ATTICUS No. IV.

From the Athens Centinel

TO THE PEOPLE OF GEORGIA

"The States will be degraded to the condition of vassals, your federal officer will treat the state authorities with contempt—their petty taxgatherers and petty agents will catch the consequence of their masters, and assuming their air of superiority, will lord it over our highest functionaries."

[*Patrick Henry on the Fed. Con.*

If there is one political curse in the vengeance of heaven, or a dire scourge in the horrors of war, greater than another, it is the flinging into notice in times of peace, those up-start adventurers whom the chances of battle or the freaks of fortune, in cruel sport, have doomed to be great. I know I shall be well understood in this remark even if I leave its application to the most common observation. The late war presents an experience on this subject which is constantly seen and will continue to be felt through many an unquiet season of public affairs. Individuals, formerly unheard of out of their parish, and if known even there, known only for their moderate grade of intellect and the still more humble character of their pursuits now fill the highest stations of the government, and are daily eulogised for talents and qualities, which, one fortunate victory out of the barren field of their lives, would leave them the subjects of the most exquisite ridicule. But the worst part of this mischief is, they are often selected for service and the execution of objects, beyond the reach of their capacity, and feeling their incompetency, they rely upon the adventitious circumstance of their sudden fame, and this either hurries them into insolence or betrays them into error. It has been the peculiar misfortune of Georgia, more than once to suffer from these mushrooms of fortune, and she is at present undergoing a severe discipline, well calculated to try her patience. It is my intention in this number, by way of proving, still further, the "mortifying disrespect" we have undeservedly received from the general government, to examine into the conduct of several of these self-important personages belonging to that establishment. And I shall begin first with one John Crowell.—This person, it is well known, is called the Indian Agent, but if a long list of dishonest acts, and a perfect contempt of all law and authority constitute any portion of crime, there is not a page of the penal calender that does not attest how much he is misnamed. The injury he has done to Georgia and the insults offered to her public authorities, I affirm to be without a parallel in the history of any country, much less one, as sovereign and independent as that to which he belongs. The general government, if not from duty, at least from decorum, owes it to the states to protect them from insult. It should remember its own origin, it is the offspring of favor, the mere creature of bounty, and derives all its power from the states. A contumely then from one of its highest officers would be extremely ungracious, but coming from one of its veriest creatures, a reptile that creeps, and besmears as he crawls, produces a humiliation of the most insupportable degradation. It will be well to examine the conduct of this man in two points of view most palpably indicated by the notorious facts of his case—1st. In relation to his insolent and indecent interference in the politics of Georgia, though living out of the state, and an United States' officer—2d. His official conduct as connected with the interest of the State and his own private emolument. And first, it is a well known fact, and one that ought to receive its due reprehension from his government, that in the fall of 1823 he left the agency and of course his business, and came to Milledgeville with the sole view, the Legislature being then in session, to electioneer and canvass in the then pending election for Governor. That he did then and there openly and secretly interfere in said election, and by arts, persuasions and devices attempted to seduce members from their opinions, and manifested the most indelicate opposition to the present Governor. That when he had failed in his views, unmindful of his duty as an officer, and influenced alone by his revenge as a man, in a temper of the most unmanly and contracted hostility of feeling declared to a U. States Commissioner, that Georgia should never have any land while Troup was Governor; that he had prepared the Indians for a cession, but that now the business is at an end, and persuaded that Commissioner to resign his office. Stopping but a moment, I appeal to our sister states, I appeal to the virtue and magnanimity of the President, I appeal to the honor and integrity of all men, if such a man is worthy of an office? If such principles become the infant probity of our boasted institutions? Faithful, however, to his promise, he commenced a regular system of counteraction to the measures of Georgia, and to the policy of his own government in relation to the Indian lands, and this brings me to the second thing proposed. By his agents scattered through the nation, he succeeded in fixing upon the minds of a weak and credulous people the most unreasonable prejudices. He represented the conduct of Georgia, in trying to obtain her lands, as cruel, avaricious and oppressive. He pourtrayed the country, to which, it was the wish of his own government to send them, as being infested with the most annoying and poisonous vermin, the seat of perpetual and destroying disease, and withal surrounded by a most ferocious enemy. Not contempt with fortifying their minds with prejudice, the worst of all obstacles to overcome, he assembled them by his Sub-Agent, and by the secret passage of bloody laws, known only among themselves, attempted to guard every approach towards a successful application for the lands. After the Governor by repeated and urgent remonstrances to the general government to carry their contract into effect, so much so, as to be considered importunate, had prevailed upon them to make one more effort at its execution, behold this Agent taking upon himself to *judge* for