

POLITICAL.

(Continued from our last.)  
GENERAL JACKSON.

The Union was laid off into large military districts, during the late war; a measure of convenience and utility, perhaps, in time of war; but I should think utterly unsuitable to a state of peace. The same organization however either through listlessness, or for some reasons inseparable to me, has ever since been continued. In April 1812, Gen. Jackson commanded the division of the South, published an order prohibiting the officers of his division, from paying obedience to any order of the war department unless coming through the proper organ of communication. I shall not stop to examine the justness of a pretension, so imperatively absurd and ridiculous on its face. I protest I discern no adequate motive to account for it. Was it perverseness? or pride? or military etiquette? or did the general, deprecating his order to receive by way of continual violation his independence, or rather his dominion over his lawful superiors? If such was the design, it has for aught we know, completely succeeded. I have heard, that this contest for supremacy has been adjusted to the satisfaction of the executive. I know that no attempt has been made for the insult of a rebuff to the nation. The dignity of the government is a part of its authority; with which it is clothed, as with all the rest, not for the personal advantage or honor of ministers, but for the public good.

I ask your attention now, sir, to the events of the present year. Gen. Jackson having again ordered to assume the command of our southern army in person, and to chastise and root the Seminoles, the State of Georgia was obliged to behold his presence in the field. The constitution of the United States expressly reserves to the state governments the appointment of the officers of their respective militia, and the constitution of Georgia, (like the constitutions or laws of every other State of the Union) appoints the Governor, ex officio, commander in chief of its forces, regulars and militia. It is an authority, indeed essential to the existence of the state sovereignty, and to the integrity of our system. To the astonishment of the nation, Gen. Jackson declares that his command virtually suspends the constitution of Georgia in respect to the military authority of its executive at least; and in what other respects, we shall know when occasions shall occur, as in Louisiana, to develop the full extent of his pretensions. Governor Rabun had issued an order, never doubting, I dare say, his own constitutional and lawful power. The order was most vily abused, General Jackson, not content with assuming the power of redressing the abuse (for that was an usurpation) questions and denies the authority of the order itself. In his letter of May 7, 1818, he tells Gov. Rabun, in plain terms:—You, sir, as Governor of a state within my military division, have no right to give a military order while I am in the field? Do hold, sir, the monstrous consequences of this bold and bold pretension, if it should obtain! Should an insurrection occur in any of the States belonging to the division of the south, while General Jackson is in the field, the Governor of the state, and of course every inferior officer of the militia, must patiently endure the horrors of a servile war, till his high heels can be known! Sir, I cannot repress the sentiments of astonishment I feel, that the legislature or the representatives of Georgia in Congress, have not demanded his immediate arrest and trial.

But in truth, sir, we have the best reason for believing that in Gen. Jackson's opinion, whenever he is at the head of an army, all the powers of every branch of our governments, state and federal, are suspended or transferred to him. His instructions for the conduct of the war against the Seminoles may be gathered from the President's late message to Congress: he was authorized to pursue the savage enemy into the Spanish territory, if they should take refuge there, taking care not to encroach on the rights of Spain. According to the laws of nations, it is absolutely unlawful to attack an enemy in a neutral country, or commit in it any other hostility; but if a neutral afford a retreat to one belligerent, and allow him time to recover, and watch a favorable opportunity of renewing his attack on the territories of the other, that other may march into the neutral territory in quest of his enemy. The orders, which were given to General Jackson (as I understand them) authorized him to carry war into Florida against the Seminoles, but not to commit hostilities against the subjects of Spain; and his correspondence shews, that he himself understood them in the same light I acquit the Executive, therefore, of intending a violation of the constitution, in waging war without a previous declaration of it by Congress. The merits of Gen. Jackson's conduct may be stated in a few words. Disregarding his orders, usurping the powers of Congress, which alone by our constitution is capable of declaring war, he took St. Marks by assault, and Pensacola by capitulation; the first on the 7th of April, and the latter on the 27th of May. Whether in the interval of fifty days, which elapsed between the seizure of the two posts, the Executive had time to get intelligence of his proceedings, and send new orders to the General? whether he did send him such orders? and whether he was instructed to persist in or to forbear further aggressions against Spain? are questions which will deserve a solution, but which are not to be discussed in the actual state of the information before the public. This only we know, that the President, while to preserve peaceful relations, with Spain, he disavows General Jackson's proceedings, at the same time excuses and applauds that officer himself for those very acts.

