

The man that took Ezekiel Polk to Guilford as a Tory prisoner, and that when his brother, Col. Thomas Polk, knew he was there, he said—'damn him, I do not want to see him, put him with the other Tories.' And Thomas Alexander swears that he was one of Ezekiel Polk's company—that when Lord Cornwallis erected his head quarters in Charlotte, Ezekiel Polk went in and took British protection—and that one Jack Barnett having learned that Polk had gone to Charlotte, availed himself of British Protection, determined to way-lay him as he returned and kill him. And this witness further swears, that he was in the war and personally knew these facts to be true. (See these affidavits regularly sworn to in the Appendix hereto.)

And even Mr. Haywood's witness, Daniel Alexander, states, that 'some Whigs' were so exceedingly zealous as to consider the fact of taking protection (by Ezekiel Polk) as traitorous, and he also remembers Ezekiel Polk came into the camp with Jack Barnett, and it was said Barnett had taken him prisoner, but Mr. Alexander considered it a joke—a very singular joke by the way—and he also remembers that after the War, objections were made to his being Sheriff on account of his having taken British protection. It seems, then, that so far from the Whigs of the present day being singular in deeming Ezekiel Polk's conduct equivalent to Toryism, that opinion harmonizes remarkably with their brother Whigs of the Revolution. Indeed what other opinion could be formed?

What but party could deem such an act otherwise than highly discreditable, which though mercy might forgive, justice must pronounce a crime? It is useless to prolong discussion on the subject. It may be brought to a very simple test. It depends upon the nature of that allegiance, which a citizen owes to his country and a soldier to his standard. Suppose that when Ezekiel Polk was called upon to take the oath of Allegiance to his country, he had proposed to swear that he would be faithful to her, and serve faithfully under her standard at all hazards, except the loss of his property; but that when that was in danger he must go over to the enemy and take British protection, and act while the danger lasted as a British subject. Would such an oath have been received? Would not the exception be considered as a timely proviso to authorize future treason? Would not a brave and honorable man have felt insulted, if such an alternative had been offered to him? Yet, this exception describes the very conduct which Ezekiel Polk pursued.—If it was right to do so, it could not be wrong to say when he took the oath, that he would so act. And if every man feels, as feel he must, that such a qualification upon an oath of allegiance, would be dangerous to the country and disgraceful to the citizen, it could only be because the conduct of Ezekiel Polk was discreditable and traitorous. But what is Toryism, but treason to the country in the War of the Revolution? Hence, the difference in the judgment passed upon his conduct by the Whigs and the Democrats, depends on the difference between those parties respectively, in their notions of allegiance.—The latter hold, (if Mr. H. correctly expounds their doctrine) a tacit exception in that obligation, by which a citizen is allowed to leave his country, and a soldier his standard, when this is necessary to save his property. We hold the obligation to be universal in its requirements, and that the citizen and soldier is bound to adhere to his country, though he should thereby lose all that he has. Hence they justify, and we condemn Ezekiel Polk. Let the Freeman and Patriots of North Carolina determine which is right. To them, we cheerfully submit the question.

To discredit the charge of Toryism alleged against Ezekiel Polk, Mr. Haywood offers two arguments, which may be shortly disposed of. The first is this: He publishes Ezekiel Polk's commission as second captain in the Regiment of Riflemen, dated 18th June, 1775, and states that his company formed a part of Col. Thompson's Regiment which received the thanks of Congress in July, 1776; and urges the commission and the vote of thanks as full evidence, that Ezekiel Polk was not a Tory? Whether his company indeed formed a part of Col. T's Regiment we know not, but it required the talents of such a "truthful, patient and accurate investigator of facts and evidence," as Mr. Haywood is publicly certified to be, to discover how a certificate and vote of 1775 and 1776 can prove that Ezekiel Polk was not a Tory in 1780. We, in common with ordinary mortals, had supposed that evidence could only inform us of what was either past or present, and that to determine the future, belonged to prophecy. Perhaps the Democratic Committee may understand the argument, which is this:

