

The Apportionment Bill was taken up, and Mr. Webster having withdrawn the amendment previously offered by him moved another, varying particularly from the former, by allowing the State of Maine a representative for her fraction, and making the whole number of representatives 256; this amendment, he supported in a speech of considerable length. Mr. Forsyth moved to strike out that part of the amendment, which allows representatives for fractions; and upon this motion, the debate was continued. Mr. Tazewell, Mr. Sprague, Mr. Webster and Mr. Clayton taking part therein. Mr. Clayton has the floor for this day.

In the House of Representatives, the discussion of the resolution for the appointment of a Select Committee to examine the affairs of the Bank of the United States, was resumed. Messrs Root, Crawford, Evans, of Me. and Beardsley, severally addressed the House. The former gentleman proposed as an amendment, that the Select Committee should be chosen by ballot. At four o'clock, Mr. Beardsley gave way to a motion for an adjournment, and is entitled to the floor to-day.

#### THE UNION.

We find the following extract of a letter in the *Wheeling Gazette*, and believe it to be from the pen of a member of Congress:

#### IMPORTANT DECISION.

Extract of a letter to a gentleman in this place, dated

WASHINGTON, MARCH 4.

"Yesterday the Georgia case was decided. The Supreme Court delivered, perhaps, one of the most luminous opinions that ever came from an earthly tribunal. The decision is, that the laws of Georgia for extending her jurisdiction over the Cherokee nation are unconstitutional and void—that Georgia can pass no laws affecting the Cherokee nation nor their lands—that no citizen of that nor any other State has a right to cross the Indian line without their consent, and that the judgement of the Superior Court of Georgia is a nullity.

"Whether Georgia will resist—and if she does, whether the President will sustain the Court and enforce its judgment, as Madison did, when Pennsylvania rebelled, is yet to be seen. This is one of the most important decisions the Court ever made. There are those, and patriots too, who fear the President will refuse and that the affairs of the Union of course are drawing to a close."

Though we cannot admit that the decision is one of the most luminous that ever came from an earthly tribunal—we concede it is one of the most important decisions the Court ever made."

The important inquiry is not "whether the President will sustain the Court and enforce its judgment?"—but WHAT WILL BE THE BEARING AND ULTIMATE OPERATION OF THE DECISION?

We may commiserate the condition of the missionaries; we may condemn the rash—or if gentlemen please—the cruel policy of Georgia—but let us be cautious how we indulge the generous impulses of our nature; let us beware how we commingle our sympathies for the immured ministers of the gospel, with considerations affecting our forms of government, our freedom and our Union.

Within the last few days we have heard more than one of our fellow citizens express a willingness to take up arms against Georgia, should she fail to yield obedience to the mandate of the Supreme Court. Such exclamations are inconsistent and in politics. Let us first discuss the character and scope of the decision; let us be satisfied that it accords with the letter and spirit of our constitutions; let us be convinced that it does not go too far, before we declare ourselves ready to enforce it at the point of the bayonet.

Georgia is a member of the Confederacy—one of the "Old Thirteen States" that achieved our independence. In the late war, she was as true as she proved herself in the revolutionary conflict. She has not only been patriotic but generous. At the request of her sister States, through Congress, she gave up the territory now constituting the States of Mississippi and Alabama, to assist in paying off the debt of the revolution—in return for which she only required that the title of the Cherokee title to that portion of their hunting ground lying within the acknowledged limits of Georgia, should be extinguished by the general government. Two States have been formed out of territory that belonged to Georgia. From sales of lands once possessed by her, the nation has realized MILLIONS—yet we have failed, for thirty years, to extinguish the Cherokee title to the slip of land they occupy in Georgia. We refer to these facts to demonstrate that the complaints of Georgia are far from being groundless, and that the impatience manifested by her cannot be considered natural. Yet, in her efforts to obtain her rights—to urge or enforce a compliance, on the part of the federal government, with the spirit of the compact of 1802—Georgia may have acted rashly and improperly. She may have put herself in the wrong—but, if that be true, it does not follow that war ought to be waged against her; or that the President is bound to enforce the decision of the Court, by force. Blood should not be hastily shed—particularly that of the inhabitants of a sister State.