Whether the circumstances which came to General Jackson's knowledge, during the campaign, would have afforded just cause of a declaration of war against Spain, is not the question; whatever those circumstances were, it was a usurpation in General Jackson to wage war upon his own judgment.

What does General Jackson, about the time of these very proceedings, say on this very subject, to Governor Rabun? He indignantly denies his right to make war against an Indian tribe in peace with and under the protection of the United States. Out of his own mouth I condemn him.

The laws of nations, sir, afford no more protection to individuals against the violence of this officer, than the sovereign states have made to the trial and execution of Arbutnot and Ambrister. To give a general character of these strange proceedings: they were indictments, convictions and capital executions of five guens for high treason against the United States, to which they owed no allegiance, committed and prosecuted in a foreign territory and jurisdiction!

The first objection, in which these proceedings are liable, is, that admitting these men were guilty of all the offences alleged against them; admitting, that, according to the laws of nations, they by such guilt incurred the forfeiture of their lives; they were not amenable to the tribunal before which they were arraigned. Our courts martial have no lawful jurisdiction beyond that, which is given them by the Acts of Congress, establishing the rules and articles of war; and it will hardly be pretended that these have vested in them any cognizance over crimes of the nature of those imputed to these unhappy men.

If the jurisdiction be admitted, the sentence against both of them was unjust in law; and the sentence against Arbutnot was unjust in point of fact.

Arbutnot was found guilty by the court martial, on two charges: 1st of exciting the Creek Indians to war against the United States, he himself being a British subject and his nation at peace with ours; 2d of aiding, abetting and comforting the enemy, supplying them with the means of war. It will hardly be believed, that the only proof adduced applicable to the first of these two charges, was the evidence of John Winstel, detaining the contents of a letter the witness said and interpreted for an Indian Chief called Little Prince, which the witness said was signed by Arbutnot, without stating that it was signed by the Arbutnot who stood accused, though it appears he was acquainted with his hand writing; and the evidence of William Hanby, (Arbutnot's known and mortal enemy) that the witness had been told by the Indians, that Arbutnot had instigated them to war against the United States, and to the murder and plunder of our citizens. When the public is informed, that the rules of evidence are the same in courts martial, as those that prevail in courts of law, it will be at a loss to make a fair estimate of the merits of this conviction. As to the second charge, (disregarding the hearsay evidence of the same W. Hanby) the principal proof of the charge was drawn from the prisoner's own correspondence, and some other documents. I say, confidently, that those papers contained not the least proof, that he ever incited the Indians to offensive war, or aggression of any kind, against the United States or their citizens; they relate to measures of defence and prevention against aggressions upon the Indians. Far from instigating them to war, he manifestly considered their utter ruin as the certain consequence of a war with the United States. He labors, therefore, to impress upon their minds, upon the British minister at Washington, and on other correspondents, that the encroachments of our citizens were not countenanced by the President. In his whole correspondence there is not to be found one word stronger than the following letter to our 1st Agent, General Mitchell, of January 19, 1818:—In taking the liberty of addressing you, sir, in behalf of the unfortunate Indians, believe me I have no wish but to see, an end put to a war, which, if persisted in, I foresee must eventually be their ruin; and, as they are not the aggressors, if in the height of their rage they have committed any excesses; that you will overlook them, as the just exultations of an indignant spirit against an invading foe. It is true, he was the organ of the restraint of the Indian appeals to the officers of his own, or the Spanish governments of their application for protection in what they deemed their just rights, and of their remonstrances to our own Indian agents, against past or anticipated injury and oppression. It is possible, too, that he supplied them with some security munitions of war; though a merciful court would have inferred, that nine kegs of powder and 100 pounds of lead, were imported by an Indian trader, as a supply for hunting, not for war. That he took a deep interest in the affairs of this devoted race; that he deplored their miserable condition; that he regarded them as his fellow creatures; and was desirous and active to save them from utter extermination; of these unchristian crimes (as General Jackson considers them) he was certainly guilty. The General regards him as a secret agent of the British government, and thinks that government was well advised in its proceedings. I think it very probable, that would prove not his guilt but his innocence. It would prove that it was not the individual, but the British government that had wronged us, if any wrong had been done, his subject could be guilty of no fault in following its orders—every subject or citizen owes obedience to its government; except, indeed, the officers of General Jackson's own Division of the South.

