

# The Raleigh Minerva.

FRIDAY, JANUARY 8, 1849.

No. 1188.

Vol. 20.

RALEIGH, (N. C.)

PRINTED WEEKLY BY A. LUCAS. Three dollars per year, one half to be paid in advance. No paper to be continued longer than three months after a year's subscription expires, unless notice be given. Advertisements, not exceeding 14 lines, are inserted for one dollar; for twenty-five cents each subsequent insertion; and in like proportion where there is a greater number of lines than fourteen. The cash must accompany those from persons unknown to the editor. No subscription can in any case be received without payment of at least \$1 50 in advance; and no discount is made without payment of arrears, unless at the option of the editor.

POLITICAL.

FROM THE RICHMOND ENQUIRER. GENERAL L. JACKSON.

ST.—The violence that has marked the character and conduct of Gen. Jackson throughout the whole course of his services, the acquiescence of the Executive in all and its positive approbation of some of the very worst of his measures, and, more than all, the unaccountable apathy of the public at large in regard to the whole subject, have filled my mind with amazement, indignation and alarm.

Example and precedent are of mighty and wonderful influence in the affairs of men. It is true in the practice of all governments, though it may be false in the theory of ours, that whatever has been once done and allowed, may be lawfully repeated. No services, therefore, however meritorious, nor stations however exalted, should exempt from punishment, much more from inquiry, those who perpetrate or those who permit an open violation of the constitution. An impartial review of the history of Gen. Jackson's official life, would exhibit a succession of offences against the rights of military discipline, against the constitutions of the United States and of each of the states as have been the scene of his operations, and against the laws of nature and nations. On his part, sir, we shall find no justification, no apology, no contrition, and, on the part of the federal Executive, no act nor effort to maintain its own dignity, to enforce its just authority, or to vindicate the violated integrity of the laws.

In the very first service in which we saw this officer employed during the late war, he set at naught the authority of the war department and the rules and articles of war. Having early tendered his services to government, with 2500 Tennessee volunteers, he was ordered to conduct them to the lower Mississippi, to assist the regular force in repelling a descent of the enemy upon Louisiana, then (we never knew why) suddenly appointed. He marched with his usual promptness and celerity, and early in January, 1813, encamped at his appointed station in the Mississippi territory. Here, shortly afterwards, as the historian of his life informs us, "the clouds of war having been again in that quarter, he received an order from the secretary of war, directing him on the receipt thereof, to dismiss those under his command from service, and to take measures for delivering over every article of property in his possession to Gen. Wilkinson." With the least hesitation, he disobeyed these orders; seized upon the public stores, and all the transportation on which he could lay his hands, in spite of the quarter-master, and of Gen. Wilkinson; and re-conducted his army in a body to Tennessee. Instead of making a modest representation of his motives to the war department, and throwing himself on the indulgence of government for pardon; he announced the determination he had taken to disregard its orders in the laughtiest terms; and aggravated the act of disobedience with the grossest insult to the secretary, Gen. Armstrong, and in effect to the whole government. "He expressed the astonishment he felt, that such orders should have originated with the famous author of the *Newburgh Letters*, the then redoubted advocate for soldier's rights. 'A! I mean not to exaggerate his fault.' I confess, that in my own opinion, he was actuated by the generous motive of affection for his volunteers, and as to General Armstrong, it may have been a presidential dispensation of justice, that he should be reproached in his old age with the unadvised crime of his youth, and made to feel in his own person the evil of arms unrestrained by subordination.—But deliberate disobedience of orders, willful disrespect towards superiors, and especially towards government, are all crimes in a military officer of the first magnitude. Gen. Jackson was guilty of them all. I applied to military men, whether the impunity of such offences be not the destruction of discipline? Whether it was ever known before, that such an offender escaped without punishment of any kind, without trial, without inquiry at least? The humiliation of the government and Gen. Jackson's victory were complete. Thenceforth, a new relation was established between them; of which, as we shall see in the sequel, both parties were sensible, and have borne themselves accordingly.

