on the subject. And it is apparent from M'Intosh's letters "no matter how procured" (I will offer no apology for making use of your Excellency's pregnant phrase.) or by whom written, that he himself considered the permission to survey as merely conditional. But I contend that neither General M'Intosh nor his vassal Chiefs, had any right to give such permission; for the treaty "no matter how procured" had become a law of the land: —its provisions could not therefore be changed or rendered inoperative by any correspondence or any subsequent agreement between your Excellency and any part of the whole of the individuals of one of the contracting parties, without the consent of the other. The treaty makes it our duty to protect the Indians against the whites and all others. To protect them from the whites, it is necessary and proper that we should maintain the usual line of the demarcation between them and the whites. I am charged with their protection. To accomplish this important duty my first object has been to take effectual measures to prevent all intercourse between them and the whites, excepting only such as is sanctioned by the laws of the United States.

You say "I very well know that from the late events which have transpired under the eyes of the Commissioners of Georgia, that the oath of a Gov. of Georgia may be permitted to pass for nothing, and that any vagabond of the Indian country may be put in requisition to discredit him, but I assure you sir, if that oath should not weigh a single feather with your Government it will weigh with the people of this state, who so far as I have knowledge of their history, have never yet refused credence to the word of their Chief Magistrate."

To this apparently very serious, but certainly very vague charge, I cannot undertake to reply until you do me the favour to give me some specification of the matters of fact to which you have reference. I will however take this occasion to remark that whatever statements you may have received in support of the insinuation apparently contained in your letter, that I have called in question or ever put any person in requisition to call in question, the oath, or the word, of a Governor of Georgia, during his continuance in office, is wholly destitute of truth. I have indeed belived, & have expressed to you my belief that you have been greatly deceived by persons in whose honour you placed reliance, but who were unworthy your confidence.

But I am by no means disposed to yield even my tacit assent to the high toned rule of English law which your remarks just now quoted call to mind, that "the King can do no wrong." Truth is a divine attribute and the foundation of every virtue. "Truth is the basis of all excellence." This inestimable moral treasure, truth, is to be found in cottage as well as in the palace, at the plough as well as at the official bureau of state. Many of the unfortunate wanderers of the wilderness and its borders are firm votaries of truth as any men I have ever known.—Some of them who have been unfortunate, and whose regard to truth and honesty induced them to give up the last dollar justly due to their creditors, had they regarded money a little more, and truth a little less, might have failed full handed, and now instead of being reduced to the condition of despised poverty, would wanton in the luxuries of plundered wealth. It is no longer possible in America to make freemen believe that *"the King (or he who governs) can do no wrong."*

The enlightened citizens of the republic having long since found it fruitless to look for angels in the form of men to govern them, know full well how to discriminate between the high office, and the man who fills it. Your Excellency, will, I doubt not, always receive a degree of respect proportioned at least to that which you are wont to bestow on other men in office: more than this could not be expected—less than this would not be just. That a great part of the citizens of Georgia are magnanimous, just, generous and chivalric, I well know—and that they are disposed to do justice to their chief magistrate I am equally convinced: nor can I doubt that they will do equal justice to their United States, as well as to their state officers, I rely upon the wisdom and justice, and patriotism of at least nine tenths of those with whom I have the pleasure of an acquaintance—many of whom are cultivators of the land; to which class, in this and every other state of the republic, I look up with confident pleasure and pride, as they form the adamantine pillars of the Union; against which the angry vapouring paper squibs of the little and the great demagogues, of all countries, may continue to be hurled for hundreds of centuries without endangering the noble edifice; this beloved monument of American wisdom and valour and virtue, will stand unshaken, when the disturbers of its infantile repose will be remembered only to be pitied or execrated.

The good people of Georgia I am well aware are anxious to obtain possession of the land upon their western border; but they would abhor the idea of fraudulent or lawless means being resorted to, to treat for, or after treating to obtain possession of it, before the time authorized by treaty—and I am convinced that the President of the United States is as sincerely desirous as any upright citizen of Georgia can be, that the Indian claims to the land within her limits should be speedily extinguished; and that the Indians should remove therefrom as soon as they can justly be required to remove —But he owes them protection and justice.

