January. It was first published in the Enquirer at Richmond, some time in the ensuing month. I go further; I do not believe any newspaper at Washington can be produced announcing before the latter part of January, the fact, whether upon my avowal or not, of my intention to vote for Mr. Adams. Gen. Jackson's memory must deceive him. He must have confounded events and circumstances. His friend, Mr. George Kremer, in his letter to the Columbian Observer, bearing date the 25th January, has according to my recollection of the public prints a claim to the merit of being the first or among the first, to announce to the public my intended vote.—That letter was first published at Philadelphia, and returned in the Columbian Observer to Washington City on the 31st January. How long before its date that letter was written for Mr. Kremer, it does not appear. Whether there be any connexion between the communication made by the distinguished member of Congress and that letter, perhaps Gen. Jackson can explain.

At the end of more than two years after a corrupt overture is made to Gen. Jackson, he now, for the first time, openly proclaims it. It is true, as I have ascertained since the publication of Mr. Beverley's Fayetteville letter, the General has been for a long time secretly circulating the charge. Immediately on the appearance at Washington of that letter in the public prints, the Editor of the Telegraph asserted, in his paper, that Gen. Jackson had communicated the overture to him about the period of the election, not as he now states, but according to Mr. Beverley's version of the tale. Since I left Washington on the 10th of last month, I have understood that Gen. Jackson has made a similar communication to several other persons, at different and distant points. Why has the overture been thus clandestinely circulated? Was it that through the medium of the Telegraph the leading paper supporting the interest of General Jackson, and through his other depositories, the belief of the charge should be daily and gradually infused into the public mind, and thus contribute to the support of his cause? The zeal and industry with which it has been propagated, the daily columns of certain newspapers can testify. Finding the public still unconvinced, has the General found it to be necessary to come out in proper person, through the thin veil of Mr. Carter Beverley's agency?

When the alleged overture was made, the election remained undecided. Why did not Gen. Jackson then hold up to universal scorn and indignation the infamous bearer of the proposal, and those who dared to insult his honor, and tamper with his integrity? If he had, at that time, denounced all the infamous parties concerned, demanded an inquiry in the House of Representatives, and established, by satisfactory proof, the truth of his accusation, there might, and probably would have been a different result to the election.—Why, when at my instance, a Committee was on the 5th day of February, 1825, (only four days before the election,) appointed to investigate the charges of Mr. Kremer, did not Gen. Jackson present himself and establish their truth? Why, on the 7th of that month, two days before the election, when the Committee reported that Mr. Kremer declined to come forward and that 'if *they knew* of any reason for such investigation, they would have asked to be clothed with the proper power, but not having themselves any such knowledge, they have felt it to be their duty only to lay before the House the communication which they have received;' why did not Gen. Jackson authorize a motion to re-commit the report, and manfully come forward with all his information? The Congress of the Nation is in session. An important election has devolved on it. All eyes are turned towards Washington. The result is awaited with intense anxiety and breathless expectation. A corrupt proposition affecting the election, is made to one of the candidates. He receives it, is advised to accept it, deliberates, decides upon it. A Committee is in session to investigate the very charge. The candidate, notwithstanding remains profoundly silent, and, after the lapse of more than two years, when the period of another election is rapidly approaching, in which he is the only competitor for the office, for the first time announces it to the American public! They must have more than an ordinary share of credulity who do not believe that Gen. Jackson labours under some extraordinary delusion.

It is possible that he may urge, by way of excuse for what must be deemed his culpable concealment of meditated corruption that he did not like to volunteer as a witness before the committee, or to transmit to it the name of his friend, the distinguished Member of the House of Representatives although it is not very easy to discern any just reason for his volunteering now, which would not have applied with more force at that time. But what apology can be made for his failure to discharge his sacred duty as an American Senator? More than two months after the alledged overture, my nomination to the office which I now hold was made to the senate of the United States, of which General Jackson was then a sworn member. On that nomination, he had to deliberate, and act in the most solemn manner. If I were privy to a corrupt proposal to General Jackson, touching the recent election; if I had entered into a corrupt bargain with Mr. Adams to secure his elevation, I was unworthy the office to which I was nominated; and it was the duty of General Jackson, if he really possessed the information which he now puts forward, to have moved the Senate to appoint a committee of inquiry, and by establishing my guilt, to have preserved the National Councils from an abominable contamination. As the conspiracy of George Kremer & Co. had a short time before, meanly shrunk from appearing before the Committee of the House of Representatives to make good their charges, I requested a Senator of the United States, when my nomination should be taken up, to ask of the Senate the appointment of a committee of inquiry, unless it should appear to him to be altogether unnecessary. One of our own Senators was compelled by the urgency of his private business to leave Washington before my nomination was disposed of; and as I had but little confidence in the fidelity and professed friendship of the other, I was constrained to present my application to a Senator from another State. I was afterwards informed that when it was acted upon, General Jackson and every other Senator present was silent as to the imputations now made no one presuming to question my honor or integrity. How can General Jackson justify to his conscience or to his country this palpable breach of his public duty? It is in vain to say that he gave a silent negative vote. He was in possession of information which if true, must have occasioned the rejection of my nomination. It does not appear that any other Senator possessed the same information. Investigation was alike due to the purity of the National Councils, to me and as an act of strict justice, to all the other parties implicated. It is impossible for him to escape from the dilemma that he has been faithless, as a Senator of the United States or has lent himself to the circulation of an attrocious calumny.

