

The Southern Banner.

"The ferment of a free, is preferable to the torpor of a despotic, Government."

VOL. IV.

ATHENS, GEO. THURSDAY, JUNE 11, 1835.

NO. 12.



Poetry.

FOR THE SOUTHERN BANNER.

Messrs. Editors.—The following lines were composed by one of that devoted band of Missionaries to Northern India, who sailed in the ship Georgia from Boston for Calcutta, on the 4th September last. You will confer a favor on a subscriber, and no doubt on the religious part of the community generally, by giving them a place in your paper.

Adieu, my native land, adieu!
Thy dear delights I'll taste no more—
No more I'll find a home in you,
Nor seek a distant heathen shore.

No more to Zion's blest abode,
I'll see the joyful tribes repair,
Who hearken to the voice of God,
And pay their humble worship there.

And can I leave thee, happy land,
Nor sigh for thee when far away—
When by the Ganges' Banks I roam,
Or'er the Indus' waters stray?

Oh! can I burst those nameless ties,
Which bind to kindred, country, friends—
Thy loved endearments, House of God—
Where heaven's own love on souls descend?

Yes, gladly I'll these joys forego,
And bid thee, "native land, farewell!"
To traverse India's farthest shore,
Or in her wildest desert dwell.

May I but see in Pagan lands,
The Gospel's Heavenly flag unfurled—
While Heaven's unchanging promise stands,
Shall waves its peace o'er all the world.

Let me the joyful tidings spread,
Where nations sit in moral gloom,
That Jesus burst the bars of death,
And lights the darkness of the tomb.

No drowning babe, no Suetto fire,
No altar stained with human blood,
Nor direful rite does he require
To pacify an angry God.

Through heathen temples let me go,
And near the cheerless dead bed tell,
How Jesus sooths the mourner's woe,
And saves from "second death and Hell."

There pour the Gospel's healing balm,
In souls by darkest crimes distressed;
Dispel their fears, their bosoms warm,
With hope of Heaven's eternal rest.

Political.

From the Standard of Union.

SPRING PLACE, MURRAY COUNTY,
May 9th, 1835.

An article has appeared over the signature of "Spencer Riley," in the Georgia Journal of the 7th of April, and bearing date 11th of March, which has since been published in most if not all the Nullifying Papers in the state; and from the importance they seem to attach to said article, it demands some attention from me. I regret that the character of this depraved and worthless wretch, and the transaction whose incidents he pretends to detail, were not generally known, for if they were, I should be spared the necessity of any reply to his outrageous falsehoods and vile slanders. The pure, the honorable and high minded Editor, Mr. Prince, introduced Mr. Riley and his reputed article to the Public with a great flourish, and an endorsement for his standing and respectability. What else could be expected from that Editor who has within the last twelve months evinced on so many occasions, a total disregard for truth—that Editor whose conduct has placed him too low to be an object of contempt?

But that the public may form its own estimate of the character of this celebrated Riley, I must be permitted to refer to some of his acts in the Cherokee country. Some time during the month of June last, the following advertisement appeared in the Miners Recorder, to-wit:

NOTICE.

"Circumstances compel me to believe that Spencer Riley has come into possession of some executions against me without the knowledge of the legal holders, which have already been satisfied: two of which are Wm. C. Macon, vs. J. R. Bennett, and Josiah Gordon vs. the same. I hereby caution all persons from trading for them, and request any officer in whose hands any executions against me may have been placed by said Riley, that he will inform me of the same, and that said Riley is not the owner or legal holder of any Executions against me. I call on him for an explanation of the circumstances under which he came in possession of them, and without a satisfactory one, he must rest under the charge of having acted unjustly or feloniously towards me.

(Signed) J. R. BENNETT.
June 2nd, 1834.

To this publication Riley never made any reply as I have understood. Bennett had drawn a lot of land, and Riley had gotten the S. fas. with the view of having it sold without the knowledge of Bennett, with the hope of having it purchased for a trifling consideration, believing no doubt the paper in which the Sheriff of the Cherokee circuit published their sales, having but a limited circulation in the lower part of the state, it was scarcely possible for Bennett to know any thing until he had been swindled out of his land. In the month of February last, Spencer Riley bargained, and actually sold to Eli Bolin, Esq. of the county of Murray, a lot of land in that county, for which he was to have received the only Negro owned by Mr. Bolin.