his government, or believing them *insincere* in their proposed step, and either alternative ought to settle his fate, determined that the time had not arrived for the fulfilment of this long neglected engagement. Accordingly he convened the Indians at Broken Arrow in December last, for the purpose of giving the United States Commissioners an opportunity of treating for the lands, but it is a notorious fact and as shameful as it is notorious, that by his open agency and the obvious, and indeed avowed exertions of his Sub-Agent, the Treaty was almost instantly defeated. The Indians would not even parley upon the subject. The Commissioners doubtless mortified, but not entirely disheartened, having to their satisfaction, discovered the true causes of their failure, resolved upon a course which they hoped would, in future, remove the obstacles. One of them repaired immediately to the Federal City, laid open the difficulties they had encountered, exposed the combination, including not only the Agent and his friends but the Cherokee nation, organized to thwart the views of the government, and obtained permission to re- Indian Springs. In February the Indians were again assembled. The Sub-Agent having been removed as a punishment for his conduct, the Cherokees reprimanded, and the Agent himself in but a moderate spirit of rebuke, instructed to pursue a different course, he merely changed his mode of operations from an open to a secret hostility to the measures of the Commissioners. His course was of the most deceitful and insidious character. In the council of the Indians, when the Commissioners were present, he would advise a disposition of the lands, as being the wish of their father the President. At night, aided by his Interpreter, he would seek to dislodge whatever favorable impressions his constrained openness had made. Finding, however, at last, from the awkardness of his situation, the difference of time and place for holding the treaty, the absence of many of his active minions, the yielding temper of the Indians and the increased decision of his government, as evinced by the firmness of their Commissioners, that a treaty was rapidly tending to a consummation, he seduced one of the most powerful and influential tribes, who had already expressed their willingness to treat, secretly to abandon the treaty ground, with a hope that their sudden departure would immediately break up the negociation. But in this he was disappointed. The Treaty was made, and made by his open persuasions, without any protest by him at the time as to the number or character of the Indians.—For every one must at once perceive that if there were not a sufficient number of Indians or Chiefs of high or low degree, to legally enter into a treaty, it was his bounden duty, and due to the Commissioners, so to inform them, and not to have led them by the part he took, into such a serious error. He attested the Treaty, as Indian Agent, and it was dispatched to the government for ratification. But this crafty instrument of intrigue, this arch adversary of Georgia, eagerly bent upon defeating the treaty, and willing to spare neither pains nor expense to accomplish that object, determined, by a rapid journey, to get ahead of the treaty, and by the most infamous and false representations to the Secretary of War, forestall the Commissioners in the confirmation of that treaty. Apprehending however a miscarriage of his artful design, before he started from the treaty ground, and on the next day after, he had assisted in making it, and attested it officially, he addressed a letter to that officer, stating, that the "Treaty was in direct violation of instructions, that if ratified, *it might produce a horrid state of things among the Indians*—that, with the exception of McIntosh, and perhaps two others, the signatures to this treaty are either chiefs of *low grade*, or not Chiefs at all; and these signers are from eight towns only, when there are fifty-six in the nation." This letter was shortly backed by personal interviews with the Secretary, and the whole of his influence (to besure, among honest men, but little) was exerted to the utmost, but in vain, to prevent its ratification. He was again foiled in his expectation, and now having the increased chagrin of repeated disappointments added to his original motives for such indefatigable opposition, he was prepared for *any thing*. And that "horrid state of things among the unfortunate Indians" which he had just foretold, and which has since been so cruelly realized, seemed to be the only catastrophe best suited to appease a mind, malicious from instinct, revengeful from habit and bloody from desire. At this point it will be proper to present the double object of purpose, which guided the course of this little though subtle politician. And as if the rancour of party, the spirit of retribution, and the anguish of discomfiture, were not sufficient for a bosom already cankered with malignity, he united with these, the still more corroding passion of avarice. It is a well known fact that the agent, by law, is prohibited from being engaged directly, or indirectly, with any trading establishment among the Indians, and the reason of this must be obvious to every one. But in order to evade the law, he has set up two of his brothers in the nation, at different places, nearly to the exclusion of all other white persons, as will be shewn at some future period, by unquestionable testimony—These brothers have acquired a monopoly of the Indian trade, and have practised upon those ignorant people, whose friends they so deceitfully profess to be, the most unheard of frauds and impositions. Their real friend, the unfortunate Gen. McIntosh, better informed than the rest, and witnessing their abused and degraded condition, resolved to supply his countrymen with those necessaries and comforts which had been the subject of such unprincipled extortion by the Crowell's; and to that end, established a store, as he had a right to do, at his own plantation. And here commenced the animosity between the agent and that gallant chief. The