It is not to be denied that there is in Georgia, as well as every other state, a small class of men who like the "holy alliance" profess to employ themselves in the laudable work of enlightening and governing all other classes of the community; but whose labours consist of vain and "daring efforts" to prove that the light of truth is to be found only with the party to which they themselves respectively belong; and that all others go wrong. If you will take the trouble to read the newspaper essays with which the presses have been teeming for some years past, you will find that many of the essayists have had the hardihood to "refuse credence to the word of their chief magistrate" and yet we have no reason to despair of the Republic.

You say "I do not like the complexion of things at all, as disclosed by the commissioners on the part of the state, and I sincerely hope (you add) that you may never have cause to regret the part that you have taken in them.' Permit me then sir, to conclude with a sincere hope that the commisioners with whose report I am thus menaced, may prove by their conduct that they belong not to the aforementioned one sided enlightening class Should their report be found to contain the truth, the whole truth, and nothing but the truth, your Excellency may dismiss your apprehensions on my account, as I have nothing to apprehend. But if their report is not true, I can only say that the tongue and the pen of calumny can never move me from the path of duty, nor ever make me regret the course pursued by me in respect to the Indians, or the commissioners, the State or the United States.

In rendering to your Excellency my acknowledgments for the "pre possessions" in my favour of which you speak, and which you say would have given you "pleasure to cherish in behalf of an officer, who had rendered signal services to his country," permit me to observe, that the approbation of my countrymen is more dear to me than any earthly treasure they could bestow, save that of an assured devotion to the republic—If indeed it be in my power to win that approbation by a faithful discharge of my duty, as a public officer, and as an honest man; I have long endeavoured thus to win it; my best efforts are constantly exerted to ascertain the direct and popular course of duty, prescribed by law, justice and honor, and to pursue that course without any regard to consequences. I have seen of late with regret, that it is scarcely possible for an officer of the general government, to differ from you in opinion, without incurring your uncourteous animadversion, or your acrimonious censure—neither of which shall ever induce me to forget what is due to the venerated station which you fill and the relation in which you stand to the general government.

Wishing you health and respect, I have the honour to be,

EDMUND PENDLETON GAINES.
Major General Commanding.

To His Excellency George M. Troup,
Governor of Georgia.

The Fayetteville Observer says that, previous to leaving Milledgeville, Major Andrews reinstated Col. Crowell, the Indian Agent, in office, from which he had been suspended, the evidence produced not sustaining any of the charges brought against him but making his good conduct as agent apparent.

A certain cure for the Asthma or Phthisic—viz.

One ounce of senna; one do. of sulphur; one do. of spermaceti, one do. of cream of tartar; half do. of anniseed; All the above to be put in a mortar and pounded fine.—One teaspoonful of the powder taken in a table spoonful of molasses three nights in succession, just before going to bed. The above, the writer has never known to fail.

THE NAVAL COURT-MARTIAL.

CAPTAIN PORTER,

Has been found guilty by the Court Martial, and sentenced to be SUSPENDED for the term of six months, which sentence has been approved by the President of the U. S. The following is extracted from the proceedings of the court:

Charges and Specifications exhibited against David Porter, Esq. a Captain in the Navy of the United States.

CHARGE 1st.

Disobedience of orders, and conduct unbecoming an officer

SPECIFICATION.—For that he, the said David Porter, being in command of the Naval forces of the United States, in the West India Seas, Gulf of Mexico, &c. did, on or about the fourteenth day of November, in the year of our Lord one thousand eight hundred and twenty four, with a part of said Naval forces, land on the Island of Porto Rico, in the dominions of his Catholic Majesty the King of Spain, then and still in amity and at peace with the United States, in a forcible and hostile manner, and in military array, and did then, and there, commit divers acts of hostility against the subjects and property of the said King of Spain, in contravention of the Constitution of the U. States, and of the Laws of Nations, and in violation of the instructions from the Government of the United States to him the said David Porter.

CHARGE 2nd.