He represented himself to be the agent of one Roger McCarthy, and when asked for his power, said it was in the Clerk's office of Cass county for record. Mr. Bolin was admonished of Riley's many attempts to swindle, and was advised before he gave up his Negro, to go to Cassville and examine the clerk's office for the power. He did so, and found the whole of Riley's statements to be fabrications and utterly untrue. The clerk gave a certificate that no such power was there, nor had ever been in his office.

When he returned, Riley finding out he was detected, without any attempt at explanation, proposed to pay Mr. Bolin for his trouble and expenses in going to Cassville, cancel the papers and get out of the difficulty.

At the October election past, in Cass county, Spencer Riley bet and put in stake, notes to the amount of some two hundred dollars, which there is every reason to believe he became possessed of by some improper scheme: he thus as it may, upon the ascertainment of the loss of the notes, he commenced action against the holders for the recovery of the notes. This man Spencer Riley, the very venacious Mr. Prince says, was a justice of the Peace of Cass county, and this is the same Spencer Riley who once presided in that county at a precinct election where he was himself a candidate. At this precinct an individual voted, whose name was not entered upon the list of names until Riley brought the return to the court house, where this piece of perfidy was detected. Riley said he had forgotten to enter the name. When the name was entered upon the Poll Book, there was a disagreement between it and the tally sheet, being one more vote received than was counted out. This is the man who in the execution of one of the highest official duties, disregarded his official duty for the purpose of advancing his own, and the interest of his party—for the gentleman whose vote he suppressed, was known to be opposed to him.

I could refer to many other cases as well as those enumerated, clearly exhibiting this man Spencer Riley to be one of the most depraved and abandoned of the human family. I truly regret that circumstances constrain me to use this language in a Newspaper about any individual whatever. But the manner in which my character has been assailed upon the bare and unsupported statements of this crafty and accomplished villain, has compelled me to perform a task so truly unpleasant; but Riley is not the only personage connected with this assault upon truth. This tissue of falsehoods and defamation I feel warranted in saying, from various circumstances, together with the certificate of Mr. John K. Mears, whose respectability and veracity none acquainted with him will doubt, that Samuel Rockwell, assisted in concocting said piece, that the whole was prepared if not fully written by him. Him I consider the hidden mover of the wires, in spreading before the public a paper which he knew contained egregious falsehoods—a paper which sought to suppress all the material truths connected with a transaction which he pretended to narrate without having the courage or magnanimity to assail me himself. He has employed one as a tool, who is as worthless as he is contemptible, and one which I can assure him, never will be noticed by me after the close of this reply.

It will be remembered that this is the same Samuel Rockwell who went into ecstasies on the election of Gov. Lumpkin over Mr. Gilmer—he who was officious in having the canon discharged in commemoration of the event, and he who on the occasion, committed many other acts of equal indecorum and indelicacy. This is the same Samuel Rockwell, who imprudently and rudely attempted to control Gov. Lumpkin in his Executive appointments, and as soon as he found the Governor was made of materials too inflexible to be bent to his purposes, became his bitter reviler, and he has permitted no occasion since, to pass, without slandering and abusing him. This is the same Samuel Rockwell who was amongst the first to condemn Judge Hooper for granting those bills of injunction which have acquired so much celebrity.

This is the man who was giddy enough to boast of his ability to convince the judge of his error. But because the Indians estimated his services more highly than the whites, and gave him the largest fee, deserted the one and enlisted in the cause of the other. And this same Samuel Rockwell was, with the advice and approbation of Judge Underwood, taken into the service of the Indians; he who has been the secret and insidious cause of alienating their affections from their first and oldest counsel. The adder who repayed with a sting, the kindness of a benefactor. This is the man who has the audacity to say, that I am restrained by no principle, and bound by no obligation in the accomplishment of my purposes.

This is the man, who, when in my presence crouches like a Spaniel, and when behind my back, snarls and defames me. In my presence my best friend, and out of my presence, my bitterest reviler; he whose professional knowledge has been employed in harassing and perplexing a large portion of the citizens of the Cherokee country—since his admission into the service. Having now particularly disposed of this notable pair, I will proceed to reply to the article which has spread such a panic in the ranks of the Nullifiers, and so completely overwhelmed them with consternation and dismay.

