

DEFENCE

OF

JAMES W. PARKER,

Capt Robert Smith
vs
James W. Parker
AGAINST SLANDEROUS ACCUSATIONS

REFERRED AGAINST HIM.

HOUSTON.

1839.

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**TO THE CITIZENS OF
MONTGOMERY COUNTY, TEXAS:**

MY FELLOW CITIZENS :

He who is compelled to defend himself against the attack of a shameless, practised calumniator, armed with the weapons of falsehood and malice, will find himself engaged in an arduous task ; he not only encounters the difficulty of proving a negative, but he enters the field of contest after malice and falsehood has done its work, the fabrications of malignity have gone abroad, the public mind is preoccupied, honest, worthy and reflecting men have received unfavorable impressions against the unfortunate victim of slander in spite of themselves, and without being aware of having done so ; and all know how difficult it is for even the most correct and well regulated mind to relieve itself from impressions once received, from prejudices once imbibed. Such is the task in which I am now engaged. I am placed before the people of Texas in the attitude of a criminal, the grossest delinquencies are imputed to me by the tongue of slander, and were half that is charged against me true, I would acknowledge myself unfit to live,—but so far as a direct denial of each and all, and a challenge to the proof can operate on the public mind in my favor, I here make the denial and challenge the proof ; and fortunately for me, one individual has placed himself within the power of the law, and by publicly proclaiming me guilty of the crimes which calumny had been industriously propogating in secret, has placed in my power the means of claiming an investigation by a jury of my country, who will decide whether I am guilty or not guilty ; and upon that decision I am willing to stake all that is most valuable in life—my reputation. On this appeal, I ask nothing but a patient

hearing, and an impartial judgment: Is this asking too much? Is it requiring more than justice demands, and I have a right to expect? Is it more in fact than asking others to do unto me what, under similar circumstances, they would expect done to themselves? I expect no favor, I desire no favor, and would accept no other favor than an impartial audience, and the most severe and rigid scrutiny. If after this open defiance and direct challenge given to my accusers, there still remain any whose prejudices are so deeply rooted as to believe me guilty, there is scarcely a hope that ever the verdict of a jury will correct them. But I have confidence in the community at large; I will not believe that innocence and truth may not be an overmatch eventually for malice and falsehood, nor that the sense of justice will be unequal to the conquest of prejudice.

The charges against me it will perhaps be proper to place in distinct array, and to examine them successively as we proceed.

The first is, that at the time I resided in what was called Parker's Fort, on the head waters of the Navisota, I was associated with the Indians in a plan for stealing horses from the whites—that it was my practice to purchase the shares of the Indians in the stolen property, and to pay them in counterfeit money—that the Indians in attempting to pass this counterfeit money were detected and punished, and in revenge for the fraud practised on them by myself, attacked the fort, killing part of the residents, and taking captive others. The second charge made against me is that of circulating counterfeit money: that in the state of Illinois, where I formerly resided, I was in the constant practice of passing counterfeit money, and that in Texas I was both a counterfeiter and a horse-thief. A third charge is, that I was the murderer of Mrs. Taylor and her daughter, in the spring of 1837, and that the main object was to rob the house of Major Hadley. And besides these specific charges, the public mind has been poisoned with charges, rumors, and reports of crimes committed by me of every character and degree, from the lowest in the catalogue of petty villainy, up to the most atrocious of which human depravity is capable; and yet so artful have I been, or so sluggish and blind has been public justice, that up to the present moment none have attempted to place me at the bar of a court and before a jury of my country, to answer a part or all of these charges. How does it happen, that those supervisors of morals, who have for years been proclaiming trumpet-tongued my delinquencies before this community,

have never thought proper to arraign me before a tribunal of justice? Will they reply to the question, or will they permit the public to infer a reply by their silence? If the charges were well founded, it surely were a greater triumph, as well as an easier task, to apply to the delinquent the penalty of the law, than to proclaim the criminal, yet permit him to go at large multiplying his crimes, scoffing at their threats, and ridiculing their denunciations. The natural answer to these questions must be either that my accusers feared to trust the decision to the laws of the country, because the administrators of the law would aid and take sides with the accused, being themselves equally guilty, and thus favor crime; or it must be that they feared from want of proof the persecuted would establish his innocence, and thereby put themselves to shame, and arrest the current of slander. The first answer no one could for a moment believe, and hence the last must be deemed the true reason which restrained my calumniators from appealing to a judicial investigation, and is in fact the true one. They dared not attempt to prosecute me, because the result would not only have established my innocence, but would at the same time have rendered the prosecutors amenable to the laws for malicious prosecution.