Ezekiel Polk had a commission in '75, and a vote of thanks in '76—therefore he could not have been a Tory afterwards. Should any descendant of Handel Arnold desire to remove the stain of treason from the memory of his ancestor, let him apply to this "accurate investigator of facts and evidence." It has heretofore been supposed that, in the early part of the Revolutionary war, he fought with bravery and devotion, on his country's side, and that in the year 1775, (the very year of Ezekiel Polk's Commission) he gallantly led two divisions of American troops through a howling wilderness to the walls of Quebec. And yet, it has been supposed, and history has also recorded that in 1780, (the very year that Ezekiel Polk took protection) he became a Traitor and sought to betray his country to her enemies. No one has supposed heretofore, that there was any inconsistency in the two parts of this statement; but in Mr. Haywood's hands, Arnold's fame will be vindicated at once. Arnold, he would say, fought bravely for his country in 1775—Traitors do not usually fight for their country, and therefore, history is mistaken in recording him a Traitor in 1780. After all, perhaps the force of such reasoning to plain men will not be very apparent, until Mr. Haywood or the Committee shall establish this proposition, that one cannot become, at one time, what he was not at another, and transfer the doctrine of final perseverance from Religion to Politics.

Mr. Haywood's second argument is this: That after Ezekiel Polk had gone in to Cornwallis and taken a British protection, he was appointed by the Legislature of North Carolina a Colonel in their service, and therefore, he could not have been then suspected of Toryism.—It is unnecessary to consider the force of the conclusion, until the fact is established from which it is drawn. Mr. Haywood furnishes no evidence of this fact. He says it is admitted. Where, and by whom admitted? We do not admit it—we know of no evidence to establish it, and it is easily capable of proof, if true. Let Mr. Haywood produce the proof, that after Ezekiel Polk took a British protection, he was appointed by the General Assembly, a Colonel in their service. Until this is proved, it is idle to inquire what inference should be drawn from it.

In conclusion, Fellow Citizens, we submit that the Revolutionary character and services of Ezekiel Polk were first brought forward by the Democratic Party as grounds upon which they claim support for his grandson—that the Whigs instituted an inquiry into the nature of these services, and have produced a body of evidence given, under oath, showing beyond reasonable controversy, that in 1780, Ezekiel Polk was regarded as in heart a Tory, by those who had the best opportunity of knowing the truth—that he voluntarily went in to Cornwallis under no personal restraint—when in no danger of life—and took a protection from him, merely to save his property from loss or sequestration. And they have called upon you to ask whether his descendant has any claims upon his country, in consequence of this conduct of his ancestor. In answer to this, our opponents have brought forward Certificates, not upon oath, which denying that Ezekiel Polk was regarded as a Tory, admit the fact that he took a British protection under the circumstances we have stated, and then complain, that we have assailed the character of the dead. Is the complaint well founded? What they asserted in favor of Ezekiel Polk was either to the purpose in this canvass, or it was not. If it was to the purpose, were we to permit the People to be imposed upon by unfounded assertions of merits which did not exist? Were we bound to submit in silence, when an attempt was made to adorn a Tory of the Revolution with the honors due only to a consistent Patriot and Soldier, and to invoke for his descendant that support for the first office in the Nation, which he cannot claim for any merits of his own? On the contrary were we not bound to place the truth before you, so far as we were able to ascertain it, and leave James K. Polk to stand before you without the glory of a Revolutionary ancestry which he did not possess, and to succeed or fail, according to his own character and services? But if this matter was not material—if it is a matter of no consequence whether James K. Polk claims his descent from Patriot or Tory of the Revolution, why was it brought forward at all? Why did Gen. Saunders sound the praises of his ancestors, and why did the Democratic Press echo those praises to the nation? But we do not admit this matter to be immaterial. Certainly, James K. Polk ought to be visited with no punishment for the misdeeds of his ancestors, but surely when he stands be-