The declaration of Rockwell and Riley that Joe Vann had not forfeited his right of occu-

pany under the laws of Georgia, they both well knew to be false. Vann is an Indian of tolerable education and of ordinary intelligence. He was well acquainted with the act whose provisions he had knowingly and wilfully violated, as he retained his overseer until his death, which was some time in the Spring. He also retained his miller until after our March court in 1834, and still intended to do so, but from the circumstance of the drawer taking possession of the same. Many other persons were employed by him to my knowledge, (being a near neighbour) during the year, as assistants in Agriculture, which was well known to others. But by the certificates of some of our oldest and most respectable citizens accompanying this reply, that matter is fully put at rest—and further, had he not known himself to be excluded by our laws, would not he have entered an appeal from the decision which I made against him? Most certainly he would, as many had been entered in some of the counties before and since. The declaration by Rockwell that Bullock's sci. fa. had the preference, he also full well knew to be false. It is true, it was first filed in Cherokee Superior Court, but not having been transferred within the time prescribed by law, it had lost the preference, and so the judge had determined to my understanding; and I doubt not will so again determine. With this important fact, Rockwell was well acquainted while he sedulously concealed it. It is further true that Bullock's sci. fa. has been kept in court by some secret under handed management which can and will be exposed if necessary.

But it is now well known and admitted by the candid, so far as I have been able to learn, that Hargrove's sci. fa. now has and had at the same time possession was taken, a preference, of which he cannot in my opinion be legally deprived. I admit that Thomas Turley drew the lot referred to, and it is notorious to every person acquainted with the case, that the draw is an illegal one. He caused his name to be returned as entitled to a draw under a misapprehension of the rights which he supposed the law had given to him, and he has to many, publicly, frankly, and honestly, communicated the whole circumstances; and indeed it was understood, that he had abandoned any hope of the case, and expressed his determination to make no further efforts to retain the land. With a full and perfect knowledge of all these facts, I considered it my duty to give the possession to Hargrove upon the production of the Grant. I am well aware that the case does not fall within the strict letter of the law, yet I felt myself justified and sustained by the whole of its reasoning, spirit and intention. Hargrove had a secondary right, which for all the rational purposes of the act, I considered equivalent to a title. I do not conceive it necessary to enter into a detailed defence of the law under which I am acting, or the object for which it was enacted, and were I to do so, that I should expose myself to another volley of vituperation for it, both in and out of the Legislature, is open and undisguised; and this is one amongst a number of circumstances to be added, of their having espoused the cause of the Indians in opposition to the interest, the policy and the rights of the State. On the 23d of February I had placed Mr. Holder, who was the authorized Agent of Hargrove, and who produced to me the grant, into possession of the house occupied by Vann, and who was from home at the time. It was not the design of Mr. Holder to unnecessarily disturb or incommode his family in his absence, and he only took possession of one of the rooms, and told Mrs. Vann that she could occupy the residue of the house until the return of Vann, or for six days longer at any rate. With this she appeared entirely satisfied. We were making preparations for departing, when Riley came to the entry door, seemingly almost frantic with rage, and declared with an oath, that he would kill me or any other person who should persist in any endeavor to keep possession of the house, and instantly armed himself with a Rifle.

I, in very mild terms, informed him, I had already placed Mr. Holder in the possession of the House, but that Vann had permission through his wife, to remain until some time in the first of March, at which time I had understood from Mr. Holder, he wished complete possession, and moreover, if Vann or any other person was injured by my official acts, if they had legal rights, the law would afford them an ample remedy. Riley then stated he had claims on that property; I replied to him, I was unapprised of that fact, and enquired of whom he derived those rights? He said, from Maj. Bullock. I then requested him to exhibit his title, and if I considered it a legal one, I would then desist from any further action, and went forth to appease him, and convince him of my entire disposition to respect any legal title, to say I would respect the written authority of any person who was a white man authorizing him to hold said premises. He still persisted in swearing that he would kill me if I came to the house at the appointed time. I again demanded of him his authority for an interference which I could but consider as gratuitous and unauthorized, and desired him to produce his claim or title if he had any. With an air of defiance he prepared to discharge his rifle at me, and said he had no evidence of his claim, nor did he want any other than he had. A reference to the certificate of Messrs. Rogers and Lumpkin will more fully show what took place at that time. The veracity of those gentlemen dare not be doubted by any—I remarked to

