Robinson, from Havre, sailed from Portsmouth 23d of November, and brings the latest advices. POLITICAL REVOLUTION IN ENGLAND! The Genius of Reform has shaken his wand over Great Britain, and the Duke of Wellington and his irrepressible forms of public opinion. And if the rumors, as to the formation of a new Ministry prove correct, the Whigs have at last obtained full possession of the strong hold of patronage, power, and privilege. The following extracts from the proceedings of the two Houses of Parliament, of 16th of November, contain the official announcements of the resignation of the Wellington Ministers.— HOUSE OF LORDS.—Tuesday, Nov. 16. Their Lordships met in considerable numbers at a quarter before 5, and several members of the House of Commons appeared under the throne. The Ministerial bench was vacant until the Lord Chancellor occupied the Woolsack, when the Duke of Wellington, Earl Bessborough, and the Earl of Rosely, took their usual places. After the presentation of a few petitions against negro slavery. The Duke of Wellington advanced to the table and said—"I think it proper to acquaint your Lordships, that in consequence of what occurred last night in the House of Commons, I have felt it to be my duty to wait on His Majesty, and to tender my resignation of the office which I had the honor to hold.—My Lords, His Majesty has signified his pleasure to accept of that resignation, and I now only hold the office until my successor be appointed." The Duke after pronouncing these few words, which were heard with marked attention, resumed his seat for a few minutes, and then withdrew. The Earl of Aberdeen, who had entered the House after the explanation of the Duke of Wellington, was occupied in conversation some time with the Lord Chancellor. Adjourned at half past five.

Therefore the report that the citadel had been evacuated is untrue. London, Nov. 13.—Information has this day been received by His Majesty's Government from his Majesty's Ambassador at the Hague that in pursuance of a Decree of His Majesty the King of the Netherlands, dated the 7th inst. the King of the King of the Netherlands, belonging to the province of West Flanders, with the ports of the same, including those of Antwerp and Ghent, are declared to be in a state of blockade. Brussels, Nov. 10.—M. M. Breen and Cartwright have arrived from London; they were presented to the Provisional Government to whom they communicated the list of resolutions of the Ministers of the five Great Powers united in London.— That the Congress of Ambassadors united in London declared in their first Sitting— First.—That Belgium is separated from Holland. Second.—That Belgium is to be an independent State. Third.—That the Belgians are to choose their future Sovereign amongst the Nassau family; but their refusal shall not be an obstacle to the preservation of Peace. Fourth.—That the Envoy of the Provisional Government shall be admitted to the conference. Fifth.—That a Republican Government shall be excluded from Belgium. Breen and Cartwright, it appears were also charged to procure an armistice. Capt. Robinson of the ship Charlemagne, informs that Mr. Surruirer, the new Minister to the U. States with his family and suite were to embark in the ship Philip I. which was to sail 10th Dec. from Havre for New York. Mr. Jastier, grand son of Gen. Lafayette, was attached to the Embassy Secretary of War Minister to this country several years ago during the imperial government. Gen. Lafayette, notwithstanding his numerous avocations, enjoyed excellent health; the restoration of liberty to his country appears to have reanimated him. Reported War in Europe. EIGHT DAYS LATER FROM ENGLAND. By the packet ship Columbia, Captain Delano, from London, the Editors of the N. Y. Commercial Advertiser have received their regular files of London papers to the evening of the 30th of November, inclusive, with Prices Currents, Shipping Lists, &c. of the same date. A letter from London of the 29th November, says, "our Corn Market shows strong symptoms of activity. American Flour in bond, is saleable at 2s, and none offering at that price. Wheat is still more in favor at 3s a 5 1/2 per qr. The prospect is, that large importations will be wanted from the United States." The storm is fast gathering, and the muttering thunder begins to be heard in the distance. It may pass over without breaking forth; but the chance are more than two to one, that there will be a GENERAL WAR IN EUROPE. We insert a letter below, from Paris, Nov. 23, which breathes nothing but war. A letter from the Emperor of Russia to the King of the French, of an insulting character, is referred to, of which, however, we have no satisfactory particulars. If it be true that the Emperor has written such a letter, it is a dark omen. At all events, the indications are such that France is in a contest. And if the accounts from Russia be true, the former has cause for assuming a formidable defensive attitude. By the following article from St. Petersburg, it will be seen that Russia is collecting her forces, and that they are to be led by the victor of the Balkan, General Count Diebitzsch. From the Frontiers of Russia, Nov. 9.—Field Marshal Count Diebitzsch is expected on the frontiers of Poland, to review the troops coming from the interior, and to order the necessary measures for their containment and subsistence. He will afterwards return to Berlin, where he has been for some time on an extraordinary mission. It is affirmed, that the troops ordered to the frontiers will be of the number of 300,000 men, with 400 pieces of cannon. There are to be seven corps, including the Prussian army. The display of so great a military force, can be looked upon as no more than a very serious demonstration, in case the affairs of the West should take a turn dangerous to the rest of Europe. Almost the whole Russian army in the interior of the country is in motion, and occupies the garrison towns which are left by the troops assembling on the frontiers. Should the army be ordered to take the field, it will be under the command of Count Diebitzsch. The further continuance of peace will depend on the negotiations in London, and the conduct of the French Government. We know that the King of the French and his counselors hitherto desire nothing more earnestly than to remain on good terms with other countries, and that as far as depends on them the Belgian insurgents, whose proceedings chiefly endanger the existing amicable arrangements, and even hazard the existing tranquility of France itself, have no aid to expect from their present government. But the giving room for such a scarcely formed government which has created such apprehensions that the nation may jar on interests, and in which there are so many jarring interests, and elements of disorder, may compel it to take part with the Belgians, as soon as the powers should find it necessary to declare for an armed intervention in their affairs. All this, it is hoped, will soon be cleared up. The London Courier of November 30, refuses implicit confidence in this intelligence and intimates, that the apprehensions prevailing in Paris at the last advices, were without sufficient cause. We quote the following article:—"The German papers which arrived this morning, state that a Russian army of 200,000 men, divided into seven corps, are now pieces of cannon, assembling on the frontier; but it is declared that the object is merely to make a demonstration for the purpose of maintaining peace. That may be true; but after the experience of the Cuban Sanitary, we do not place much faith in the pacific assurances which are connected with warlike preparations; besides, it is even admitted that the continuance of peace will depend upon certain conditions in London and guarantees for the good behaviour of the French government. The French however, are not idle, a large army will soon be ready for the field, and the first hostile demonstration against Belgium will be the signal for pouring masses of enthusiastic Frenchmen into Italy, and overthrowing Austria. We do not believe that the Emperor of Russia and his immediate Allies will tempt the chance of such a contest. The command of the Russian army is entrusted to Count Diebitzsch, an officer who displayed great would be overwhelmed by any one of hundreds of the old French army. The funds at Vienna are very heavy. The Metallurgies have been as low as 804, but on the 15th they were 814, and the bank stock at 1054.

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