

physical force. This distinction is entirely new, and is in contradiction to many of the most sacred and long established principles of good sense and national law.

It is stated by your committee that all on board of the *Arbutnot* was put down by the sword, and that a new government was established, the powers of which, both civil and military, were vested in the military officers. Every one would be induced to understand from this, that the terms of capitulation were arbitrarily and tyrannically imposed upon Governor Mazeris when, in fact, they were proposed by himself, and the civil and military government was dissolved at his own instance. The temporary governor, Colonel King, was an officer of the United States army, but civil officers were appointed to the different departments, from amongst the citizens; and Mr. McKenzie, a citizen of Mobile, was placed at the head of the magistracy. All that was contemplated, was to organize some kind of civil authority, for the protection of the lives, liberty and property of the citizens during the temporary occupancy of the fortress. The same government, to which the people had been accustomed, was retained. It became absolutely necessary to establish the revenue laws of the United States, in order to check the smuggling which had been carried on successfully in this quarter, for many years; as well as to admit the American merchant to an equal participation in trade, which would have been denied, under the partial operations of the Spanish commercial code.

The executions of the Indian chiefs, and British outlaws, are justifiable on the ground of precedent, and the laws of nations. One of the former was a prophet who had employed his superstitious influence, and the promises of his transatlantic friends to stimulate his deluded brethren to deeds of rapine and massacre. The other commanded in person the party who perpetrated the cold blooded butchery of lieutenant Scott, and his unfortunate companions. Both had been engaged in most of the robberies and murders committed, and were active instigators of the savage war which raged on our defenceless frontier.

Acting as chiefs of the Negroes and Indians, Arbutnot and Ambrister, by numerous acts of atrocity, had become identified with those monsters, associates in the war. They were the principal authors of the hostilities of the ferocious savages, who observed none of the rules of civilized warfare, who never gave quarter, and took prisoners only for the purpose of torturing! They were, without authority, principals in an unlawful war. Their mode of carrying it on was characterised by plunder, massacre, destruction and revenge; and was in open violation of the laws of war and of nations. Great Britain would not interfere to prevent these miscreants from instigating the fugitive Negroes and the Indians from burning, and pillaging, and scalping, the inhabitants of Georgia and Alabama; but she disowned them, and left them to their fate. The Spanish authorities would not, or could not, interfere, and the Indians regarded them as friends and associates. Both acted as chiefs of the motly banditti, giving them council, & exciting them to war; and one of them actually led those black and red combatants to battle. They both officiated as Indian agents, in writing to Spanish governors and British ministers, stating their grievances, and soliciting assistance; and sometimes as quartermasters, procuring supplies, and furnishing munitions of war.

Under these circumstances, it is believed that they merited death whether they were placed upon an equality with the outlawed red-sticks or fugitive negroes, who were in a state of open rebellion. Indeed, their criminality was of deeper dye than that of the Indian chiefs. They were the paymasters for human scalps; and to discharge that high trust exalted themselves from their native land; plunged into the recesses of the wilderness, and groped their way to the Indian camp, for the express purpose of working upon the feelings of the ignorant, untutored savages; to instigate them to lay waste the abodes of industry and innocence, and stain our soil with the blood of slaughtered women and children! Enjoying the lights of education, yet devoted to this infamous employment; the active agents in a war which was marked, in its progress by plunder & massacre! Should mercy have been extended to wretches who excited such a war, and who, within a short period would have renewed the same tragical scene? As associates of savages, who respected none of the laws of civilized warfare, they could not claim the benefit or protection of those laws, for they were not parties. They were as much outlaws, to all its provisions, as a pirate on the ocean. Such wretches are more criminal than any painted red-stick; and to pardon them would be treachery to mankind. If, in the ordinary course of justice, it has been deemed wise and politic to take the life of an offender, for the murder of a single individual, both religion and humanity must recommend the infliction of the same penalty upon him who has been conspicuously instrumental in the murder of every age, sex and condition. Although relation might have been employed upon the innocent, for such heinous crimes, yet, in these cases, it fell upon the guilty. Let it be borne in mind, that the Indian chiefs and British outlaws were the monsters

Jackson; the terms of which had been antecedently settled by the government, ratified by your honorable body, and carried into effect by the Congress of the United States; and let it also be recollected, that these were prophets and instigators of the war, upon whom was ordered to be inflicted, "exemplary punishment, for hostilities unprovoked."