To the first accusation, relative to the causes which produced the attack on Parker's Fort, I can only reply by a solemn denial of ever having at any time or for any purpose formed a league with the Indians, or having passed to them counterfeit money. This is all which is left to me, or to any man who is placed in the condition of maintaining the negative. Let the accuser show the proof, or any thing resembling proof, positive or presumptive, direct or circumstantial, and I should be willing to abide the event. But this they cannot do; they are aware of the impossibility of sustaining any such charge, and they content themselves with scattering abroad throughout the community the most foul and atrocious slanders, thereby to destroy my reputation, degrade my family, and make my life a burthen to me.

To the second charge, of my conduct in Illinois—if there was any foundation for that charge, it is susceptible of clear and ready proof. I resided for many years in that state, was generally known in the section of the country of my residence, and filled an office the duties of which, I say in defiance of my persecutors, were discharged to the satisfaction of the neighborhood, and without the slightest imputation ever having been cast on

me. I repeat the same denial and defiance as it regards my conduct in Texas. Let my accusers but place themselves in the attitude where their charges can be met, fairly investigated, and justly decided, and their falsehood and malice shall be made to appear, and they put to shame, if they are not utterly shameless.

The third charge, of my being the murderer of Mrs. Taylor and her daughter, was attempted to be fixed on me, as I have heard; but so completely were these assassins of character baffled in the attempt, and so satisfactorily was it shown that I was travelling and in a different part of the country at the period when the murder was perpetrated, that the bloodhounds of malice were compelled to abandon that chase, and resort to their usual mode of attack, by bold and impudent assertion, or sly and dark insinuation.

Thus has it been, fellow citizens, in every case where I have been assailed; the moment that any attempt is made to sustain a charge against me, my adversaries were foiled and had to abandon the field in discomfiture. I have served my country, faithfully served it, here and elsewhere, and always given satisfaction to the candid and unprejudiced in every station in which I have been called to act. I have served in the field as a soldier, and in peace as a magistrate, and in the Consultation of Texas as a member, and my success engendered malice in the hearts of some who, if they could not elevate themselves to my level, were determined to drag me down to theirs. I call upon you, my fellow citizens, my neighbors—I invoke all that is liberal, magnanimous or just in this community, to declare whether you will lend yourselves to sustain a persecution so unsparing and iniquitous. You have reputation, dear to you as the vital current that throbs in your veins—you have families whose welfare and repose is identified with your own, and more valuable than life itself: will you, can you as honest men, take part with the defamers of character, with no better pretensions for doing so than what is dictated by the basest of motives, or influenced by hate exasperated because its victim was beyond the reach of its dark and deadly blows? All I ask is to do me that justice you yourselves expect should be done to you under similar circumstances. My case to-day, may be yours to-morrow; you may become the objects of a like persecuting and vindictive temper, and may ask from others what I now require from you: can you withhold it from me, and expect it for yourselves when

the fell demon of vengeance shall select you as the object of attack? I cannot, I will not be so unjust to you as to doubt for a moment the answer you will make to this appeal. Hear me patiently, judge me candidly and impartially; dismiss from your minds any prejudices you may have imbibed, and come to the decision on my case with a determination to decide according to the facts exhibited. A trial will soon take place, which must enable my enemies to support the charges against me, if they are susceptible of being supported by proof; or which will result in declaring the innocence of,

Your fellow citizen,
JAMES W. PARKER.

Dated at Houston,
January the 22d, 1839.