If driven to extremities, Georgia will not stand alone. At the late session of

the Legislature of Alabama the following resolutions were adopted:

"Resolved by the Senate and House of Representatives of the State of Alabama, in General Assembly convened, That this State recognizes a power in no one to dispossess white persons who have, or may settle on any lands known as Indian Territory, not occupied by any Indian or Indians.

Resolved, That all the territory within the boundaries, assigned by the United States, and accepted by the Convention of Alabama, as the boundary line of this State, is within the ordinary jurisdiction thereof, and subject to all its laws, civil and criminal.

Resolved, That any exercise of jurisdiction, on the part of the United States, by their courts or otherwise, over any portion of territory aforesaid, in the possession of any Indian tribe, which it could not constitutionally and legally exercise over that portion of territory which is in the possession of the citizens of this State, is an usurpation of power on the part of the United States."

The doctrine avowed in the two last of these resolutions will probably be asserted by Mississippi, Tennessee, North Carolina, South Carolina, Virginia, New York, Ohio, Indiana, Illinois, Missouri, New Hampshire and Maine, as well as Georgia and Alabama; and we shall be deceived if the assertion of the Supreme Court, that the Indian tribes, within the States, are so many independent States or Nations, will be sanctioned by any four of the States of this confederacy. We also believe that more than three fourths of the States will deny to the Supreme Federal Court general appellate jurisdiction in criminal cases.

Congress is only clothed with power to provide for the punishment of counterfeiting, the securities and current coin of the U. States—and to pass laws to define and punish piracies and felonies committed on the high seas, and offences against the law of nations? The criminal code of the federal government can extend thus far, and no farther; and the jurisdiction of the federal court cannot extend beyond the sphere of the powers conferred on the general government to provide for the punishment of crimes.

But, we are engaging in a discussion for which we are not now prepared, and which was not intended when we sat down to write this article. Our object was to call on those who value the Union to act with discretion and caution. The decision of the Supreme Court is a momentous one. It involves much more than meets the eye, and ought to be patiently investigated and thoroughly understood before we pronounce it right or wrong—certainly before we proceed to enforce or oppose it, by an appeal to arms.

Whether the President will or will not sustain the Court and enforce its judgment, is the only question that will be asked by the factious—though it is really a question of little or no importance. The Court must be sustained, as the other departments of our free government are sustained, by moral power—by the force of public opinion. If her decision be correct—if it accords with the constitution of the general government—if it leaves the reserved rights of the States untouched, and exerts a legitimate federal power—if its tendency is neither to effect nor to consecrate usurpation, it will be sustained by the moral power of the nation, whatever may be the individual opinion of the President. On the other hand, if it invades the rights of a State; if it be found to be calculated to add to the powers of the federal government; if it shall be deemed hostile to the principle of limited government, we feel confident it will, in due season, be successfully resisted by the moral power on which all free institutions rest.

Those who view the Supreme Federal Court as an "ultimate arbiter," contented to decide questions of power, seem to us to have mistaken the character of our institutions. Here, all power emanates from the people; and it is the province of those who confer the powers of government, to determine to what extent they shall be exercised by the State or federal authorities. Georgia and the federal judiciary are at issue on a question of power: "whether a State can extend her laws over all the territory within her limits." This question can, we believe, only be decided by moral or physical force. We concur in the opinion lately expressed by Mr. Clay, that "the great principle, which lies at the foundation of all free government, is, that the majority must govern; from which there is or can be no appeal but to the sword." A judicial tribunal may express its opinion on a question of power, but cannot finally decide it. Such questions can only be settled by the influence of public opinion, or by an appeal to arms.

We are not prepared for the "dernier resort," nor shall we be prepared for it, even if Georgia shall fail to yield obedience to the mandate of the Court. The factions may be clamorous for blood—they may cry "havoc!" and call on the President "to let slip the dogs of war;" but we shall appeal to the intelligence and patriotism of the people—to those who can, by the same agency, reduce a State to submission to the laws, reverse the decision of a Court, or change the policy or forms of governments they have instituted.

The law of Georgia may not be constitutional. The clause requiring citizens to swear allegiance to Georgia, may

be at war with the principles of the federal constitution, as it seems to be based on the hypothesis that a State may require allegiance from residents or citizens without regard to that which may be due to the federal government or to other States. But, if we concede this, it does not follow that State laws, which do not conflict with the federal constitution, may not be extended over all persons residing within the acknowledged limits of the States.