him that his threats could not alarm me from the discharge of what I considered my duty, and if he interfered further with me, that he would have none but himself to blame for the consequences. We then left the place. On the day appointed, I went to the house of Vann, at the request of Mr. Holder. By this time it was notorious throughout the village and neighborhood, that Riley had converted one of the upper rooms into a sort of arsenal and fort, having two Rifles, a large double barreled shot gun—three pistols—a dirk and a tomahawk. The number and quality of his arms, his situation and his threats, were told to many, and his arms shown by himself, no doubt for the purpose of deterring me from the discharge of my duty.

My friends knowing of those formidable preparations for battle, generously and voluntarily stepped forward and proposed to accompany me. Not knowing what exigency might arise, several of them armed themselves, but nothing like half the number represented by Rockwell and Riley—notwithstanding a report was put in circulation that a large number of armed men were with him in his fort. When we arrived at the house I informed Vann of my business, who without any resistance or murmur, surrendered to Mr. Holder the entire possession of the premises. I then enquired if he had any armed force in the house for the purpose of resistance? He stated not, and then informed us that this fellow Riley was up stairs, that he was armed, that he had his rifle, and that he had endeavored to get it from him, and observed he had demanded it before witnesses, and he would not give it up, and that he did not wish me to blame him, for he did not approve of Riley's conduct. About this time I heard Riley walking towards the head of the stairs and we started up the stairs. Mr. Winters, one of my friends, planted himself by my side. We had ascended but four or five steps, when Riley discharged both the barrels of a shot gun at us. Mr. Winters fell, and I for the moment, thought was dead; but very soon recovered his feet and discharged his gun at Riley, and nearly at the same instant I fired my pistol at him, but owing to the perfect security of his position, without effect, as we then, and still believe. Mr. Winters was considerably wounded in the head, myself slightly in the arms, and mouth. This is a free and unvarnished statement of the manner in which Riley commenced the assault. Nevertheless this brazen fronted scoundrel, has the impudence and effrontery to charge Mr. Winters and myself with having fired first. Almost immediately after Riley discharged his double barreled gun, he presented another, and then stated he would kill any person who came to him—after being repeatedly told the arresting officer was there with a warrant, he swore repeatedly he would kill the first person attempting to come to him, he being concealed from our view, and keeping his Rifle presented immediately in the direction we had to pass in making an effort to get to him. The barrel of his Rifle while thus presented, was fired at, and as was expected, the ball glanced up the barrel and wounded him in the forehead. At that, he fled to his room, re-loaded, and again attempted to fire in the crowd below, and he was again met by a fire from one of my friends, when he made a precipitate retreat to his fort, and bawled out he gave up. He was thus arrested by the Sheriff Humphreys—upon the warrant for forcible entry and detainer, who after he had arrested him, from ignorance or some other cause, turned him loose and refused to take further charge of him. He was then arrested by Mr. Smith and bailiff, upon a warrant taken out by Winters for assault with intent to murder.

There is scarcely one solitary word of truth in all the statements made by Rockwell and Riley, as will appear from the certificates appended to this article in relation to the whole transaction. The allegation about his money is one of the most malignant falsehoods which was ever uttered by man. I was not in the room at the time the schedule of the property levied on was taken, but which is shewn from the testimony of many respectable persons who have nothing to lose by a comparison of character with any citizens in the State, much less with Rockwell and Riley, as he repeatedly stated he had no money but the two dollars and twenty-two cents spoken of in the certificate on that subject, as he had sent what small amount of money he had to Walker Sales, with Mr. Knowling, to purchase a tract of land that day, and I have not the most distant conception that he lost any, neither has any candid person in this community. After Riley had been arrested, he was guarded by humane and kind men, until the next day. He was then taken before a magistrate in the customary mode, which magistrate he stated was under my control, but which is false, as the magistrate is too honorable and high minded to be under the control of any person, and is fully capable of meting out justice to all. I give a certified copy of the testimony taken before him, to repel the foul slander circulated against him by Rockwell and Riley. After the trial, Riley had every opportunity of giving Bail if he had been able to do so, but could not, consequently he was committed to Cass Jail, there being no Jail in our County. What occurred on the road I know not, but those who had him in custody, are incapable of mistreating a prisoner—as they are high minded honorable men. He charges me with designating the particular houses at which they were to stop. I did advise them to stop with my friend Mr. Kirkum at New Echota, and Mr. Anderson at Cassville; they both

being very respectable, and keeping very excellent houses; and what harm could there possibly have been in advising them where to stop? They gave the most unqualified contradiction to his declarations about his treatment while going to Cassville.