The two British incursions were not executed upon the general charge alone of "exciting the Indians to war," as stated by your committee; but upon that and other general charges subjoined thereto, which they quitted to notice; but which may be seen by a reference to the proceedings of the court of enquiry on that occasion.

The case of Arbutnot and Ambrister was not within the reach of any rules or articles of war. The rights and privileges here secured belonged only to our own countrymen; and as the offences charged, were committed by foreigners beyond our own territorial limits and jurisdiction, our municipal code contained nothing by which to test the offence. To it the principles of national law were alone applicable, which attached no penalty to their crimes other than death. In organizing the court of enquiry, it was only intended (as in councils of war) that the offences should be *pro rata* direct, i. e. by and as advice, not to become binding. In the second sentence pronounced by the special court upon Ambrister, there was a departure from the rules of that law upon which alone it was believed jurisdiction was had of the offence. Nor was it less a violation of the rules and articles of war; for those rules had denounced corporal punishment. The sentence, therefore, was void, because known to no law. Your respondent therefore, conceived himself authorized to carry into execution the first sentence; because it awarded the only punishment that was legal to be inflicted, and because his lawless, guilty conduct, entitled him to die. Besides, Ambrister was the most criminal. He had commanded, in person, a corps of Negroes, with the view of anticipating your respondent in the occupation of St. Marks, and was actually taken in arms against the forces of the United States.

The general commandant, in such cases, possessed the right, by the law of nations, to retaliate and to punish; nor could the organizing of the court deprive him of the power. The court of enquiry derived its existence, and its whole authority, from the order for its organization; and no more could they exercise a power not delegated to them, than could a committee of your honorable body enquire into matters not contained in the resolution which created them. The order calls it a *special court* and directs it to perform *special duties*. It only asks for *opinions*; and gives no right to carry those opinions into execution. It details a recorder, by which a court of enquiry is ever distinguished from a court martial; the latter having a judge advocate, without which no proceedings can be had, and no sentence pronounced.

Censure is endeavored to be attached in consequence of the withdrawal of the regular troops from the posts on the Georgia frontier, and concentrating them at Fort Montgomery, on the Alabama river, a considerable distance west of the Georgialine. In the commission of his military error, your respondent had no participation; it was done in pursuance of an order of Mr. Crawford, then Secretary of War, an order which he was bound to obey, although contrary to his own opinion.

Upon the subject of raising and organizing the volunteers of West Tennessee, which has called forth the severest animadversions, your respondent did not, as he conceives, "disregard the orders of the War Department, the constitution, and laws." His orders, were to call upon the Governors of the adjacent states for such additional military force as he might deem necessary to beat the enemy. The order was entirely discretionary, as no number or description of troops were mentioned. In the language of the Secretary of War's letter to Governor Bibb, your respondent was, "vested with full powers to conduct the war in the manner he might judge best."

When his appeal was made to the citizens of West Tennessee, the frontier settlements were threatened on every side with danger and distress, as well as our troops at Fort Scott and on the Appalachicola. Major M'Clurg was endeavoring to ascend that river with provisions, &c. and was arrested in his progress, and surrounded by 8 or 1200 Indians. Col. Arbuckle commandant at Fort Scott, was also about to abandon his post for want of supplies. The 1000 Georgia militia, who had been called out for 60 days, after advancing forty miles from Hartford, to the neighborhood of Fort Early, were returning home, leaving the command of Col. Arbuckle, as also the Georgia frontier, in an exposed and perilous condition. Not only from the public journals, but from the communications of Col. Arbuckle, had this intelligence been received. Under these circumstances Major Fanning was despatched to Georgia, with a request that the Governor should conjoin those troops in the field for an additional period, or supply the deficiency, as early as practicable, by an equal number of volunteers.

Foreign.

NEW YORK MARCH 21.

LATE FROM THE CONTINENT.

By the arrival last evening of the ship Belfast, in 24 days from Antwerp, we are put in possession of Cadiz dates of the 1st, Madrid of the 7th and Paris of the 18th February. Judging from the completion of things as they appear in the Antwerp Journals, now before us, a storm is gathering in France, which may disturb the peace of Europe. It appears that this minority are so near getting the ascendancy, that the Count Decazes, the King's favorite minister, has thought it prudent to resign his power, and retire. This step indicates the approach of a new order of things in that devoted country.