fore the Country, claiming the first office in her gift, it is an important inquiry, how did his ancestor behave in that Revolution which established our Independence? And what American who truly values the reputation of his country, would not feel degraded at seeing its Chief Magistracy filled by one, in whose veins flows the blood of a Tory—of a Tory not upon principle—not because he thought the mother country right, and the colonies wrong, but a Tory upon calculation—who, holding a Commission of trust in the service of his country, and having sworn devotion to her cause voluntarily took a protection from her enemy as a British subject, in order to save his property—who, when put to choose between his wealth and his country, forgot the honor of a soldier, and the duty of a citizen, and bartered the success of that country's cause for an assurance from a British commander of protection for his wealth. We are not prepared to say that the descendant of such a man is, under no circumstances entitled to the highest confidence of his country; but surely, he ought to produce the highest evidence of devotion to her cause in his own person, and more particularly should he show by his conduct in inferior trusts, that he is entirely free from the old leaven of his ancestor, and that he has no leanings against the Patriots of the Revolution. What evidence has Mr. Polk furnished upon this subject? We cannot enter into any particular enquiry here, but let us ask briefly, what services has he ever rendered, and what are the claims, personal to himself, on which your support is demanded? He has but three positive recommendations; First, that he is in favor of the immediate annexation of Texas, without regard to the faith of Treaties. Secondly, that he is the friend of General Jackson, which is especially urged in Tennessee. And thirdly, that he was born within ten miles of the place of General Jackson's birth. Beyond these, what are his claims? He was speaker of the House of Representatives, but so grievously suspected of corruption, in the administration of his office, that the House, on one occasion, refused to allow him to appoint a committee, and the usual vote of thanks was opposed and the Yeas and Nays called upon it—an event which never happened but once before, in our history. He was Governor of Tennessee, but his conduct gave so little satisfaction to the People of that State, that they turned him out; and though he has assiduously courted their support, they have never prevailed upon to trust him again. What measures is he in favor of? Can any human being tell? He is against a Bank of the United States—he has been both for and against the Sub Treasury, but no one knows what he is for now. Is he for Free Trade, or for high protective duties, or for a revenue Tariff, with incidental protection to American Industry? Who can answer this question? Here, he is supported as a Free trade man, where moderate protection is popular, while in those parts of the Union, where high protective notions prevail, he is confidently affirmed to be a stronger advocate of protection than Mr. Clay. In this State, his North Carolina origin is urged in his behalf, but this is an insult to our People. If a North Carolinian is desired for President, surely the State can furnish men, whose ancestors were neither Tories nor suspected of Toryism, and who cannot desire to let down the Presidential office by placing in it a man unknown to fame and possessing but an unenviable notoriety, merely because he was born upon her soil.

But how has Mr. Polk shewn himself affected towards the Soldiers of the Revolution—has he shewn that if his Grandfather's attachments were wrong or doubtful, his own are certainly right?—Quite the contrary, for while in Congress he voted against every bill for the relief of the old Soldiers and their wives and children. Why, unless his hereditary sympathies were with the Tories and not with the Whigs of the Revolution?

People of North Carolina! Can there be a question between Henry Clay and Jas. K. Polk for the first office in the world? Henry Clay, beyond question, the first Statesman of our age and country—of the purest and most patriotic devotion to the interest of the whole Union—whose opinions have been and are avowed with perfect frankness, and for whom support is asked upon the very same grounds from Maine to Louisiana—whose services for the third of a century are interwoven with the history of the nation, and whose name commands respect in every quarter of the world.—James K. Polk, a man of yesterday—not thought of by his own party for the Presidential office, until thrust upon them by the intrigues of a faction at Baltimore—a man who is neither a Statesman nor an Orator, nor so far as we have any