Arbutnot was convicted, 1st of aiding, abetting and comforting the enemy, supplying them with the means of war; and 2dly of leading and commanding the Creek Indians in war against the United States; he being a British subject, and his country at peace with ours.—It is needless to discuss the evidence adduced in support of the first charge, as the accused confessed the second which is far the stronger of the two. It is, Sir, unaccountable to me, how the court martial convicting this man on these charges, should in his case, have committed the punishment of death for that of stripes and imprisonment, and should not have recalled the sentence of death it pronounced against Arbutnot. It is not clear, that upon their own principles Ambrister was a more heinous criminal?

But if, sir, the guilt of these men, with every imaginable aggravation, be admitted, the question would still remain, whether according to the laws of nations and the usages of war, they were liable to the punishment of death. It is impossible for the meanest capacity, to misunderstand the writers on public law, so far as to see in them any authority for the monstrous principles affirmed in the fatal general order. Discarding the illustrious instances of La Fayette, Kosciuszko and De Kalb, the question may be brought immediately home to our bosoms, in its application to the humane and obscure of mankind. American and British merchants are at this very time, supplying the royal and revolutionary armies in Spanish America (which ever affords the best market) with all kinds of munitions of war; if the masters and crews of their vessels should be taken in the very act of carrying on this trade, are they liable to be arraigned before a naval or military court martial, sentenced, and hanged up at the yard arm, or on the next tree? Many of our youth have accepted commissions in the Patriot army, and are fighting the battles of South American independence; should they fall into the hands of the Royalists, and as a General, or could a court martial be detailed from her armies, who would hang them in cold blood? When I hear it urged, that Arbutnot and Ambrister did not unite in war with civilized nations, but with the wild savages of the forest, who do not respect the laws of civilized warfare, I look into the history of my own country, and find there (thank God) that such a distinction is not to be endured at this day. We never before heard of it. Had it prevailed, I know not how many Englishmen Gen. Wayne might have hanged, in the war he conducted against the Indians; but he could not silence the pleadings of conscience and humanity in his bosom, or encounter the towns of Washington. Had it prevailed, why were not the British prisoners, taken on our northern frontier during the late war, fighting by the side of savages, whom they and their government had incited to hostility against us, at a time too when (to the disgrace of the British name) rewards were offered for American scalps; why were they not, all, instantly tried, convicted and led to execution?

Where (as it has been justly asked) was the necessity of executing these two men even if their sentence was undoubtedly right? The Seminoles war was at an end, and had it still been raging, Gen. Jackson could have sent these prisoners in chains to the United States, to be dealt with according to the wisdom of his government. The blood even of the guilty should not be shed without reluctance and without any good end.

As to Ambrister, the court martial did not condemn him to die. The first sentence, as Gen. Jackson is pleased to consider it being instantly rescinded by the court, was in truth, a sentence at all—His approbation could not revive its existence. The last sentence was the only sentence. When the commander in chief disapproved it, the most he could rightfully have done, was to order the court martial to reconsider it. By what authority, then, was Ambrister doomed to death? By the sovereign will of Major General Andrew Jackson, in whose hands are the powers of peace and war, life and death.

Mr. Gates, in his officious and awkward zeal to excuse this part of the General's conduct, suggests, what it was no doubt dictated by regard to the wishes of the prisoner, who preferred death to the ignominious punishment, for which that fate was decreed by the court? This is not a mere surmise of Mr. Gates. If the fact were so, it aggravates the General's guilt. A brave man asking death at his hands, as a refuge from disgrace, should have moved him to respect, sympathy and pardon. What shall we think of this man, sir, the utmost stretch of whose clemency, according to his defenders, is to inflict death for mere's sake?

Thus, sir, has an American officer destroyed the lives of two of his fellow creatures, without any rightful power, without any adequate motive, and with such indecent precipitancy as hardly to give time for prayer in the interval between judgement and death—Humanity bleeds at the recited; and national pride quakes in the American heart, oppressed with the load of shame and grief.

And all that the President of the U. States has said, and all he has done, is to tell Congress that a copy of the proceedings of the court martial, in the trial of Arbutnot and Ambrister shall be laid before them, and to fulfil the promise.

Here, sir, for the present let us shut the scene, Gen. Jackson, from the moment he was intrusted with commands has, avowedly and systematically, made his own will and pleasure, the sole rule and guide of all his actions: he has suspended the executive legislative and judicial functions of the states, with arbitrary sway, and assumed to do so as of right; he has

justified the Executive of the United States, at whose pleasure he holds his commissions; spurned its authority, disregarded and transgressed its orders; he has usurped the high prerogative of peace and war, intrusted by all nations to the sovereign authority of the state, and by our constitution to Congress alone; he has abrogated the known laws of nations, and promulgated a new code of his own, conceived in madness or folly, and written in blood; he has, in fact, violated all laws human and divine and violated them with impunity.