In the enactment of the law pronounced unconstitutional, Georgia may have run to one extreme—but, has not the Court proceeded to the opposite extreme, by pronouncing the Cherokees a sovereign and independent foreign State, and declaring that a State of this Union, cannot extend her laws (whether constitutional or not) over all persons within her limits?

We admit that the decision under consideration is well calculated to test the strength of the Union. It presents to the American people several questions of the most grave and momentous character—on the decision of which the future destiny of our institutions, State and National, will be found to depend.—The following may be regarded as among the most important of the questions that are presented by the decision to the consideration of the American people:

1. Is the federal government authorized to make treaties with the States of this Union, or with a portion of the population of any one of those States?

2. Do a portion of the Cherokees reside within the limits of Georgia—and if so, has she ever consented to be deprived of that portion of her territory now occupied by the Cherokees?

3. Was not Georgia, before she entered into the Union, a sovereign and independent State?

4. Had not Georgia a right to designate her present western boundary, and was it not designated, with the consent and approbation of the general government, when Georgia ceded the territory now constituting Alabama and Mississippi to the United States?

5. Can the powers of the general government be enlarged or extended by treaty stipulations, instead of amendments to the constitution?

6. Is state sovereignty worth preserving—can it be said to exist—if a state be denied the right to extend her civil and criminal laws, (enacted under her reserved rights,) over all persons within her limits?

7. If the Indian Tribes are independent States or Nations, may they not open their ports to foreign commerce, and derive from imports the means of supporting their respective governments?—and may not ad valorem duties of two or three per cent be deemed sufficient to protect their manufactures and yield adequate revenue for the support of their governments?

We shall resume this subject. The questions propounded, may lead to temperate inquiry and candid discussion, which are obviously demanded by their importance and the critical condition of the confederacy.

We have already quoted (says the Louisiana Advertiser,) the opinions of the English papers respecting the late Message of the President to Congress. We have translated for our paper of to day the following from a Paris journal: From the National

PARIS, Dec. 31.

The Message of the President of the United States, from which we have made a large extract, is the best answer to the false assertion that an American republican pays a greater amount of taxes than a French citizen. President Jackson announces that the fourth year of his administration will witness the complete extinction of the national debt.—The American government will be the only one in both hemispheres that has not made the system of loans a cruel deception, and that has really paid its debts. All the others, without exception, are hastening to bankruptcy.

The Message of President Jackson is not distinguished like those of his predecessors, by high-sounding suggestions, and extreme refinement of language. It is a plain, unvarnished statement, without pretension and trick.—Happy a country where the truth is so clear to the eyes of all as to render useless those rhetorical artifices which, with our statesmen, are of indispensable usage. Some will pretend that the American Union counts as nothing in the affairs of the world, and that this pretended great nation is only rough cast. In this nation, power is confounded with the occasions which should give it cause to show itself. The United States have not mingled in the contests which have agitated Europe; but let them be drawn upon the theatre of the old world, and they would exhibit the strength of a population nearly equal to that of England—of a credit which cannot be estimated; of a navy which is the second in the world, and in some respects, the first. All these have grown with wonderful rapidity in the new world, without the aid of civil lists, and an aristocracy of high functionaries—of officers without command; of pensioners of every dynasty, who have been the ruin of the most favored nations on this side of the Atlantic.

Frequently have the defamers of the American government exclaimed, "Only let Jackson arrive at the presidency—a more soldier—a kill-devil—and you will

soon see the country convulsed with civil war." Already have three years of Jackson's administration elapsed, and the Union never enjoyed more profound tranquility. There is, no doubt, a party hostile to Jackson, who would prefer his opponent; but this party does not on that account wish for a revolution; it does not expect to triumph thro' force or accident—but from the legal and regular course of things. The presidential term having passed, that party will appear at the elections with all the energy of its hopes. If Jackson shall be found wanting to the expectations of his country, he will not be re-elected. His adversaries, if they succeed, will have an opportunity of showing whether or not, they are capable of governing the nation.