Insubordinate conduct, and conduct unbecoming an officer.

SPECIFICATION 1st. For that he, the said David Porter, did write and transmit to the President of the United States, a letter of an insubordinate and disrespectful character, to wit, on the seventeenth day of April in the year of our Lord 1825; and did also write and transmit to the Secretary of the Navy, at sundry times hereinafter particularly mentioned, various letters of an insubordinate and disrespectful character, viz: on the thirtieth day of January, the sixteenth day of March, the thirteenth day of April, and the fourteenth day of June, all in the year of our Lord one thousand eight hundred and twenty five, there by violating the respect due from every officer in the Navy to the Head of the Department, impairing the discipline of the service, and setting a most dangerous and pernicious example.

SPECIFICATION 2nd For that he, the said David Porter, after a Court of Enquiry had been convened and directed to investigate, and make report of the facts, in relation to the matters embraced in the specification of the first charge, and after such court had terminated its inquiries, and had transmitted its report to the secretary of the Navy, & before the executive had published or authorized the publication of the proceedings of said Court, did publish, or cause to be published a pamphlet purporting to contain the proceedings of the said Gourt of Enquiry.

Specification 3d For that he the said David Porter, in the publication made as mentioned in the last preceding specification, did give an incorrect statement of the proceedings of the said Court of Enquiry.

Specification 4th. For that he, the said David Porter, did, in the publication referred to in the said two last preceding specifications, insert various remarks, statements, and insinuations, not warranted by the facts, highly disrespectful to the Secretary of the Navy, and to the said Court of Enquiry.

Specification 5th. For that he, the said David Porter, did in the same publication, referred to in the said last, preceding specifications, without any authority, or permission for that purpose, make public official communications to the Government, and official correspondence with the Government, and has on other occasions, between the first of October, in the year of our Lord one thousand eight hundred and twenty four, and the fifteenth day of June, in the year of Lord one thousand eight hundred and twenty-five, without authority or permission therfor, made public orders and instructions from the Government, and official correspondence with the Government

The Court is of opinion, that the specification of the first charge is fully proved, & does adjudge the accused guilty of the first charge. The court is also of opinion that the first specification of the second charge is proved in part. The court is also of opinion, that the 2d, 3d, 4th and 5th specifications of the second charge are fully proved. The court is opinion that the second charge is fully proved, and does accordingly adjudge the accused guilty of the same.

In deciding upon the first charge, and the specification under it, the court, however, feels itself called upon to ascribe the conduct of the accused, which is deemed censurable, to an anxious disposition on his part, to maintain the honour, and advance the interests of the nation, and of the service.

LIEUT. E. D. WHITLOCK

Was tried upon a charge of Neglect of Duty, found guilty, and sentenced to be suspended, without pay or emoluments, for the term of two years. Sentence approved.

TRIAL OF LT. WILLIAM HUNTER.

The charge against this officer is neglect of duty—it is preferred by Commodore Charles Stewart, Commander of the United States ship Franklin, of which ship the accused was first Lieutenant. It accuses him of permitting a certain Spanish officer called Madrid, to come on board the Franklin, and to remain there during her voyage from Callao to Quilca, without acquainting his commanding officer with the fact.

When called upon to plead to this charge, Lt. Hunter presented an answer in writing, in which, while he admitted the facts in the accusation, he pleaded not guilty to the charge of neglect of duty, inasmuch as he had permitted the person in question to remain on board under the full belief that the fact was known to Commodore Stewart. He was led to this belief in consequence of receiving a message from Mrs. Stewart, the Commodore's lady, conveying the order for such permission—and because the man was openly to be seen in the pantry, occupied by the cabin cook, (and which was immediately adjoining the cabin, being there employed in cleaning knives and performing other duties of an assistant to the cook, without any appearance of intentional concealment nor did he ever suppose that Commodore Stewart was ignorant of his being on board, till more than a year after, when, in Valparaiso, where the distress of the Commodore, on learning the facts of the case, satisfied the Lieutenant that he then heard of the circumstance for the first time.

