

(Continued from our last.)

Affidavit fifth

The examination of Philip Clayton, Esq. before the committee of the legislature.

Q. 1. Were you intimately acquainted with Roberts Thomas, Esq. deceased, one of the senate of the state of Georgia, during the last session of the legislature, at Augusta, and did he live in your house during that session?

A. I was intimately acquainted with Mr. Thomas, he did live in my house during that session.

Q. 2. Had you, or had you not, conversation with him on the subject of the sale of the western territory of this state, whilst that subject was in agitation or before, or after that time?

A. He had before, at, and after the passing the act.

Q. 3. Did he, or did he not, tell you, or give you to understand, that he held a share or shares in some one or more of the companies who purchased the lands; and did he, or did he not, make known to you that such share, or shares, were given to him by the company or companies, without being liable to pay any money therefor, and that his certificate differed from those given to persons out of the legislature in that respect?

A. After the passing of the act, he brought a considerable sum of money to my house, and asked me to take care of it. I believe it was two thousand dollars, on which I asked him, how he got it, or if he got it for his proportion of the land, or words to that effect. He said it is nothing to you; take care of it, and smiled.

Q. 4. Are you, or are you not, intimately acquainted with some one or more of the grantees of the said companies; and have you not heard some one or more of them say, that the said Roberts Thomas, did receive a gratuitous certificate, for a share or shares in the purchase, and that he would not be content with one in the usual form?

A. I am acquainted with the grantees of the companies; I never heard it from any of them.

Q. 5. Have you, or have you not, heard the said Roberts Thomas say, that he received any sum or sums of money from any of the companies, or any individual of those companies, either in consideration of his share or shares, or otherwise, for being in favor of the sale of the land; or have you not, heard any member of either said companies declare, that the said Roberts Thomas, did receive any sum or sums of money, for or on account of such shares, or otherwise from any of the members of the said companies, for that consideration.

A. I did not, but had my own opinion.

Q. 6. From every circumstance, which has come to your knowledge, do you, or do you not, know or believe, that the said Roberts Thomas, or any of the members of the last legislature, were absolutely interested in the purchase of the western lands, or did receive money or other thing to induce them, or him to vote for the sale thereof?

A. I do not know, but I suppose they were from general supposition.

Q. 7. Did you, or did you not, understand from the question you put to Roberts Thomas, when he brought you the money, and the manner in which he answered it, that he had received the money for his vote in the legislature, or being in favor of the sale of the land?

A. I did suppose from a knowledge of Mr. Thomas's circumstances, that he could not have got that sum of money, unless it had been in that way either directly or indirectly.

Q. 8. Do you, or do you not, know the associates of the respective companies?

A. I do not.---Mrs. Longstreet, executed a renunciation of dower of lands, belonging to the Georgia company, in favor of Mr. Maher.

Signed, PHILIP CLAYTON.

Sworn in presence of the Committee of the

House of Representatives, before me,

THOS. LEWIS, J. P.

Sixth.

JAMES TERRELL, Esq. being duly sworn, sayeth, that Thomas Raburn, Esq. one of the members of the last legislature, said in his presence, some small time after the rising of the general assembly, that he, the said Raburn, had purchased a part of the western land, during that session, and whilst he was a member of the house of representatives, and that he had sold it again.

Signed, JAMES TERRELL.

As before.

Seventh.

JOHN SHEPHERD, Esq. a member of the last legislature, at Augusta, being duly sworn, sayeth, that just before the bill for the disposal of the western lands, came before the house at the last session, he had frequent conversations with William Longstreet, Esq. another member of the legislature, who recommended to the deponent strongly to be in favour of selling the lands; and if he would, he should come in for shares to the amount of one hundred thousand acres. The deponent said he did not think it was right to sell the lands; but the said Longstreet told him if he would, he might make a fortune for himself and family forever, or words to that effect: the deponent said it would be injurious to the community, and it would be displeasing to our constituents to dispose of their rights. The said Longstreet, then said it was no matter, that the deponent nor himself need not care, provided they could get the land, whether they ever came there again, or words to that effect. That the deponent had a conversation with Philip Clayton, at the State-house, about the 28th of December 1794, concerning the lands, when said Clayton, urged the deponent to go home. That the same evening, the said Clayton, called the deponent into his office, and told the deponent, that provided that he would give him, the said Clayton, an order on the speaker for his warrant, which he said, by his calculation, was twenty eight pounds, and go home immediately, and return no more, that he would give the deponent seventy pounds; the deponent answered, he had business up town, and returned to him no more that night. A few evenings afterwards, the said Clayton told the deponent, that he need not be angry with him, for that it was at the request of General Gunn, and he would pay the expence.

Signed,

JOHN SHEPHERD.

Sworn to as before

Eighth.