I do not intend to follow him through the war he conducted against the Creeks in 1813-14. I mention the bloody massacre of *Flambeau*, only to express my grief for it, shame and abhorrence. In vain has his too partial biographer pleaded the law of retaliation in his defence; in vain alleged, that the Indians obstinately persisted in hopeless resistance, and would neither ask nor accept quarter; in vain protested that his general sent to invite them to surrender and spare the effusion of their own blood, and that they fired upon his flag; the

historian admits, that the general well knew they had ample reason for their desperation; and the general himself tells the world, in his official despatch, that, after the pursuit or rather the hunt, (literally, with fire and sword,) and the carnage had continued till darkness covered and concealed his miserable victims; after he was apprised, that, of their thousand warriors not half an hundred remained; after a whole night to coal and reflect, on the next morning the hunt and the slaughter were resumed and sixteen," (all that could be found) "of the enemy slain, who had concealed themselves under the banks." Yet I will not urge that, as a peculiar reproach against general Jackson, which I rather regard as a stain upon my country. History will record that his bloody deed, were received by his countrymen with general applause, while the clemency of Colonel Pearson was regarded with contempt and resentment. Truly, in American avarice of Indian lands is equal to Spanish avarice of Indian gold.

I am sorry, sir, to say any thing that may seem to reflect on Gen. Jackson's private character; but I must remark, that the grant of lands he afterwards obtained from the same Creeks, (the willing tribute of gratitude, no doubt, for his tender mercies toward their name and race) was contrary to the known policy of the government. It was not the executive, however, but the senate, that refused to give it sanction.

I have here, sir, to mention a fact; which, striking as it is, and decisive of the character of the man, is hardly remembered, if it be not absolutely forgotten, except by a few curious observers. General Jackson's recent seizure of St. Marks and Pensacola, is not the first instance in which he has, of his own independent sovereign authority, declared and waged war against a nation with which his country was at peace.—In November, 1812, he took Pensacola by storm, though he confessedly knew at the time, that the act was contrary to the views and policy of the government. The executive, whose commission he abused; congress, whose powers he usurped, looked on in profound silence. As to the American people, they have ever seemed to imagine it impossible, that an invasion of the rights of Spain could be accompanied with an invasion of their own.

Turn your eyes now, sir, to the principal scene of gen. Jackson's glory: happy did it were not also the scene of unrestrained violence and tyranny. I would detract nothing from the real merit he displayed in his memorable defence of New-Orleans in 1814-15. I would not, if the occasion were proper, enter into any criticism of his military operations; or attempt to ascribe to fortune, any portion of the glory, which skill and valor claim. That his success was complete, that his victory was no less beneficial in its consequences, than brilliant in its achievement; all this I gladly acknowledge. But that extravagant and unbounded gratitude, which has manifested itself in a tame surrender of the constitution, though but for a time, and of the civil liberty of any portion of the good people of this union, how distant and small, however, I never will assent, until I have the breath to make my protest heard.

Gen. Jackson's first step, after his arrival at New-Orleans, was to propose to the legislature of Louisiana, then in session, a suspension of the *habeas corpus*; and indeed, it is said, to recommend that odious measure, by representations made to him by gov. Claiborne, of the disaffection of the people; of the governor's apprehensions were not inspired by the general himself, the general knew as well as any body, what reliance was to be placed on the governor's judgment. The legislature knew its constituents as well as the governor, and better than the general; that body certainly was not disaffected; it was, doubtless, the best judge, whether the proposed measure was necessary or even expedient; and it was deliberating, we are told, "with great caution" (as well it might) upon its right and power to take such a measure, when general Jackson not only suspended the *habeas corpus* but proclaimed martial law! throughout the city of New-Orleans and its environs were converted into a camp, and put under a rigorous military police.

He rests his defence, of course, upon the tyrant's plea, necessity. But such a measure was necessary, I have the authority of the Louisiana legislature for doubting, and gen. Jackson has gov. Claiborne's word for believing. If all that gov. Claiborne told him were proved to be true, I should still deny the necessity. During the arduous struggle of the revolution, martial law was never once proclaimed. Amidst the distraction of a civil war, when whole regiments of refugees and Tories were embodied in the service of the enemy, and their friends and kindred dispersed over the country general Washington, though for a time clothed with almost dictatorial powers, never proclaimed martial law. When gen. Greene was flying before lord Cornwallis through the Carolinas, and his country was deriving almost as much aid from

the Tories as he could obtain from the Whigs of that country, he yet never proclaimed martial law. Did they want prudence, circumspection, energy? No, sir, but victory over the enemy would have had no charms for them, if achieved at the expense of liberty. He ready resort to violent measures in all situations of difficulty, is generally the result of weakness of understanding and wickedness of heart combined.