This paper having been read, the Judge Advocate produced and laid before the Court the deposition of Delia Stewart, (the Commodore's lady,) taken at her residence in Massachusetts, a short time since. In this paper, Mrs. Stewart states, in answer to various interrogatories, the following facts.

That the person in question was personally unknown to her, when he came on board the Franklin, as she was getting under weigh in the harbour of Callao, bringing with him a letter from the Countess of Villa d'Hermosa, of Lima, to Mrs. Stewart, stating that the bearer was an unfortunate royalist, who had embarked with her (the Countess) in a Genoese ship at Rio Janeiro, and under whose care she had been, on a voyage from that port to Africa; where the ship had been captured by a Patriotic cruiser and carried into Callao. He also delivered a message from Madame Panaza, of Lima, at whose house the Countess was then staying, entreating her to take him into her protection, as his life was in danger. The stranger stated that expecting soon to leave Callao, he had neglected to procure passports, until it had been discovered that he was a native of Old Spain, in consequence of which he was in hourly danger of being arrested, which would speedily be followed by his being put to death.

Mrs. Stewart had been personally acquainted with the ladies from whom he brought letters and messages, and receiving from the man himself the most solemn assurances of the innocence of his intentions; and the most affecting appeals to her humanity, she at length consented to aid in his protection and escape, and with that view committed him to the care of the steward. She had no further communication with him, and does not know by what means he left the vessel on her arrival at Quilca. She did not acquaint her husband with what she had done, because she supposed that if he remained wholly ignorant of the transaction, no blame could in any case attach to him—she declares that she knew nothing more of the stranger than what the letter and message above stated conveyed to her—nor did she apprehend that any injury could arise either to her husband or to the service from what she conceived to be an act of humanity towards an unfortunate man whose life was in imminent danger.

Lieut. Hunter was acquitted.

FROM KEY WEST.—A gentleman who came passenger in the schr Thorn, arrived at Charleston from Key West, states that the yellow fever was prevailing at that place to an alarming extent. When Com. Warrington left there (five or six weeks before) there were at the island about 30 marines, and from 30 to 40 sailors. Of this number, when the informant departed, but three men of the marines were enabled to perform duty, two thirds of them being dead, and the remainder lying very ill. Lieut. Com. Tupper was left in a dying state—The fever was also very fatal among the sailors—the hospital being crowded with the sick, and but five or six enabled to do duty—Capt James M. M'Intosh the commander of the island was down with the fever Sailing master Harby, commanding the Navy Yard, had just recovered from a severe illness. The U. S. sloop Vagabond, under command of midshipman Patio had been dispatched for the purpose of endeavouring to fall in with Com Warrington, off Havanna or Matanzas to inform him of the great mortality prevailing at Key West, and to advise with him concerning the removal of the remainder of the U. S. forces, &c. before they fell victims to the fever.

FOREIGN.

FROM ENGLAND.

By the arrival of the ship Louisiana at New-York from Liverpool, the editors of the Commercial Advertiser have received London papers of the 4th of July, and Liverpool of the 6th.

The Anniversary of the Independence of the United States, was celebrated at Liverpool by a number of American gentlemen residing there and at Manchester.

Gen. Devereux has been released. Immediately after his arrest, he wrote a letter full of firmness, to the Emperor of Austria, in which he said that he could not suppose that an act of tyranny so odious and so famous as that which had just been exercised upon him, could have been done with his Majesty's consent—that he was travelling with an American passport, and was charged with the interests of a company formed for working the gold mines of Colombia, and that if his detention was prolonged, the Austrian Government would become responsible for all the damage which might result from it. This letter was sent to Milan, where the Emperor then was. By the greatest chance in the world, an Italian, who had been placed about him to serve as an interpreter, was recognized by him as having long served under his orders in the Colombian army. Fifteen days after the arrest of Gen. Devereux, the answer was received from Milan. It simply contained the order for his liberation, with an injunction to quit Venice and Italy in 24 hours. The officer who intimated this order to him, endeavoured to make him some excuses, telling him that his arrest had only been a mistake, which ought not to inspire him with resentment against the Austrian Government, nor hinder his again coming into Italy. "If every," answered the General, "I come again into Italy whilst the Austrian dominion shall be established in it, it will only be sword in hand." Gen. Devereux arrived in Paris, and set out from it for London.