DAVID GLENN, being sworn, sayeth, That he went down to Augusta during the last session of the legislature, whilst the act for the sale of the western lands was under the deliberation of the general assembly; that he put up with Mr. Wilkinson, and Mr. Shepherd, two members of the assembly, at Mr. M'Tiers, in Augusta; that he frequently talked with Mr. Wilkinson on that subject, and advised him not to agree to sell it, for it would hurt his popularity; that the said Wilkinson, said it would not, for that he thought it was best. That after the deponent found the land would be sold, he was desirous to get a part of it, and applied to Mr. Cox, one of the grantees in one company, to know if he could get a part; that Mr. Cox told the deponent he could not, for that all the shares were taken up; that he then applied to the said Reuben Wilkinson, to know if he could get him a part, who said he could, and did let the deponent have a share, which was in the name of the said Reuben Wilkinson, and was for about twenty seven thousand acres, or thereabout, subject to a deduction. The deponent further sayeth, that he frequently heard Reuben Wilkinson, say, after the legislature rose, that he should make a great deal of money by that measure. That during the sitting of the legislature, Mr. Longstreet frequently urged the deponent to try to prevail on Mr. Shepherd, another member, to go home; the deponent said he could not influence Mr. Shepherd. The deponent understood and believed, that the said Longstreet wished to get Mr. Shepherd to go home, to prevent him voting against the sale of the lands. That he likewise had a conversation with Mr. Wilkinson, who also asked the deponent if Shepherd would not go home: The deponent answered he did not know; when Wilkinson replied, "By God, I wish he would." The deponent further sayeth, that before the Assembly rose, and before the Governor signed the bill, he, the said Wilkinson, shewed the deponent two written certificates, for four shares each, or for a certain number of acres, the deponent does not precisely recollect, which said certificates did not mention that any sum was to be paid for them--They were signed by Nathaniel Pendleton, chairman, he believes. That afterwards, the said Wilkinson shewed the deponent two printed certificates from the Tennessee company; one from the Georgia company, for fifty six thousand acres, signed James Gunn, Matthew M'Wilder and George Walker, he believes; and two printed

certificates from the Georgia Mississippi company. That the said Wilkinson, informed the deponent, that the first two written certificates had been given up, and that he had received the last two printed ones in lieu thereof.

Signed,

DAVID GLENN.

Sworn to as before.

Ninth.

ROBERT FLOURNOY, Esquire, being duly sworn, sayeth, that at the session of the legislature before the last, he made an acquaintance with Judge Pendleton; that the said Judge Pendleton then contemplated and made proposals to the legislature, to purchase a part of the vacant territory; that he then offered the deponent a share, provided that the business succeeded, that not being the case, the deponent attended at the last session, when that subject came on the carpet again; that then William Longstreet called on the deponent one morning at his lodgings, and informed him, that he the deponent was set down for a share of seventy-five thousand acres in the Georgia company; that the deponent was informed that he had been set down by the influence of general Gunn. This deponent further sayeth, that the meetings of the Georgia Mississippi company were held at the deponents quarters; that he was present at some of their meetings; that during the passage of the act for the disposal of the western lands, he thinks general Gunn sent for the deponent and asked him if he was intimate with Henry Mitchell, Esq. a senator from the county of Warren, the deponent answered he was; general Gunn then requested the deponent to go to him the said Mitchell, and propose to him, to take a share of seventy-five thousand acres of the lands, on the same terms of the other purchasers, and at the same time to urge him to vote for selling the lands: The said Gunn mentioned that captain Rains had a share of fifty-six thousand acres or thereabouts, who was a brother in law to Mr. Mitchell, but that Mr. Mitchell should have a share exclusive of that; the deponent did make such a proposal, which Mr. Mitchell refused: The deponent further sayeth, that the said general Gunn requested him at some time during that session, and before the bill for selling the lands was passed, to go to Roberts Thomas, a member of the senate from Hancock county, and know if he was earnest in the business, for that he was fearful he did not intend to be uniform, for he was afraid the fellow was frightened, or words of that nature; that the deponent did call on Mr. Thomas for that purpose, who told him that he meant to be uniform: The deponent after the rising of the legislature, saw the said Thomas in the streets of Augusta, when the said Thomas made this observation, "they blame me for speculation, now I will speculate, Flournoy, you have been speculating all your life, and I will make more money in two years than you have made in your whole life," the deponent replied, I believe you have made more in two months, or less time.

Signed,

ROBERT FLOURNOY.

Attested as before.

Robert Flournoy, Esq. saith that Roberts Thomas Esq. in a conversation on the subject before the meeting of the last legislature, told the deponent he should be in favor of a sale, as he thought it would be an advantage to the state; if it came forward in a favorable shape: The deponent further saith, that general Gunn likewise told the deponent during the sitting of the legislature, that no member of the legislature should or could expect to have a share if he did not vote for the bill.

R. F.

Tenth.