After the election, General Jackson was among the first who eagerly pressed his congratulations upon his successful rival. If Mr. Adams had been guilty of the employment of impure means to effect his election General Jackson ought to have disdained to sully his own hands by touching those of his corrupt competitor.

On the 10th of February 1825, the very next day after the election, Gen. Jackson was invited to a public dinner at Washington by some of his friends. He expressed to them his wish that he might be excused from accepting the invitation, because alluding to the recent election, he said 'any evidence of kindness and regard, such as you propose, might, by many, be viewed as conveying with it exception, murmuring and feelings of complaint, which I sincerely hope belong to none of my friends.' More than one month after the corrupt proposal is pretended to have been received and after, according to the insinuation of General Jackson, a corrupt arrangement had been made between Mr. Adams and me—after the actual termination of an election, the issue of which was brought about according to Gen. Jackson, by the basest of means, he was unwilling to accept the honors of a public dinner, lest it should imply even an *exception* against the result of the election.

Gen. Jackson professes in his letter of the 6th of June—I quote again his words, 'to have always intended, should Mr. Clay come out over his own signature and deny having any knowledge of the communication made by his friends to my friends and to me, that I would give him the name of the gentleman through whom that communication came.' He pretends never to have seen the Fayetteville letter; and yet the pretext of a denial under *my signature* is precisely that which had been urged by the principle editors, who sustain his cause. If this be an unconcerted it is nevertheless a most wonderful coincidence. The General never communicated to me his professed intention, but left me in entire ignorance of his generous purpose; like the overture itself it was profoundly concealed from me.—There was an authorized denial from me, which went the circle of the public prints, immediately after the arrival at Washington of the Fayetteville letter. In that denial my words are given. They were contained in a letter dated at Washington City on the 18th of April last, and are correctly stated to have been 'that the statement that his (my) friends had made such a proposition as the letter describes to the friends of General Jackson was, as far as he knew or believed, utterly destitute of foundation—that he was unwilling to believe that General Jackson had made any such statement; but that no matter with whom it had originated; he was fully persuaded it was a gross fabrication, of the same calumnious character with the Kremer story, put forth for the double purpose of injuring his public character and proping the cause of Gen. Jackson; and that for himself and for his friends he *defied* the substantiation of the charge before any fair tribunal whatever. Such were my own words transmitted in the form of a letter from a friend to a *known* person. Whereas the charge which they repelled was contained in a letter written by a person then unknown to some person also unknown. Did I not deny the charge under my own signature in my Card, of the 31st January, 1825, published in the National Intelligencer?—Was not there a substantial denial of it in my letter to Judge Brooke, dated the 28th of the same month? In my Circular to my Constituents? In my Lewisburg Speech? And may I not add in the whole tenor of my public life and conduct? If General Jackson had offered to furnish me the name of a member of Congress who was capable of advising his acceptance of a base & corrupt proposition, ought I to have resorted to his infamous and discredited witness?

It has been a thousand times asserted & repeated that I have violated instructions which I ought to have obeyed. I deny the charge; and I am happy to have this opportunity of denying it in the presence of my assembled Constituents. The General Assembly requested the Kentucky delegation to vote in a particular way. A majority of that delegation, including myself voted in opposition to that request. The legislature did not intend to give an imperative instruction. The distinction between a request and an instruction was familiar to the legislature; and their rolls attest that the former is always addressed to the members of the House of Representatives, and the latter only to the Senators of the U. States.

But I do not rely exclusively on this recognized distinction. I dispute at once the right of the legislature to issue a mandatory instruction to the Representatives of the people. Such a right has no foundation in the Constitution, in the reason or nature of things nor in the usage of the Kentucky Legislature. Its exercise would be a manifest usurpation. The General Assembly has the incontrovertible right to express its opinion, and to proclaim its wishes on any political subject whatever: and to such an expression great deference and respect are due; but it is not obligatory. The people, when in August 1824 they elected members to the General Assembly, did not invest them with any power to regulate or controul the exercise of the discretion of the Kentucky delegation in the Congress of the United States. I put it to the candour of every elector present, if he intended to part with his own right, or anticipated the exertion of any such power by the legislature, when he gave his vote in August 1824?