The accounts from Greece, says the London Sun of the 4th July, "are confirmatory of the news we have already given, and afford but little intelligence. The Moreote and Egyptian forces are said to increase daily; Redschid Pacha has also received reinforcements, and has resumed the offensive. How far these accounts may be relied on does not appear, and the exaggerated reports of events transpiring in Greece that have, at different times, reached us, put us on our guard against too much confidence in flying rumours."

London, July 4.

SPAIN.

In the British House of Commons, on a question put by Mr. Brougham to Mr. Canning, respecting the military occupation of Spain by the French, Mr. C. stated that his Majesty's government had, from time to time, received assurances that France had no intention of continuing the military occupation of Spain, nor of retaining any of the Spanish fortresses permanently. The late reduction (he continued) of the number of French troops in the Peninsula took place in consequence of an application from the British government, and, in his opinion, there was no occasion for alarm or jealousy with regard to this subject. He believed the French government were quite as desirous to get their troops out of Spain as he could be. There could be no doubt that this was the case. Never was success more troublesome in its consequences than the last invasion of Spain.

Mr. Baring inquired why the minister from South America had not been presented to his Majesty, and advanced an idea that the delay arose from the interference of foreign powers, to mitigate the character of the British recognition of the independence of that republic. Mr. Canning had retired before the question was put; but Mr. Secretary Peel distinctly negatived the supposition.

"Frankfort, June 16.—"Several letters announce that the siege of Patras is raised, and that the Greeks have only left a very small corps of observation in the vicinity of that place. The communications between Patras and Lepanto are now free. A numerous Greek corps, under the command of General Goura, is beyond Salona.—We hear that the Turkish troops in Thessaly are again advancing towards that town."

The Piedmontese Gazette, which we received this morning to the 24th contains the following article:

Corfu, May 27.—"We are informed, from good authority, that Redschid Pacha has made two desperate attacks on Missolonghi, but was repulsed by the Greeks. The loss on both sides were great. There is no doubt of the taking of Navarino. The Ottoman and Egyptian forces increases daily. We are consequently in expectation of decisive events."

LATE FROM EUROPE.

From the N. York Commercial Advertiser.

The packet ship Don Quixotte, from Havre, sailed on the 15th ult. evening, and brings the latest news from the Continent.

Paris files are to the 13th July inclusive, from which we give the ensuing short summary.

Respecting the internal or external relations of France, and the greater continental powers, we observe nothing worthy of notice; nor do we gather any thing important from the English papers, except the prorogation of parliament, and the rumour that the present body would not be again convened.

The Paris papers of July 14, announce, in letters from Italy as late as the 3d, that a signal victory had been gained by the Greeks over three divisions of the Turkish army, who had advanced upon the Peninsula. The first division was destroyed near Ambliani, by General Gouras, the commander in chief, who perished in the battle. The second division was besieged in the fortress of Scolone; and the third, after having been beaten, had dispersed and fled towards Negropont. The reports respecting Ibrahim Pacha's situation, were contradictory—some stating that he was surrounded by the Greeks at Messorie—others that he had been defeated by Colectroni, and forced to retrace his steps upon Modon. The insurgent chiefs had been recalled and received into favour, and the command of the army destined to act against Ibrahim Pacha, had been entrusted to Colectroni, while Nicetas, and other leaders had been despatched to convey succour to different parts of Greece. A spirited address to the people had been issued by the government.

The last accounts from Constantinople are to 10th June, give no flattering statements of the Turkish prospects, and allude to former and more recent naval losses, while they merely claim some slight advantages achieved by the Seraskier Reschid Pacha, in the environs of Salona.

These are the only particulars of foreign news with which we are supplied.

Maryland Gazette.

ANNAPOLIS:
THURSDAY, AUG. 25, 1825.

SUDDEN CHANGE IN THE WEATHER.—The mercury which stood at 92° in this city on the 17th instant, sunk on the 18th to 72°, and on the 19th to 70°.