former determined to ruin him if possible. Taking advantage of the power of his office, and believing he was too far out of the sight of his government to be easily detected, he treacherously essayed first to provoke the jealousy of his countrymen against him. Succeeding in sapping his influence and thereby averting the succour of friends, he readily imagined he could successfully crush him with the weight of his authority. In the first he succeeded as he himself has the audacity to boast, in a letter to that British agent* Hambly, the United States Interpreter—where, in the most impious manner, outraging every principle of decency and morals, he states he had once "put down that fellow McIntosh" and concluding with imprecations too shocking for utterance, upon some of the confiding friends of that Chief, threatened a continuance of his persecution. Believing he had the nation prepared to witness, without regret, the fall of McIntosh, by the exercise of a wanton act of power; he commanded a white man, for no other offence than being in the employment of that Chief, to be seized, bound and brought to him, to suffer for a pretended violation of the intercourse laws. As might be reasonably expected, McIntosh, a Chief of no ordinary distinction, insulted in his own country, injured in his unquestionable rights, having an individual wrested from his lawful service, engaged in no other than the innocent character of his store keeper, determined to appeal to the laws of the United States. Accordingly the case was submitted to the Federal Court at Savannah, and Mr. Agent Crowell, was decreed to be in the wrong and out of his duty—the white man was discharged and restored to the service of McIntosh. This circumstance is mentioned for the two-fold purpose of shewing Crowells avaricious designs against the Indians, and his hostility to his brothers, even at the sacrifice of the best interest of the natives, and the undoubted privilege of one of their favorite Chiefs, and also as betraying a private cause of grudge against that chief, in addition to the resentment provoked by his manly conduct in the treaty. What then is the summary of the evidence against this United States officer—He is found out of his place, and in a state to which he does not belong, taking a part in the politics of that state, using his personal influence and the weight of his office to control its elections—declaring, upon being disappointed, that he would employ his public authority, against the interest of Georgia, after too, as he avowed, it had been exerted in her favor, for no other reason, but because she had not elected a Governor to suit his wishes—persuading an United States Commissioner to abandon his post, with a view to frustrate the just expectations of the state, and thereby to increase and continue the unfortunate excitement which he knew existed against his own government, to an extent already involving a strong suspicion of her sincerity and good faith. True to his pledge, he is afterwards found following up his revenge, by defeating the treaty at Broken Arrow, attempting it at the Indian Springs by covert means, proceeding to the City of Washington and protesting against it there; failing in his purpose, returning to the Nation, consumed with passion, and by working upon the feelings of the deluded Indians, he inflames them to the highest pitch of resentment against that distinguished Warrior, McIntosh, tells them that he is the author of the treaty and the cause of the loss of their land—that he himself had done every thing in his power to prevent it—that they must now help themselves, that while McIntosh is absent at Washington, they ought to burn his houses and destroy his property, and the only way they could get rid of the treaty was to destroy McIntosh and his comrades—McIntosh is in the way of the commercial pursuits of himself and brothers, about which there had been much angry feeling. He assembles a council of the nation, and excludes from it the friends of McIntosh,—the proceedings are secret, except some few circumstances which were designedly made known to certain Missionaries to answer a future purpose, and which of themselves prove the murderous intent of that meeting, for by the testimony of Whitman C. Hill, the Agent instructs the Indians to "*take care*" that no "*white man*" was injured in their future proceedings—He knows of, and tells every passenger through the nation that the Indians are in arms, mischief is intended, takes no step to quiet their tumults, knows positively of their threatning the life of McIntosh, and yet, as Agent, adopts no measures to prevent it, does not warn the nation of its consequences, does not even put that devoted veteran upon his guard, but on the contrary speaks publicly of the wrongs of the Indians, states vindictively that they have been injured and defrauded, that McIntosh is the cause of all their sufferings and ought to die—foretells his death but three days before that savage event—His murderers declare at the time of his assassination, they are instigated by Crowell—his death ensues, and with a most helish feeling he rejoices at it—this horrid work being done, he spurs the Indians on to opposition against the Governor of Georgia, makes them alledge, at one time that the disturbances in the nation, are in consequence of an intention to survey their lands, and at another, on account of a certain law of the nation—All this is founded upon a deep rooted and settled purpose of revenge, first against Georgia, and second against the unfortunate McIntosh, and against him, on a private as well as public grudge, evidenced by the most shameful acts of petty tyranny in the nation, and an inordinate lust of paltry gain. If these then, not the half of what he has done, and which will hereafter be made to appear, are not sufficient to prove his utter unworthiness of public trust, in the name of heaven let all the barriers between vice and virtue be broken down, let fraud and violence be unloosed from their restraints, and let honesty, if it can, entrench itself behind the defences of its own arm.