evidence, a Patriot—disgraced as the presiding Officer of the House of Representatives—rejected by the People of his own State as their Governor—whose past history exhibits not one single service rendered to his country, and who is now before the people without definite political opinions—the avowed advocate of no specific measure for the relief or advancement of the country—concealing his views if he has any, under general and evasive statements, and permitting his friends to support him upon whatever ground may seem likely to attract the popular favor of any section of the country. Between two such men, it is impossible the people of North Carolina can hesitate in their choice. Go, then, Whigs of the State, and cast your votes on the 4th of November next, for Henry Clay. Let no man absent himself, except from urgent necessity. It is true Mr. Clay's election is certain as any thing depending on human action can be—but let no man absent himself or lessen his exertions on that account. It is the duty, and it should be the pride and the resolution of the Whigs of North Carolina, who first nominated him for the office, to give him such a majority, as will mark at once their estimate of his merits, and their detestation of the false and unprincipled calumnies with which he has been assailed.

By order of the Central Committee,  
RICH'D HINES, Ch'm'n.

APPENDIX.  
Mecklenburg, N. Carolina,  
June 9th, 1844.

At the commencement of the War of the Revolution, Ezekiel Polk, at that time a resident of South Carolina, received a Captain's Commission, in the Militia, and raised a company on the frontiers of the State, against the Cherokee Indians, I was out of that company.—After this, Ezekiel Polk was ordered to proceed with his company into South Carolina to protect the Whites against the Negroes—this he refused to do.

The winter following, he proceeded with his company on an expedition against the Tories, stationed not far from Ninety-six, under the command of Cunningham. From this time, he did nothing to favor the Whigs during the War.—When Lord Cornwallis marched his army into the country, and erected his Head Quarters in Charlotte, Ezekiel Polk, One Jack Barnett, having learned that Polk had gone to Charlotte, to avail himself of British Protection, determined to way-lay him as he returned, and kill him. From this course he was deterred by his friends. I was in the war, and personally know these facts to be true.

THOS. ALEXANDER.  
Subscribed and sworn to before me, one of the acting Justices of the Peace for said county of Mecklenburg, and State of North Carolina.  
THOS. J. KERNS, J. P.  
June 9th, 1844.

Being requested to state what I know of Ezekiel Polk—also the public opinion with respect to the same person during the Revolutionary war, I have to say I heard but one opinion and that was—EZEKIEL POLK was a TORY—took protection and was in heart and deed an enemy to his Country—as it was currently reported at the same time that he was the pilot of the British army and led them in bye ways where they could do the most damage to the country, and I always looked upon him myself as a Tory. I am now in my 80th year.  
ANDREW ELLIOTTE.  
State of North Carolina,  
Mecklenburg County.

Personally appeared before me the above Andrew Eliotte and being qualified says the above is true.  
D. HARRY, J. P.  
August 1, 1844.

Being called upon to state what I know relative to the transactions of the Revolution, I can state that I recollect when the Mecklenburg Declaration of Independence was made, being then between nine and ten, and that I was well acquainted with the name of all the signers, hearing my father relating them. I know that Ezekiel Polk was not a signer. I recollect well hearing of his being a Tory and taking British Protection, and I also had it related to me by a person (Alexander Campbell) in whom I had the utmost confidence, that while Cornwallis was in Charlotte Ezekiel Polk wore a red coat. I well recollect also that the people at that time looked upon Polk to be as arrant a Tory as any in the country.  
HEZ ALEXANDER.  
Sworn to and signed this 2d day of August, 1844.  
Attest,  
ROBT. KIRKPATRICK, J. P.