I shall make one more remark upon the principle of this measure, which those who have studied our institutions only will think absurdly superfluous, but which, whoever has studied our history also, will allow to be reasonable. There is no man or body of men in this nation, competent under any circumstances, to proclaim martial law within our own territory. The president cannot; congress cannot; both concurring cannot; the most they can do, is to suspend the *habeas corpus* in two specified cases, invasion and insurrection, and then only when necessary. The invasion or insurrection does not *ipso facto* create the necessity.

But if the necessity and wisdom of this measure, and gen. Jackson's competency to adopt and enforce it, be all granted, let us see, sir, whether in the actual exercise of the high prerogative with which he had clothed himself, he preserved any bound of moderation, whether he stopped short of extremes, which no necessity required, with no expediency recommended, and to which he could have been incited only by the intoxication of absolute power, the wantonness of caprice, or the madness of passion?

While the event of the contest was yet doubtful on the vague information of one of his aids (the named Duncan) that a design was agitated among the members of the legislature, to propose capitulation and surrender to the invading enemy, general Jackson, though he must have known that in the actual state of things, (martial law still prevailing) such a design could not be executed without his consent, ordered governor Claiborne closely to watch the conduct of the legislature, and the moment the project of offering a capitulation to the enemy should be fully disclosed, to arrest the members, and hold them subject to his future orders. The governor, in his zeal to execute the command, and from a fear of the consequences involved in such conduct, considered as imperative an order which was merely contingent; and, placing an armed force at the door of the capital, prevented the members from convening and the schemes from maturing. The historian does not assign another reason for gov. Claiborne's precipitancy which I have heard, and which I have no doubt was the true one—that gen. Jackson had before threatened to hang him, if he should hesitate to do whatever he was commanded, or presumed to exercise his own judgment. But if the governor be responsible for shutting the doors of the legislature in the first instance, why is to be the blame of keeping them shut? For, in fact, they were kept shut, from the 23d of December, 1814 till about the 29th of Jan. 1815, when the enemy retired to his ships.

After the enemy, I told and broken, had abandoned the enterprise, surely, sir, the suspension of civil law and justice, and the tyranny of martial law, could no longer be necessary. Was civil liberty yet restored to the city? No; military despotism was still sternly maintained.

On the 10th of March, admiral Cochrane announced, through Mr. Livingston, who had been sent to the British fleet to settle a cartel, that news of peace had arrived at Jamaica. Certainly, sir, the necessity of military despotism was at an end. Did gen. Jackson relax his absolute authority? It was only the occasion of enslaving the negroes to his imprimatur.

A few days after this intelligence, Mr. Louallier, a member of the legislature, published a paragraph in the newspapers, calculating, we are told, to excite jealousy among the troops, and to afford the enemy intelligence of the situation and disposition of the army. The printer is incontinently brought before the General, and compelled (the printer afterwards told the story to his country, but it had no ears to hear) to disclose the author's name. Mr. Louallier is forthwith arrested by a file of soldiers, without care or thought of the privileges of the assembly to which he belonged to camp, put into strict confinement, and arraigned before a court martial as for a capital offence.

Mr. Louallier was not absolutely friendless, nor had his friends entirely lost the sense of freedom. They applied to Mr. Hall, district judge of the United States for an *habeas corpus*, which he accordingly issued. The General knew (he has been a judge himself) that Judge Hall was bound by his oath of office and at his peril to issue this writ. Every end he could have reasonably desired had been answered by simply disregarding the precept. But he was not content with that;

and, as if for the purpose of showing that suspension of the *habeas corpus*, he seized the person of the judge; exposed him and his function to ridicule and contempt; brought him under guard to camp, detained him for a time in close custody; and then sent him by force, beyond the limits of his encampment, which included the city of New-Orleans and environs, with orders to remain in exile from his family and his home, till peace should be regularly announced; for it seems from the order itself, that the general knew that peace was in fact concluded, though not yet formally communicated to him. The district attorney, Mr. Dick, a brave and honorable man, (I know him well,) applied to Judge Lewis for a *habeas corpus* to liberate Judge Hall, which Judge Lewis granted. The General instantly arrested Mr. Dick, and issued an order to arrest Judge Lewis also. Both these gentlemen had recently borne arms, under the General, against the enemy.