ATTICUS.

* This tool of Crowell's during the last war furnished the British, while in Florida, with beef, and then charged the same to the United States as lost by him, and received full pay for it. These are some of the tricks of Agents, and Sub-Agents, and others in the nation, where there is no one to tell upon them, and where their oppressions are as secret as the grave, because the voice of complaint is too feeble to reach the source of redress.

COMMUNICATIONS.

FOR THE GEORGIA JOURNAL.

No. XVIII.

Case of Col. Crowell.

But it has been intimated that the Legislature of Georgia, in the case of Col. Crowell, violated the 6th article of the amendments to the Constitution of the United States. That article is in the following words: "In all *criminal prosecutions*, the accused shall enjoy the right to a speedy and *public* trial, by an impartial *jury* of the *state and district wherein the crime shall have been committed*," &c. and to be *informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and* to have the assistance of counsel for his defence." But, says the courteous Major Andrews to Col. Crowell, you were neither 'informed of the nature or cause of the accusation,' or 'confronted with witnesses against you', nor had you 'compulsory process for obtaining witnesses' in your favor! On reading these grave allegations of Major Andrews, one is at a loss whether most to admire his obvious sympathy for *one* of the parties between whom it was his duty to decide *impartially*; his *ignorance* of the proper bearing of the Constitutional provisions which he has quoted, and their total *irrelevancy* to the *incipient proceeding, the mere preparatory enquiry*, before the committee; or, if he knew their legitimate application, his *audacity* in attempting to make an impression in an enlightened community, that they were violated in the investigation of Col. Crowell's case. The truth is, Col Crowell was not tried by the committee: He and the Legislature both knew that he was not amenable to the authorities of this state: All that the government of this state attempted, therefore, was, to collect such testimony as would enable them, in the first instance, to decide whether there was ground for accusation, and ultimately to put him on his trial before the tribunal to which he is amenable, and to sustain the charges before that tribunal. Admitting the proceedings in the case of Col. Crowell to be in the nature of a criminal prosecution (of which I entertain some doubt) it is in his trial before the President that he is entitled to the constitutional prerogatives so insidiously adverted to by Major Andrews. It is by the United States government, on his trial before them, that he ought to be "informed of the nature and cause of the accusation," in the same way the court, and not the *informer or accuser* in ordinary criminal cases, performs this duty: It is on that trial, and before that tribunal, that Colonel Crowell has a right to be "confronted with the witnesses against him;" "to have compulsory process for obtaining witnesses in his favor;" and to have the assistance of counsel for his defence; &c. If the proceedings of Major A. and Gen. G. were in the nature of a "criminal prosecution" (the only kind of a case provided for by the constitutional provisions quoted by Major Andrews) why then Col. Crowell was entitled to the constitutional prerogatives in the investigations before those officers.

But, does not Major A does not Gen. G. does not every citizen, know, that every criminal prosecution, before every grand jury, in every state, territory and district of the United States, is, to all intents and purposes, an *ex parte* proceeding, an incipient investigation, a preparatory enquiry, in which the evidence on the side of the prosecution only, is introduced; and the accused is not informed of the nature of the accusation; nor confronted with the witnesses; nor allowed compulsory process; nor the aid of counsel? And yet, who ever imagined that the constitution of the United States was violated in this regard?

