

**The Georgia Guard, John Howard
Payne, &c. &c.**

Since the first organization of the Georgia Guard by Governor Lumpkin, to the present day, it has had to encounter in a very peculiar manner, the opposition and relentless hostility of the nullifiers. Whether this has been owing to their hatred of the individual selected to command it, or friendship for him (John Ross) whose villainous intrigues and selfish policy it was intended to detect and counteract, is left somewhat to speculation—perhaps it was the mingling together of both these powerful passions—love and hatred—that produced their overflowing of gall—the envenomed hostility which has marked their course towards that devoted little band of citizen soldiers. That the commander of the Guard should, under the circumstances of its organization and the peculiar duties which it has been called upon to perform, have occasionally overstepped the bounds of discretion, is a matter of no great astonishment. No commander placed in the same situation could have performed even the duties required of him without the hazard of committing slight offences against individual right and interest—but such offences weigh but little in comparison with the attainment of the great objects sought to be effected by its establishment, namely, the peace and tranquility of a disturbed and agitated community, and the removal of the Indians. It is not our intention to become the apologists of the sins of the guard, but to raise our weak voices against that wholesale denunciation, abuse and slander, which have been poured out against it by the opposition to the dominant party in this State, whose policy in regard to the Cherokee country and the Indians, called it into existence. We believe that such a force was necessary at the time it was called out—that the time has not yet arrived when it is not necessary—and if it is not continued, we predict that the time is not very far distant when those whose idle clamor shall have disbanded it, will be execrated by the defenceless citizens, who have been thrown into that section of the State. This, however, we leave to time and experience, and hasten to notice that particular act of the guard, which, at the present time occupies so large a share of the public attention, namely, the capture and detention of John Ross and John Howard Payne, Esq.

With nearly the whole people of Georgia, official and unofficial, we raise the voice of censure against the conduct of the guard in this particular instance—not even the absence of its commander, or ignorance of the Constitution and laws of the country of those who offered it, are sufficient apologies for the insult to Tennessee; and this is in our opinion, if not the sum and substance, the principal offence committed by the guard. If Mr. Payne and John Ross had been taken on Georgia ground instead of that of Tennessee, we believe that the circumstances by which they were surrounded at the time, would have gone very far to excuse, if not justify the conduct of the guard—for agreeably to Mr. Payne's own showing in his address, he could not have been unapprised, whilst secretly closeted for weeks together with John Ross, either of the position occupied by that patriot here (as he is termed in the Christmas address of the Southern Whig) in reference to the people of Georgia, or of the prejudices existing in the country against strangers who are northern men—and therefore voluntarily laid himself liable to the treatment he received. We do not say that his interference in behalf of Ross and his party to prevent the U. S. Commissioners from effecting a treaty with the Indians, (which he admits to have been the case) would have justified the guard in detaining or examining him, but we do say, that agreeably to his own showing, his conduct must have appeared so mysterious to those not in the secret of the nature of his intercourse with Ross, as to have palliated, if not justified the guard, if they had not rendered that conduct outrageous by trampling upon the rights of a sister State. Under all these circumstances, we do not think

that Mr. Payne has any great reason to complain of his individual treatment. He got himself into the difficulty under a full knowledge of all the circumstances with which he was surrounded—of the state of public feeling against Ross as the sworn enemy of Georgia—of the great anxiety of the people both of Georgia and of Tennessee for a treaty with the Indians, which he opposed, and of the strong prejudices existing among the people against strangers from the North. And in addition to all this he had an opportunity of studying life and character in new and interesting forms, which otherwise might never have presented itself; and we should not be at all surprised if he should live to bless that as a fortunate circumstance of his life, which now seems to have been so cruel and oppressive—if he should live to luxuriate amid the deafening applause of a Chatham Street or a Covent Garden audience on the reception of a new drama, the scene of which will be laid in the Cherokee country, and the characters studied while the author was held “in durance vile” by the Georgia Guard.

But if Mr. Payne himself has no great reason to curse that destiny which led him to an acquaintance with the Georgia Guard under such interesting circumstances, what should we think of those (the nullifying editor of the State Right's Sentinel and others) who are pouring out such a flood of Crocodile tears over the sad scenes of his adventures? Where were the sensibilities and tears of those tender hearted gentlemen last summer, when an innocent young stranger from the north was taken up in a distant county and dragged back to this place, where he had unfortunately excited some *suspicious*, because, during a crowded Commencement season, he lodged in the country during the night, and in the day tied his horse in the bushes, and came into town for the purpose of soliciting subscriptions to the “Penny Magazine?” This young man was, without authority of law, taken up, held “in durance vile” for several days—had his *papers examined*—was honorably acquitted and even then barely escaped “a little lynching for the sake of example”—and yet who ever heard of an appeal from those very sensitive and *law loving* gentlemen, in his behalf? Echo answers, who! And yet in what does his case differ from that of Mr. Payne's? We apprehend in the view of the nullification Wigs only in this: he was an obscure young man, and his politics, if he had any, unknown—Mr. Payne is a *distinguished* man—a *Whig*, and, more sacred than all, the *bosom friend* of John Rose, and the *author* of an eloquent appeal to the people of the United States against Georgia's oppressions of that suffering saint!