He was twice offered the liberty to warm himself, which he obstinately refused, for no other reason that can be imagined than because he knew or believed that the owners of the houses were members of the Union party.

I most unequivocally declare that at the time I was requested to give possession, that it was not at all contemplated for my brother to occupy the house, having an entirely different arrangement then on foot for his residence and employment this present season, which I can fully establish if necessary.—His occupying those improvements is the result of an arrangement afterwards entered into between him and Hargrove, and in the accomplishment of which, I had no sort of participation, not even having a knowledge of his intention to do so until after the contract was consummated between them.

I most solemnly aver, that I have now placed the facts of the case fairly before the public. Throughout the whole transaction I know of no incident with, or for which I can reproach myself. What I have done I would again do under the same circumstances.

And it is worthy of remark, that a bill of indictment was preferred against me at last Murray Court for mal practice in office, founded upon this identical case, and although a partial Sheriff, who the Nullifiers had purchased out of the principles he professed, and which led to his election—had partly packed a Grand Jury upon me, and of which I informed the court when about to be empanelled, stating to him I was prepared to prove that the Sheriff had stated that he would summons such talismen as he knew would find bills against me in this particular case. This I publicly stated in the Court House, and which the Sheriff did not pretend to deny; yet strange to tell, the Judge decided that this was a new case and one in which he could not interfere; turning loose those vile, detestable, and most malignant passions of the Sheriff to destroy the liberties and character of the citizens.—In addition to all this, they decided that Joe Vann, an Indian, was legal testimony against me in this particular case. These decisions were made by Judge Hooper. After all their efforts to reach me, which is precisely stated above, and to the correctness of which statements the members of the bar and many other respectable men will testify,—this jury returned upon the bill of indictment, "NO BILL." All this, Rockwell well knew when he proposed and had written and published his catalogue of falsehood and slander. I regret the length to which this vindication has necessarily extended itself. I hope it will prove satisfactory to my friends,—my enemies I neither desire, or expect to please.—My humble exertions in the cause of a party upon whose permanent success I believe hangs the safety of our institutions, has marked me as an object of their malignant hatred. I have been persecuted in all the variety of modes, which ingenuity and destitution of principle could invent; and this scoundrel Riley, was heard to declare, when about to move to Murray, that "he would be damned if he did not put me down." But amongst the most trying scenes of adversity, I have been sustained by my friends with a firmness and generosity that fills me with gratitude and thankfulness. It is their good opinion and confidence for which I struggle, and am proud to know, that my enemies have failed to deprive me of either.

This man Riley was a bully for his party. His violence and rancour was the only passport to the favour and countenance of the Nullifiers.

It is not impossible but what they may endeavor to bolster up his character, for it is known to be a cardinal point in the policy of the party, never to permit any man to fall, having the power or ability to serve them. This remark is applicable to the party generally, but by no means to the whole of its members individually. For I am happy to know, that amongst them, I have some warm friends, and no doubt there are many worthy and honorable men. I now bid adieu to this subject, and I hope forever; assuring this deputy Judge of the Cherokee Circuit, Samuel Rockwell, that his cat's paw and tool, Spencer Riley, is now taken the last notice of by me that he ever will be—and that hereafter things must be called by their right names, and matters placed between the right persons.

My friends, I trust, will excuse me for the many harsh terms I have been constrained to employ. My apology is to be found in the unparalleled and unprovoked attack which has been made upon my character and reputation.

WILLIAM N. BISHOP.
Of Murray Co. Geo.

P. S. This piece would have long since appeared, but for the circumstance of the absence of an individual whose certificate I deemed important to have published. I hope all Editors who have published Rockwell and Riley's piece will publish this also.