"But proceedings before grand juries are kept secret; and so ought to have been the proceedings before the committee." It has been well remarked, that if the committee had held secret sessions, we should have heard much more complaint on this ground, than on that just stated: We should have heard of plots, combinations, midnight proceedings, inquisitions, &c. &c. Unfortunately for those who raise this objection, Commodore Porter, at the same time Major A. with the concurrence or approbation of Gen. G. was complaining of the publication of the proceedings in Crowell's case, was complaining in Washington City, of the *secrecy and non publication* of the proceedings in relation to him, before a tribunal substantially similar to that which enquired into Crowell's case, and for a similar purpose, as I understand it, namely, to ascertain the facts, and determine whether there was ground for trial!

But, it is said, the committee in Col. Crowell's case, not only enquired of the facts, but proceeded to express an opinion of his guilt: So does every grand jury, in every indictment, find "No bill," or "True Bill," even when a man is indicted for murder or any other capital offence. In cases of impeachment before the Senate of this state (and the United States too I apprehend) the House of Representatives, on the examination of *ex parte* testimony, or testimony on the part of the prosecution only, proceed to declare him guilty, or at least, to accuse him, of high crimes and misdemeanors, and to demand his punishment; and it is not till he is placed on his trial before the Senate that he has a constitutional right to have counsel, compulsory process, formation of the charges, &c.

If any suppose the grounds on which the authorities of this state accused Col. Crowell before the President, are insufficient, let them remember that it is declared in Jefferson's Manual, sec. XIII. that, "common fame is good ground for the House to proceed by enquiry, and even to accusation:" And "as the heads of impeachment were severally read against the Lord Clarendon in 1667, some member in his place stated to the house, 'that several persons had undertaken to make that head good." Or "that the member had heard this from a certain great Lord" Or "that this was too public to stand in need of proof." Or, in one instance, "that the member did not doubt that it will be made out."

In the *impeachment* of Col. Crowell before the President of the United States, the grounds of accusation were undoubtedly better than most of those just stated: The Governor and the Legislature had the testimony of the United States Commissioners, and a number of other respectable white men, as well as that of the friendly Indians.

The charge of injustice and oppression, which has been brought against the government of Georgia, has been anticipated in the foregoing remarks. The constitutional provisions quoted by Major Andrews, it will be admitted by all, are nothing more nor less than a transcript of the principles of natural justice, as applicable to criminal prosecutions. If it has been shown that the constitutional provisions have not been infringed, it has, at the same time, appeared, that the principles of justice involved in those provisions, have not been violated, and, consequently, that Col. Crowell has not been oppressed.

What then becomes of the formidable array of charges brought by Major Andrews, on behalf of Col. Crowell, against the authorities of this State? They vanish into thin air.

GEORGIAN.

FOR THE JOURNAL.

GEN. CLARK AND THE TREATY.

Among the variety of schemes, plans and unholy confederacies which have been formed to injure the high character and elevated standing of General Clark with the people of this State, none is more truly pitiful, and ridiculous than the one that he is opposed to the late Indian treaty. The history of his administration abundantly testifies to those unwearied exertions which he used to have the just claims of Georgia enforced and the title to the land within our boundary extinguished. No. People of Georgia, General Clark is not opposed to the treaty. There is not a man in your State who more ardently desires to see Georgia arrive to that enviable grade of grandeur and respectability which from the extent and fertility of her territory, she is destined ere long to reach, than he does. If he is unfriendly to the treaty he cannot be devoted to the interest of the State. Citizens do you not believe that Clark is an earnest advocate of those rights to which you are so justly entitled? Yes. I have an overflowing confidence that you who [illegible] not disposed to give him your suffrage[illegible]ertain far different opinions of his patriot[illegible] than the belief that he is not a firm lover of his country. The charge that he is inimical to the speedy acquisition and extension of Georgia's just limits is as foul a calumny as ever was invented by brazen fronted impudence, or sly insidious sycophancy, and imposed upon unsuspecting honesty. If Clark has in any manner attacked the late treaty it is susceptible of proof, and why not prove it? Why make those bold and frontless assertions? Why not cover then at least with evidence of a plausible character and expose the man who stands thus ready to betray the people's rights to merited derision. The charge is made against him, the accusation is met and flatly denied, and proof fearlessly challenged.

Those kind and liberal precepts of humanity and charity which constitute our natures greatest ornament should teach us never to ascribe an evil motive to our fellow men, where a good one may be found. Can even envy, enmity or malice find a motive for this alledged opposition. It is a fact well known that two of his kinsmen and warmest political supporters, Col. Campbell* and Williamson, were mainly instru-

* By omitting the name of Major Merriwether, I have no wish to deprive him of the merit of having zealously and faithfully discharged his duty as a United States Commissioner.