Unconnected with public men, bearing no part in public affairs, a silent spectator of ordinary political occurrences, I can yet never be indifferent to great questions of right that directly affect the peace, the honor, and the constitution of my country. I see no reason, on the present occasion, to forbear the public communication of my opinions; or to soften, if I could, the indignant language of truth and justice. Liberty is not of spontaneous growth in any soil or clime; and he is deaf to the voice of experience, who deems it that hardly plant which will flourish even after it has taken root, without continual pains and cultivation.

ALGERNON SIDNEY.

Foreign Intelligence.

LATEST FROM ENGLAND.

NEW YORK, JAN. 2.—NOON.  
The arrival of the Manhattan puts the Editors of the Gazette in possession of London and Liverpool papers, and Lloyd's Lists, to the 10th of November. The only event of moment is the Death of the Queen of England. It is remarkable, that, on the first of January last year, we received the account of the death of the Princess Charlotte, who died on the 6th of November—and the first of January this year, the news of the death of the Queen, who died on the 17th November.

The French funds are gradually rising from their depression. On the 12th Nov. the 5 per cents. were as high as 70f. 60c.; but on Friday they fell to 70f. 10c. being still an improvement upon the closing price of the 11th.

The Sovereigns still continued at Aix-la-Chapelle, the negotiations between the different powers being carried on.

It was rumored on the continent, but contradicted in the Paris papers, that England is going to exchange Hanover for Belgium, ceding the former territory to Prussia.

M. de Talleyrand has returned to Paris, and resumed his functions as Grand Chamberlain to His Majesty.

The articles of a treaty lately made between the French and English governments, guarantee to French ships trading from Bourbon, and their establishments at Madagascar, the same rights and privileges as are granted to English vessels carrying on a similar commerce.

Of the English contingent there only remains in Franco 5,431 men, and 1,312 horses. Of these troops 3,000 will not quit Valenciennes and Cambrai before the 20th Nov.

A grand expedition is still spoken of, as intending soon to sail from Spain for South America.

Gen. Gourgard, who was with Bonaparte at St. Helena, has been arrested and sent out of England. He has lately published a book relative to the great man at St. Helena, which is said to have been the cause of his arrest.

An order in council has been issued, prohibiting the exportation, from England, of gunpowder, arms, or ammunition to Africa, the West Indies, or any other part of the continent of America, except with permission—to continue six months from the 30th Nov.

It was said, that one part of the contents of the late despatches from St. Helena relates to attempts to corrupt some of the troops there. By a law in England, it is made capital to receive, or attempt to receive Bonaparte in his confinement.

Polar Expedition.—The Isabella and the Alexander, composing the expedition for the discovery of a northwest passage, have returned to Brassas Sound, Larwick, without the loss of a man. They have completely succeeded in exploring every part of Ballia's Bay, and in ascertaining that no passage exists between the Atlantic and Pacific Oceans through Davis's Straits and Ballia's Bay; they found the whole to be surrounded by high land, extending to the north as far as lat. 77. 55, and long. 76. W. and in the 74th degree of latitude, stretching westward as far as 84 W. long. They have made many curious observations and discoveries, of which, perhaps, will not be considered as the least interesting, that of a nation being found to inhabit the arctic regions, between the latitude of 74 and 78, who thought the world to the south was all ice; that generation had succeeded generation, of a people who had never tasted the fruits of earth—had no idea of a supreme Being—had never seen an enemy, and whose chiefs had hitherto supposed themselves monarchs of the universe.

The banking house of Goodwin and Co. at Portsmouth, has stopped payment.

Mr. Abbott is the new chief justice of England.

Several persons have been arrested at Brussels. It was thought probable that these arrests have taken place in consequence of the recent intelligence from St. Helena.

The Bank of Amsterdam has given notice that, owing to the great demand for money, that would no longer discount bills for less than 5 per cent. interest. The former rate was 3 1/2 per cent.

Sir Gregor Mac Gregor was in London on the 14th November, and was immediately to proceed to Deal. It was said he would embark on board of one of the two ships form-

\* Life of Jackson, 333, 339, app. F. Niles' Reg. VIII. 215, 268.

\* Niles' Reg. XII. 320.  
† See official despatch of May 5, 1818.