The only instruction which I received from a legitimate source, emanated from a respectable portion of my immediate constituents; and that directed me to exercise my own discretion, regardless of the will of the legislature. You subsequently ratified my vote by unequivocal demonstrations repeatedly given of your affectionate attachment and your unshaken confidence.—You ratified it two years ago by the election of my personal and political friend (Judge Clarke) to succeed me in the House of Representatives, who had himself subscribed the only legitimate instruction which I received. You ratify it by the presence and the approbation of this vast and respectable assemblage.

I rejoice again and again, that the contest has at last assumed its present practical form. Heretofore malignant whispers and dark surmises have been clandestinely circulated, or openly or unblushingly uttered by irresponsible agents. They were borne upon the winds, and like them were invisible and intangible. No responsible man stood forward to sustain them, with his acknowledged authority. They have at last a local habitation and a name. General Jackson has now thrown off the mask, and comes confessedly forth from behind his concealed batteries, publicly to accuse and convict me. We stand confronted before the American people. Pronouncing the charges, as I again do, destitute of all foundation and gross aspersions, whether clandestinely or openly issued from the halls of the Capitol, the saloons of the Hermitage or by press, by pen, or by tongue; and safely resting on my conscious integrity, I demand the witness, and await the event with fearless confidence.

The issue is fairly joined. The imputed offence does not comprehend a single friend but the collective body of my friends in Congress; and it accuses them of offering and me with sanctioning corrupt propositions derogating from honor, and in violation of the most sacred of duties. The charge has been made after two years deliberation. Gen. Jackson has voluntarily taken his position, and without provocation. In voting against him as President of the United States, I gave him no just cause of offence. I exercised no more than my indisputable privilege, as, on a subsequent occasion of which I have never complained, he exercised his in voting against me as Secretary of State. Had I voted for him, I must have gone counter to every fixed principle of my public life, I believed him incompetent, and his election fraught with danger. At this early period of the republic, keeping steadily in view the dangers which had overturned every other Free State, I believe it to be essential to the lasting preservation of our liberties, that a man devoid of civil talents, and offering no recommendation but one founded on military service, should not be selected to administer the Government. I believe so yet; and I shall consider the days of the Commonwealth numbered when an opposite principle is established. I believed and still believe, that now, when our institutions are in comparative infancy, is the time to establish the great principle, that military qualification alone is not a sufficient title to the Presidency. If we start right we may run a long race of liberty, happiness and glory. If we stumble in setting out, we shall fall as others have fallen before us, and fall without even a claim to the regrets or sympathies of mankind.

I have never done Gen. Jackson, knowingly, any injustice. I have taken pleasure on every proper occasion, to bestow on him merited praise for the glorious issue of the battle of New Orleans. No American citizen enjoyed higher satisfaction than I did with the event. I heard it for the first time on the Boulevards of Paris; and I eagerly perused the details of the actions, with the anxious hope that I should find that the gallant militia of my own state had avenged on the banks of the Mississippi the blood which they had so freely spilt on the disastrous field of Raisin.—That hope was not then gratified; and although I had the mortification to read the official statement that they had ingloriously fled I was nevertheless thankful for the success of the arms of my country, and felt grateful to him who had most contributed to the ever memorable victory. This concession is not now made for the purpose of conciliating the favor, or mitigating the wrath of General Jackson. He has erected an impassable barrier between us, and I would scorn to accept any favor at his hands. I thank my God that He has endowed me with a soul incapable of apprehensions from the anger of any being but himself.

I have, as your Representative, freely examined and in my deliberate judgement justly condemned the conduct of General Jackson in some of our Indian wars. I believed and yet believe him, to have trampled upon the Constitution of his country and to have violated the principles of humanity.—Entertaining, these opinions, I did not and could not vote for him.

I owe you, my friends and fellow citizens, many apologies for this long interruption of the festivities of the day, I hope that my desire to vindicate their honoured object, and to satisfy you that he is not altogether unworthy of them will be deemed sufficient.

From the American Athenæum.

THE EXAMINATION.

I was just twenty one years old when I underwent my examination for an attorney at law, and although some time has elapsed, yet the remembrance of my sensations at that time, and previous thereto, can never be forgotten. I had been preparing myself, night and day, for a long time, and my first thoughts on leaving the office in which I had studied were, that I was now free—I eyed myself from head to foot, and exclaimed, now am I a *man*, and have natural claims upon my fellow beings that I never had before—I felt conscious as (most young men do) that if I did not succeed in my examination, as well as in the world, it was not for want of knowledge. I thought I had nothing to do but walk before my examiners—answer their questions—get my license—open my office—and call on my friends for their business.