EXECUTIVE CLEMENCY.

His Excellency Governor Stevens, has granted a nolle prosequi to young Shirley, who, in May last, shot at and dangerously wounded his teacher, the Rev. Mr. Kinney, of Harford county.

The office of Register of Wills for Kent county, has become vacant by the death of Albert Hall, Esquire, its late incumbent. This is the third Register of Wills who has died in this state within the last three months.

TRIAL OF CAPTAIN STEWART.

The new Naval Court-Martial at Washington, has been for several days engaged in the trial of Capt. Charles Stewart. There are four general charges against him, and several specifications, to all which, the accused pleaded not guilty. The testimony was opened on the part of the prosecution, by the examination of Lieut. Hunter, who was first lieutenant of the Franklin, during her whole cruise, except during a short interval, when he was confined on shore by sickness. His examination, it is said, was long and rigid. However, in speaking of his testimony, which an order of the court interrupts their publishing so long as other witnesses remain to be examined, the editors of the National Intelligencer, say, it "has not gone far towards establishing any of the specifications."

The Charges are—"1st Unofficerlike conduct; 2d Disobedience of Orders; 3d Neglect of Duty; 4. Oppression and Cruelty."

Capt. Stewart has engaged Messrs. Hopkinson and Taylor as his counsel, and Mr. Ransbury, as Stenographer.

The editor of the Alexandria Gazette, noticing the correspondence between Gen. Gaines and Governor Troup, says—"The parties are as completely at issue as they will be. All controversy seems to be at an end, and unless the Governor should turn out to be more prudent than we suspect him to be, the affair must eventuate in an appeal to arms. Such a result would be highly deplorable, but sooner than see the Indians defrauded of their rights, and the national government insulted and defied, we should certainly be the advocates of peace."

GOV. TROUP.

The last Augusta (Georgia) Chronicle says, "The first Monday in October next, will, in all probability, provide the Governor with a passport to the walks of private life, where we hope he may enjoy many years both of health and happiness." Let all the people say, Amen!

MODELS OF FRUITS.

The difficulty experienced by most horticultural writers, even when assisted by the pencils of able artists, satisfactorily to describe and represent the various and almost infinite kinds of fruits that ornament the garden, and supply the table with one of its most agreeable luxuries, has suggested to Messrs. Pizzigalli and Degaspari, of Milan, the undertake a work which they call "Pomona, in relief;" that is to say, a collection of models of all the fruits cultivated in Europe, so perfect that it is impossible, without touching them, not to mistake them for the natural fruits. The smaller fruits are modelled in wax; the larger in plaster, with a coat of wax. Some, such as grapes, gooseberries, &c. are blown in glass. This collection is already considerably advanced, and will comprehend above five hundred descriptions of fruits.

EXTRACTS FROM THE KING'S SPEECH

At the prorogation of the British Parliament on the 6th of July.

"His Majesty is happy to be able to announce to you, that he receives from all foreign powers the strongest assurance of their friendly disposition towards this country; and of their desire to maintain the general peace."

"While his Majesty regrets the continuance of the war in the East-Indies with the Burmese government, he trusts that the brilliant exertions of the British and native forces employed in operations in the enemy's territory, may lead to a speedy and satisfactory termination of the contest."

UNFORTUNATE OCCURRENCE.

Norfolk, August 18.

On Monday last, as the schr. John, Henry Aberdeen, (a coloured man) master and owner, of this port, was proceeding up James River, bound to Richmond, a dispute arose between Aberdeen and his Cook (also a coloured man) in which the latter being very insolent, Capt. A. undertook to chastise him, when the cook immediately grappled with him and a scuffle ensued in which both fell overboard, and neither losing way his hold on the other, they sank together in deadly strife, and were seen no more! Aberdeen was an old man, and had followed the occupation of crafting up and down James River from his youth. He was proverbial for his strict integrity and exemplary industry, and was universally respected wherever he was known.

SPORT.—One hundred and thirty dolphins were caught in three hours on board of the Light Ship off the Hook, New-York, on the 13th instant.