Extract of a private letter.

PARIS, FEB. 14.

"Last night, at half past eleven, in coming out of the Opera Francois, with his amiable Duchess, the Duke de Berri was mortally wounded by the blow of an assassin, with a silet, (an instrument used by a cooler) in his right side. He uttered a loud cry, and fell senseless. His Royal Highness was carried into the Saloon of the Opera, followed by his distracted Duchess, who, covered with her husband's blood, suppressed her agony in her anxiety to afford him every assistance. I am sorry to add, the unfortunate Duke died at six o'clock this morning. The situation of the Royal Family may be conceived, it is beyond the power of description. For myself, though an Englishman, and a stranger, I can scarcely command my trembling hand to state the particulars which you may rely on. This modern Ravallac was immediately seized, and has since been interrogated by M. De Cazes, &c. He acknowledged, with the most profound indifference that he had committed this foul crime four years ago. His name is Louvet; he is about 30 years of age, and was employed in the stables of the King.

"P. S. The amiable and agonized Duchess is pregnant, which was to have been declared in a few days.

The following particulars are extracted from other private letters, they are all of Monday's date:—

"The Duke was proceeding from the Opera and had on her on the step of the carriage, when the assassin struck him in the breast. The wound was about two and a half inches deep. The blood spouted on the clothes of the Duchess. He was carried back into his box in the Opera, and immediately attended by the first Physicians in Paris. He expired at seven next morning. The assassin was the son of a coachmaker to the King, and had been for a length of time employed by the Royal Family. The greatest agitation prevails in Paris. All the Nobility are calling on the King. Every public place is shut, and all business suspended."

"The assassin had vowed to murder the Duke for nearly two years. Jealously is alleged as the motive of his deed."

In the sitting of the Chamber of Deputies, at Paris, on the 14th Feb. a member, C. de Cussergues, accused M. de Cazes, the Minister of State of having an accomplice in the assassination of the late Duke of Berri. This circumstance occasioned much ferment in Paris, & it was reported on the 18th, that M. de Cazes had tendered his resignation to the King, which was accepted.

In the Chamber of Deputies, on the 15th Feb. M. Clandet de Cussergues asserted that M. de Cazes had been the means of plunging the nation into the calamity they now were suffering, and that he would prove it. He was immediately called to order, and afterwards presented to the Chamber the following letter:

"I have the honor to propose to the Chamber to bring an accusation against M. le Comte de Cazes, Minister of the 50th article of the constitution. I request that the Chamber may appoint tomorrow to hear me, if I cannot be heard to-day."

COUNT DE CUSSERGUES.

Feb. 15, 1820.

A Paris paper of the 16th ult. states that, by an order of the King, the Duke de Berri has been opened by three surgeons, by whose report it appears that the dagger of the assassin penetrated the lungs, and passed into the lobe of the heart.

The same paper remarks, that the person who perpetrated this horrid deed was to be secured in the palace of Luxembourg, in the same room in which Marshal Ney was confined.

All places of amusement were ordered to be closed for nine days. There were numerous speculations as to the cause of this assassination.

A Paris paper of the 18th ult. states, that the Count Elie is no longer Minister. Yesterday morning all the family of Decazes, step-father, step-mother, wife and sister, professed themselves at his feet, who for more than 48 hours had been in a state of dejection, and supplicated him to fly from the storm which was gathering over his head. Moved by their attachment, and overcome with fear, this favorite Minister went to the Thuilleries at 1 o'clock, and begged the King to accept of his resignation, acknowledging that this measure was indispensable to the safety of the monarchy.

PARIS, FEB. 16.

The alarm in the public is such, that a great number of foreigners quit Paris with precipitation, being fearful that a revolution is about to take place. Yesterday and to-day it was almost impossible to obtain post horses. No doubt

the assassination of the Duke of Berri has been accented. His remains were attended to the vault at Kairoana, in which they were deposited, by a great part of the male population of the City and adjacent country, by nearly all the Officers of Government, Members of Congress, and Representatives of foreign governments resident here. Due military honors were rendered on the occasion, by the Marine Corps, under the command of Major Muller; and miniature guns, were fired from the Navy Yard, during the procession and funeral service. Every incident evinced the deep sensation which prevailed; and the volleys of musketry which announced the consignment of the Hero's Remains to the tomb sounded as the knell of departed chivalry.