It has been said that it is impossible for a government to pursue a steady system of policy with such continual changes of men. What government, nevertheless, has been so unwavering in its policy and its measures, as that of the United States, during the last forty years? Washington, Adams, Jefferson, Madison, Monroe, the younger Adams, and Jackson, have successively managed the affairs of the Republic in the same space of time that the royalty of Bonaparte succeeded to that of Louis the 16th—royalty restored to that of the imperial regime, and finally, royalty elected to royalty legitimate. Here we have five Presidents, who have remained religiously faithful to the same political principles, contrasted with three or four monarchs, who have each in his turn placed one another beyond the pale of the law, and destroyed, in succession, the labors of their predecessors. On which side is there the greatest consistency?—On the side of the royal rulers who have pilaged France for the last forty years, or on the side of those successive presidents, the last of whom, in the course of the next year, will behold the extinction of the national debt, contracted to sustain the war of independence? What aristocracy will dare to compare itself for faithful and persevering adherence to the maxims of national policy, to that great political family, whose fathers have governed their counsels from WASHINGTON to JACKSON?

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Marriages and Deaths for the week. Law Reports.—The most prominent cases in all the courts will be faithfully reported;

reporters are regularly employed to furnish every thing interesting that transpires.

The Saturday Bulletin has been established about five years; and during that period, the patronage has been great beyond all parallel in the history of American newspapers. Five thousand subscribers are a sufficient recommendation to its merits. No Gazette, in fact, could be offered with more confidence to the country resident. Numerous able writers assist the Editor in furnishing a larger amount of interesting original matter than is published in any other periodical of the kind; and nearly \$1000 are annually paid by the Editor to writers for this paper. A few numbers of the paper will be sent to any person who may be desirous of examining its pretensions, on application, free of postage, to the Editor. The extensive improvements made in the size and quality of the Bulletin on the 1st of January, 1832, can be compensated only by an increase of subscribers; and in order to induce gentlemen at a distance, as well as those in the city, to promote its circulation, the Editor offers the following

#### PREMIUMS.

1. Any person forwarding five subscribers and a year's subscription, shall receive the paper free for himself, so long as the five continue.—2. Any person forwarding ten subscribers and a year's subscription, shall receive a copy of the *Life of Napoleon*, beautifully bound, in two volumes, or any other work of equal value which may be desired. These books will be forwarded with care, in the manner directed by the owner. ADDRESS THE EDITOR.

47 Subscriptions received at this office.

#### LAND FOR SALE

In Illinois, in the Military Tract.

The south half of Sec. 2, T 9 N 1 west North-west Qr. 10, T 1 S 5 west, North-east Qr. 21, T 6 N 3 west, North-west Qr. 36, T 7 N 5 west, North-east Qr. 15, T 9 N 3 east.

The above LANDS are in the neighborhood of good settlements. The North-east of 21 lies within 43 miles of Maconb, the county seat of McDonough.

ALSO 400 acres, No. 231, in Indiana, 14 miles from Vincennes, on the road to Indianapolis. There will be an indisputable title given for any of the above lands.

The above mentioned lands will be exchanged for lands in the neighbourhood of Vincennes, or good HORSES, at a reasonable price. The land is well timbered and watered, with large prairie near.

N. SMITH, Vincennes, January 21, 1832. 50—1f

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It will, of course be understood that all articles submitted for these premiums will be absolutely at the disposal of the publishers.

The publication of the Tales and poems will be commenced immediately after the award is made.

Editors of papers exchanging with the Lady's Book, and others friendly to the promotion of Literature, are requested to give the above a few insertions in their respective papers.

December 24—46

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#### ANOR County,

PROBATE COURT,

February Term, 1832.

AND now at this time came John McGiffin, adm'r of Nathan Webb, deceased, and filed his complaint, suggesting to the court here, the insufficiency of the estate of said Nathan Webb to pay the debts and demands outstanding against said estate, and praying generally for relief. It is therefore ordered by the court, That the creditors of said estate be notified of the filing and pendency of said complaint, by publication six weeks successively in the Western Sun. And further, unless the creditors of said estate notify said administrator of the existence and extent of their respective claims, by filing the same, or a statement of the nature, description and date of the contract or assumption, upon which the same may be founded, in the office of the Clerk of the Probate court, previous to the next term of this court, at which time a final distribution of the assets of the said deceased estate will be made, such claims will be postponed.

Attest, D. C. JOHNSON, Clerk.

Feb. 29, 1832. 4—6w.

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