All Union papers in this State are respectfully invited to give it a place in their columns.

W. N. B.

Certificates.

Georgia, Murray County:
I certify that during court week of March Term in said County, I was a boarder in the house of John J. Humphreys, where Spencer

Riley and Samuel Rockwell boarded, and that I heard them on one of the nights of said Court, together with several other persons, engaged in preparing a piece for publication, which since that time, I have seen in print purporting to be written by said Riley, which piece I have no hesitancy in saying from what I heard, was prepared and published through the instrumentality of said Rockwell, which statement I am at all times ready to swear to. Given under my hand this 30th April 1835.

JNO. K. MEARES.

Georgia, Murray County:

We the undersigned do certify, that we were present when William N. Bishop put Joshua Holder in possession of Joseph Vann's improvement, on the 23d day of February last; that after Holder put his furniture in the room that he had taken at that time, a conversation took place between said Bishop and Spencer Riley, in which Riley stated he had a claim to that property; Bishop informed him he was unapprised of that fact, and enquired of whom his claim was derived. Riley stated from Major Bullock. Bishop then stated to Riley that if he had any such claim he would proceed no further, but would then desist, and frequently stated to Riley that no personal difficulty was necessary, and that the whole matter could then be settled by him (Riley) exhibiting any written evidence of his authority from any white man to hold said property. Riley said he had no such evidence, and drew to his gun and swore he was not afraid of no man, and that if Bishop proceeded to put Holder in entire possession at the time set, which was on the 2nd day of March thereafter, he would kill him, and that he would break open the room already taken, and throw Holder's furniture out of doors.— Bishop advised Riley not to do so, stating that if he (Riley) held under a white man, his claim should be respected, but that if he held under Vann, he must yield. Riley still persisted in saying he would die before he would go out, and that he would throw Holder's furniture out of doors. Holder locked up the door and we all went away together; the door was opened and the furniture thrown out by some person. Bishop manifested no feeling of hostility upon that occasion, but coolly advised Riley not to act thus imprudently, but Riley still swore he would.

Given under our hands this 30th April 1835.

JAMES ROGERS,
M. F. C. LUMPKIN.

Georgia, Murray County:

I hereby certify that Joseph Vann had in his employment during a part of the year 1834, a White man by the name of Robert Howell as an assistant in agriculture; also he had employed as a miller, Samuel B. Campbell, a white man, during a part of the same year, and that he had different other white men hired as assistants in agriculture during a part of the same year.

Given under my hand this 28th day of April 1835.

JAMES T. CAREY.

Georgia, Murray County:

I hereby certify that Joseph Vann had in his employment during a part of the year 1834 a white man by the name of Samuel B. Campbell as a miller, also Robert Howell as an overseer, in his farm during a part of the same year, and that he had other white men employed as assistants in agriculture.

Given under my hand this 30th April 1835.

GEORGE W. WACASER.

Georgia, Murray County:

I certify that Joseph Vann had in his employment Samuel B. Campbell as a miller during a part of the year 1834, and that he had Robert Howell, employed as an overseer in his farm during a part of the same year.

Given under my hand this 30th day of April 1835.

JAMES C. BARNETT.

Georgia, Murray County:

I certify that Joseph Vann had in his employment Samuel B. Campbell, a white man, as a miller during a part of the year 1834, and that he had Robert Howell employed as an overseer in his farm during a part of the same year.

Given under my hand this 30th day of April 1835.

WILLIAM S. OATS.

Georgia, Murray County:

I hereby certify that Joseph Vann had in his employment, Samuel B. Campbell as a miller, during a part of the year 1834, and that he had Robert Howell employed as an overseer, in his farm during a part of the same year.

Given under my hand this 30th day of April 1835.

SAMUEL MILLER.

Georgia, Murray County:

We, the undersigned, do certify, that we were present during the conflict spoken of in a publication purporting to be Spencer Riley's, published in the Georgia Journal of the 7th April last, and dated March the 11th 1835, and that the whole of that part of said publication relating a conversation said to have taken place between William N. Bishop and said Riley on the 2nd March last, is false and unfounded, as no conversation of any kind took place between them at that time. Nothing was said by either of them to the other until after Riley shot down the stairs, and that said Bishop used no harsh language at that time, nor until after Riley shot; that part