At length, sir, civil liberty was restored with peace, and General Jackson was summoned by the Judge to answer for this contempt of the laws in the treatment of his person and authority. "If," said the magistrate, "the party object to the jurisdiction of the court, he shall be heard; if his defence be a denial of the facts charged, or that they amount to a contempt, he shall be heard; if it be an apology to the court, or to show that by the constitution and laws of the United States, he had a right to do as charged, the court will hear him." This is complained of, as not showing latitude enough! He demanded leave to abuse and vilify the judge! The written defence he offered, being rejected by the court, was printed, and is before the public. I should smile at its sophistry, if were not alarmed at its audacity, and disgusted at the impudence with which he pleads, as his protection from summary punishment, the very constitution and laws he had so long and so recklessly trampled under foot; and denies his own plea of necessity as a proper foundation for the known settled practice of our courts of justice in cases of contempt. He was fined a thousand dollars. In the course of the hearing he interrupted, insulted and brow-beat the judge on the judgment seat, and retired amid the huzzas of a people whom he had tamed to wrongs, or this had been his last.

Did the legislature of Louisiana remonstrate or demand redress? In the name of abjection of slavery, they durst hardly withhold from him their thanks. Did the people, in any part of the union, murmur or complain? No. Did the Press, the Whigman of Liberty, (especially of his own) the Wanderer on the Wall, give the alarm? He was either talking, or pursuing, on *prætexture* he slept and could not be awake.—Did the General humble himself at the feet of the constitution, and pray an inquiry into his conduct and motives? Did the executive of the United States order any trial, any inquiry, or utter any censure, any disapprobation? Did Congress pass an act of indemnity, which, acknowledging the purity of his motives and the necessity of his measures, but affirming their illegality, obviated in some measure the dangerous consequences of the example, at the same time that it protected the officer from being punished or questioned? No! History, sir, that records his ninety days tyranny, records also, that his whole conduct stands unquestioned to this day, as if it were the regular exercise of undoubted authority.

Still, sir, many wise and good men may be inclined to find an excuse for all in the circumstances attending and following the transactions at New-Orleans. But what will they say, if in time of profound peace, without the least pretext of necessity, and contrary to all reasons of expediency, he has shown the same disposition to set himself above all the constituted authorities?

Life of Jackson, p. 331. Niles' Reg. VIII. 72, 374. Life of Jackson, 383, 393, app. F. Niles' Reg. VIII. 243, 253.

(To be concluded in our next)

ARETINOT AND AMBRISTER.

We this day conclude the publication of the documents, including the whole of the evidence in relation to the cases of these two men, and we have forbore to offer any comment, until the whole of the proceedings on their trials had been laid before our readers. The impression left on our mind from the perusal, it is difficult for us to give in adequate terms. We feel the deepest sorrow at the wound which has been given, on this occasion, to the honor of our country; we feel the strongest indignation at the monstrous assumption of authority by the military tribunal that convicted these persons, and at the undisguised outrage it has offered to National Law, and the rules of evidence. We shudder at the influence which may follow the example of this high handed violation, on accounts of the great name and splendid achievements of General Jackson, under whose authority and sanction it was committed. No acts or services, however illustrious and patriotic, should shelter the author of such a violence. The ranks of the Press in a free country, should be made our pride and strength, should look on any interference of the rulers and justice with an eye of indignance. On such an occasion, the humblest and the most exalted citizen is alike interested. The services of Gen. Jackson have been signally great to this coun-

b Life of Jackson, p. 154. Niles' Reg. VI. 146-49.  
c Life of Jackson, p. 221, 230.  
d Life of Jackson, p. 275, 278.

e Life of Jackson, p. 319, 321.  
f Life of Jackson, p. 374.  
g Life of Jackson, p. 373, 391.  
h Niles' Reg. VIII. 274.