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Our profound regrets for the loss which has deprived the country of one of its distinguished ornaments, does not deprive us of our sensibilities for misfortunes elsewhere sustained. The following official notice affords but too strong confirmation of the disastrous occurrence which has at once bereaved the country of the service of forty of its brave defenders, including three Officers of the Navy:

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Navy Yard, Charleston,
March 18th, 1820.

BALTIMORE, MARCH 25.

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An express has been despatched to the Postmaster General, with the intelligence, by the Postmaster here, Mr. Skinner, who has with great alacrity, employed all means in his power for the recovery of the Mail, and the apprehension of the culprits concerned in this high handed offence. A horse was also despatched to Rockhill, under the impression, that the mail might have been seized, by the villains, to the Eastern Shore, as the distance from the supposed place of the robbery to tide-water is very small.

We have just conversed with the person who brought the horses to town. He states that the driver changed horses last night, between 11 and 12 o'clock, at Rouse's, 18 miles distant, and proceeded on for Baltimore. Between this place and Herring Run the robbery must have been committed. It is now twelve o'clock, noon, and we anxiously wait for further particulars.

½ past 12 o'clock.—Several persons have just come in from the pursuit, and state, that the Mail, CARRIAGE and DRIVER were found 8½ miles from hence, about 100 yards from the road.—The mail had been opened, the letters rifled and strewn about the ground, and the Driver was found dead, tied to a tree, with two bullet-holes through his breast!!!

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Our profound regrets for the loss which has deprived the country of one of its distinguished ornaments, does not deprive us of our sensibilities for misfortunes elsewhere sustained. The following official notice affords but too strong confirmation of the disastrous occurrence which has at once bereaved the country of the service of forty of its brave defenders, including three Officers of the Navy:

FROM THE POST OFFICE PATRIOT.

Captain Hull, senior Naval Officer on this station, having received the melancholy information of the loss of the schooner Quaker, by which event the service and the country have been deprived of Lieut. Commandant JOHN PATTINGREW and SAMUEL P. MACOMBER, Midshipmen WILLIAM BODEN, and thirty-eight excellent SEAMEN, requests that the officers on this station should wear crape on the left arm for thirty days, as a testimony of respect for their brother officers who have unfortunately perished, and regret for those brave men who have shared the same fate.

Navy Yard, Charleston,
March 18th, 1820.

BALTIMORE, MARCH 25.

ANOTHER MAIL ROBBERY.

The great Eastern Mail due at the Post Office in this city, not having arrived at the appointed time, four o'clock this morning, apprehensions were general that a robbery had been committed. Early this morning information was received at the office of the mail contractors, Messrs. Stockton and Stokes, that two horses were seen tied in the woods on the Philadelphia road, within five miles of the city, near Herring Run—the description of them answered to those employed on the route. Nothing has been heard of the mail, the driver or the mail cart. Upon the receipt of this information, several parties proceeded in horseback for the purpose of scouring the adjacent country in pursuit of the robbers. Other prudent measures have likewise been adopted for the purpose of their apprehension.

An express has been despatched to the Postmaster General, with the intelligence, by the Postmaster here, Mr. Skinner, who has with great alacrity, employed all means in his power for the recovery of the Mail, and the apprehension of the culprits concerned in this high handed offence. A horse was also despatched to Rockhill, under the impression, that the mail might have been seized, by the villains, to the Eastern Shore, as the distance from the supposed place of the robbery to tide-water is very small.

We have just conversed with the person who brought the horses to town. He states that the driver changed horses last night, between 11 and 12 o'clock, at Rouse's, 18 miles distant, and proceeded on for Baltimore. Between this place and Herring Run the robbery must have been committed. It is now twelve o'clock, noon, and we anxiously wait for further particulars.

½ past 12 o'clock.—Several persons have just come in from the pursuit, and state, that the Mail, CARRIAGE and DRIVER were found 8½ miles from hence, about 100 yards from the road.—The mail had been opened, the letters rifled and strewn about the ground, and the Driver was found dead, tied to a tree, with two bullet-holes through his breast!!!

Four suspicious looking fellows were seen on foot on the road last evening on their way from town, and it is more than probable these are the robbers.

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