Being requested to state what I recollect of the transactions of the Revolution and since, I can state that I was about six years old at the time of the Mecklenburg Declaration of Independence, and distinctly recollect of my father, who was a signer, telling my mother what he had done and of her crying.—I have often heard my father mention the names of the signers but never heard him mention that of Ezekiel Polk, and I do not believe that he ever signed that Declaration. I recollect hearing my father speak of Polk, and have never heard of his doing any thing to aid the Whigs—but when Cornwallis was in Charlotte he took British Protection and I know the opinion expressed of him at the time and since was that he was a Tory. I recollect also of hearing my father state that he had been appointed Sheriff and that the People would not suffer him to act. I am now in the 76th year of my age.  
AMOS ALEXANDER.  
Sworn to and signed before me this 6th day of August, 1844.  
DAVID HENDERSON, J. P.

State of North Carolina,  
Mecklenburg county.

Personally appeared before me an acting Justice of the Peace, Wm. McCoard and Nathan Orr, and maketh oath that we have been well acquainted with the character of Ezekiel Polk and that we have always heard him branded with being a Tory during the Revolution and have never heard or seen any proof to satisfy our minds that the charge was untrue, and the general and current report of the country was that he had taken British Protection.  
Sworn to before me this 2d day of August, 1844.  
WM. MCCOARD,  
NATHAN ORR.  
THOS. M. KERNS, J. P.

Being requested to state what I have heard relative to the character of Ezekiel Polk during the Revolution—I have to state that I recollect very well the time the British were in Charlotte and have learnt from the old soldiers that Ezekiel Polk was a Tory and that he took British protection and that all the people considered his taking protection as rank Toryism as if he had been found fighting against the country. I am now in my 72d year, and was living between 4 and 5 miles of Ezekiel Polk and on the same plantation that I now reside on.  
JOHN BROWN.  
State of North Carolina,  
Mecklenburg county.

This day came John Brown before me the subscribing Justice and being duly sworn made oath that the above relation of facts as stated are to the best of his knowledge true. Sworn to and signed this 2d day of August, 1844.  
Attest,  
ROBT. KIRKPATRICK, J. P.

This is to certify that I know Ezekiel Polk during the Revolutionary war—and that I always understood and believed him to be a Tory—that he was disliked by the Whigs and every one believed that he did take British Protection and that I always understood that Capt. Billy Alexander took him to Guilford as a Tory.  
SUSAN ALEXANDER.  
Attest,  
DAVID HENDERSON, J. P.  
August 6th, 1844.

I was living in sight of E. Polk when Cornwallis took possession of Charlotte. I saw him when taken by the Whig scouts, J. Barnett, Robt. McLeary, and John Taylor. I heard Mrs. Polk tell mother that it was all a sham to save him from the wrath of the Whigs who had threatened his life.  
M. ALEXANDER.  
July 25, 1844.

State of North Carolina,  
Mecklenburg county.

Personally appeared before me, the subscribing Justice, Dan Alexander and maketh oath that he is the son of Capt. William Alexander (commonly called Black Billy) who was a Captain in the Revolution—and that he has repeatedly heard his father relate to himself and others that he was one of the men that took Ezekiel Polk to Guilford as a Tory prisoner, and that when his brother Col. Thomas Polk knew he was there, he said damn him I do not want to see him, put him with the other Tories.  
Sworn to before me and signed this 7th day of August, 1844.  
DAN ALEXANDER.  
EDWIN POTTS, J. P.

RAGS WANTED.  
Clean rags, (any color) of Cotton, Flax or Hemp material, will find a ready market at this office or in any of the stores of this place, at one cent and a half per pound to be paid for its discount of debt due, or its newspaper, printer or store.  
March, 1844.

Being requested to state what I know of Ezekiel Polk—also the public opinion with respect to the same person during the Revolutionary war, I have to say I heard but one opinion and that was—EZEKIEL POLK was a TORY—took protection and was in heart and deed an enemy to his Country—as it was currently reported at the same time that he was the pilot of the British army and led them in bye ways where they could do the most damage to the country, and I always looked upon him myself as a Tory. I am now in my 80th year.  
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