

To the PEOPLE of GEORGIA.

Nothing is more necessary to your safety and happiness; than the faithful execution of the laws of the land. But these laws should be executed in mercy and with due regard to the liberty of the citizen. Every act of official oppression ought to be resented by you, with an earnestness and energy correspondent to your attachment to our free institutions. He, who can connive at the tyrannical conduct of a petty officer, is himself a tyrant at heart, and should be so, treated by every freeman. In the interior of Georgia, when a criminal is arrested to respond to the country for a violation of her laws, he is treated with all the humanity consistent with his being securely kept to answer the charge. No matter what his crime may be, whether robbery or rape, arson or murder, he is secured in such manner as is necessary to ensure his safe transport to some place of confinement. No greater rigor is used. When such is the conduct of officers among us to the most flagrant malefactor, with what feeling of horror must we contemplate the conduct of the Georgia Cherokee Guard towards the Missionaries whom they arrested, not for any outrage upon the rights of civil society, but for refusing, upon conscientious grounds, to take an oath required of them by the laws of the State. That these men subjected themselves to indictment and punishment, there can be no doubt; but the Guard had no power to punish—it was their duty to arrest the parties and to conduct them to a place of security. In what manner did they discharge this duty? They loaded them with chains, and compelled men, unaccustomed to such fatigue, to keep up on foot with the pacing of a horse; and when remonstrated with for such conduct by a pious and humane man, this man, for no other offence than a remonstrance against most atrociously tyrannical conduct, is taken from his horse and driven in chains, like a wild beast, to a place of confinement. Is this to be tolerated by freemen? Will you submit to such unauthorized usurpations by men in power?

The Governor is informed of these proceedings, and he takes no measures to arrest the progress of this oppression; and, as far as can be collected from his letter, he approves all that these petty despots have done. He misrepresents his own powers and the powers of the Guard, or places them in such a light before the community, though he sticks to the letter he in spirit deviates from the truth; for his evident object, in his letter to Mr. Howard, is to impress the public mind with the belief, that he has no power over the Guard. Now, the Governor is said to be somewhat of a lawyer, and he must know that by the general law on the subject, the power of removal *from office*, is incident to the power of appointment to office where no term of service is expressed, and that this power may be exercised at the discretion of the person having the right of appointment. Now, by the statute, the power of appointing the Agent or Commissioner to command the Guard is given to the Governor, and no term of tenure is prescribed by the statute, so that the Governor possesses the power to remove him at any moment. But the Governor is not left to the general law on the subject. He has power under the statute, although he says, "my power extends only to the appointment of the Agent or Commissioner (as the commander is called in the law) and to organize the Guard." I will show, that, by the law, he has other powers. "The Agent himself," says the Governor, "cannot punish a member of the Guard for disorderly conduct or other offence, not even by dismissing him *without pay*." Now, here the Governor attempts the practice of a fraud, (which is very unbecoming in "a wise and beneficent benefactor") upon the very pious and reverend gentleman whom he was addressing, by appending the words "*without pay*;" for the law expressly invests the Agent or Commissioner "with power to dismiss from the service any member of the Guard on paying wages, for services rendered for disorderly conduct," &c. Now, was it not a duty to the freemen of this country, to pay those members of the Guard, who had committed these atrocities on persons in their power, and to supply their places by others who possessed a greater regard for the rights of humanity? It was the duty of the Agent or Commander, as the Governor calls him, to dismiss them upon the first notice of their outrageously disorderly conduct. If the Agent should fail or refuse to perform this important duty, what devolved on the Executive? Why, it was incumbent on him to exercise the power given him by the statute itself, and to appoint some other fit and proper person to the command of the Guard, provided the Agent therein (in the act) referred to should die, resign, or *fail* to perform the duties therein required of him.

With such positive evidence of dereliction of duty on his part; so palpable an instance of favoritism; so flagrant a disregard of decorum and humanity; so utter a contempt for the usages of civilized people, the letter and spirit of the law, and the equality and privileges of freemen,—is it creditable, is it right, or is it safe, to entrust him again with the power which he has wielded to our shame and exerted to our sorrow? If not, let your votes on the first Monday in October thunder in his ears, that you know your rights, and are resolved to maintain them.

EARLY.