JAMES SIMMS, Esq. one of the representatives, from the county of Columbia, being sworn, sayeth, that he had frequent conversation with Roberts Thomas, Esq. a member of the senate of this state, at the last session of the legislature at Augusta; that the deponent did frequently, during that session, and whilst the act for the disposal of the western territory was in agitation, advise the said Roberts Thomas not to vote for the sale of the lands; that the said Thomas said, there was an opportunity of making something very clever, and if he did vote for it, he would: The deponent told the said R. Thomas that the purchasers would deceive him, and after he had voted in favour of it he would get nothing, to which the said Thomas replied, "he would take care to make himself so

ture, before he gave his vote." The deponent further sayeth; that during the last session of the legislature, whilst the said bill for the disposal of the western lands was on the carpet, general Gunn called in the deponent and told him that he was fearful the bill would be lost. Luke Mann, Esq. a member of the senate, as the deponent understood, had that day voted against the bill; Gunn then said, "Simms, I suppose from what I have heard, you are a poor man, and you now have an opportunity of making something handsome for yourself and family, if you will prevail on them to vote for the bill, I will give you fifty thousand acres of land." The deponent further sayeth, that the said Gunn told the deponent he would give the same, if he would get Mr. Woods, a senator, to vote for it, or any other member of the senate; that he was in company with Mr. John King and Mr. Samuel Wright, two members of the same senate, at their quarters in Augusta; that a conversation arose about the sale of the western lands, the deponent expressing himself opposed to that measure, the said John King and Samuel Wright, told the deponent he ought not to oppose it, for that he might make something clever if he would come into the measure, or words of that nature.

Signed,

JAMES SIMMS.

Sworn to as before.

Eleventh.

BURRELL POPE, Esq. one of the members of the last, and present senate of this state, being duly sworn, saith, that being a member of the senate, at the last session of the legislature, he lodged at Mr. Herberts, in Augusta, with Mr. Harrison Musgrove, then a member of the house of representatives, from the same county; that one evening whilst the bill for disposal of the western territory was on its passage, the said Musgrove, told the deponent he had found out more than ever he knew before, that he had discovered there were two shares in Cummings's company, reserved for himself, and for every member that would take them, but that he did not know he should take them. The deponent further saith, that at another time the said Musgrove, said to the deponent, friend Pope, I am authorized to tell you, that you can have one hundred guineas for your part; to which the deponent answered, he had no part, that at another time the said Musgrove, further told the deponent, he might get five hundred silver dollars.

Signed,

BURRELL POPE.

Sworn to as before.

Twelfth.

HENRY G. CALDWELL, Esq. being sworn, saith, that during the sitting of the last convention at Louisville, the deponent had a conversation with general Gunn, when the said Gunn, asked the deponent, who was to be governor next year, the deponent said he had heard, Judge Stith mentioned; the said Gunn, shook his head and said, "it would not do, that Stith had been ungrateful to his poor relations, for that he had made a great deal of money by the speculation, and had not been generous to them," the deponent then asked the said general Gunn, how much Judge Stith, had made by that business, general Gunn, answered, thirteen thousand dollars; the deponent then asked the said Gunn if the said Stith had a share in the lands; to which general Gunn gave no direct answer, but said that he had engaged to give Judge Stith thirteen thousand dollars, for his influence in passing the law, for disposal of the lands," that if the law passed, Stith, was to have the money; that the law had passed, and that in consequence, he had given him a draft for the money, and he either had received, or would receive it.

Signed,

HENRY G. CALDWELL.

Sworn to as before.

Thirteenth.

DAVID B. MITCHELL, a member of the last, as well as the present legislature of the state of Georgia, being duly sworn, maketh oath, and saith, that on his return from Augusta, after the rising of the last legislature, he rode in company with Thomas Wylly, Esq. a member of the senate of that legislature, from the county of Effingham, when a conversation took place between this deponent, and the said Thomas Wylly, on the subject of the sale of the western territory of this state, which took place during that session, when the said Thomas Wylly, told the deponent, that he the said Wylly, had sold a share which he held in one of the companies, who had purchased the said territory to one Willson, a merchant in Augusta, for which he had got a negro fellow named Dublin, which was either in full, or in part for the said share, but this deponent believes the negroe was only in part, for the said Wylly also informed this deponent, that he had some money besides, which was paid him on account of said share; and further, that the said negroe Dublin, was then riding behind the carriage, in which the said Wylly and this deponent were; and this deponent further saith, that at the same time, the said Wylly, told this deponent, that he would make eight or ten negroes, by the shares he held in the different companies, who purchased the said territory; that this deponent, then observed to the said Wylly, that he had not made as much as some others of the senate had, when the said Wylly observed that he had engaged too soon, that he was not so lucky as some of them, who had held off until the last.

Signed,

DAVID B. MITCHELL.

Attested as before.

[To be concluded in our next.]