The hour came. I entered the court room and tried to put on a consequential look—I brushed back my hair with terrific grace, yet I felt that I was trembling like a leaf, and as a friend afterwards told me, was as pale as a corse. Other students who were to undergo the legal ordeal as well as myself, came after me; some walked in with such a knowing look, that I felt my heart sink when I thought they were to be my competitors: a frown of knowledge overshadowed their countenances, and they looked significantly on all around them. I took particular notice of these students, and every one of them was rejected. Others entered with a modest look, on their tiptoes, treading as though they were fearful lest any violent motion of their bodies might discompose their ideas, they gazed at the examiners, as though they were ghosts. Each took his seat according to the order in which he was called and the examination commenced. As soon as the first question was asked, all eyes were turned upon the poor culprit that was to suffer.

"What is law?" said one of the judges—and notwithstanding this was spoken in a soft, mild tone, yet it had such an effect upon the poor fellow, that his face turned to a yellowish colour, and his body trembled as though he was labouring under a violent fit of ague; at last his tongue assumed its functions. 'What is law, did you say, sir?' 'Yes, sir, what is law?' 'Why, sir, law is—that is taken in its most comprehensive sense, it signifies—that-a-it-is—" "Well, sir, what is it?" "Did you, say how many parts it was divided into?" said the student, and without waiting for an answer exclaimed 'there are two kinds of law, and they are—' 'Stop, said the examiner, 'that was not the question; however, we will give it to the next—your other answers will do very well.' The examiner was a feeling as well as a learned man, and knew very well the poor fellow could answer it, if he was not in such perturbation.

The second student he named and went on law, taken in its comprehensive sense, signifies—' Here he made a full stop. 'So far,' said the examiner, 'Mr. A. has answered."

"Yes, sir" replied the student: and after much exertion he stammered through the answer, not as one who is confused, but as if ignorant of the subject he was handling. He had no sooner answered the question than he began to laugh, but only so loud that those who were next to him could hear it. I was one of those, and felt vexed at his indecent and unfeeling behaviour, and thought upon some plan to revenge the insult offered to my friend, for we were on terms of the greatest intimacy. I recollected a most terrible corn the fellow had upon one of his toes, & immediately trod upon it, & not very softly either. As soon as he turned his head to me, I, as if unconscious of what I had done, shook my head at him, as much as to say he ought to be ashamed of himself—he, in his turn, shook his head at me, his face glowed with indignation, in one hand he held his foot, and pulled his hair with the other: in fact, I expected soon to see him laugh the other side of his mouth,—as soon as I was compelled to know from his expressions what I had done I affected a great deal of sorrow, and begged a thousand pardons, which he could not but grant, though I saw that while he exclaimed 'certainly, sir! certainly!'—his heart swore revenge. My attention was now called to my question; all levity immediately vanished and my spirits, which till this time were so high, now sunk, and became depressed. I would willingly have retired, and waited another year, if I could have done so with honor.

Now came the thrilling sound:—"Mr. Subpœna,' said my examiner, 'we have heard that law is divided into two kinds—will you have the goodness to tell me what they are?' As soon as the question was given to me, my heart 'sunk clear into my belly'—it felt as though it was wrapped up in a piece of woolen cloth, such a singular sensation I never before or since experienced. At last I summoned courage enough to put this question to the examiner—'What did you say, sir?' He repeated his interrogation.

Now if any man, at another time had put this question to me with the belief that I could not answer it, I would have knocked him down for an impertinent blockhead. But at this time it seemed as if he could not have given me a more difficult one; my ideas were like a bark on a boisterous ocean, not remaining a second on one place but floating and tossing about continually. This was my reply—'Law, sir—is—a—divided into two parts.'——'Well, we have heard that what are those two parts?'—'Good and bad,' said I immediately, as if recollecting myself.

This answer (as well it might) raised a universal laugh against me, in which the examiners (notwithstanding their efforts to the contrary) all joined. Good heavens! how I burned with indignation. I only wished that I was a Hercules, or a Sampson, to have crushed them to death; my blood boiled in my veins, and in my madness I snatched up a pen that lay before me, with the serious intention of challenging every one, (there was no less than an hundred) but the want of paper, or something else, restrained me, and all my attention was turned to a conceited puppy not far from me, who had arisen from his seat, and placing his hands on his sides, seemed convulsed with laughter. A tear came in my eye—it was not the tear of sympathy, or woe—no, it was the burning tear of anger. It was wonderful how this vent of passion softened me—I sat down apparently composed, and turned my attention to the fellow on whose corn I had trodden—when he saw me looking at him he essayed to laugh, but only arrived at a grin. "Very good," said he—"ha, ha, I'm most suffocated! oh my corn—ha! oh! ha! d—n it sir, you might have known how much pain it would cost me—but "good and bad," ha, ha!—oh dear—oh dear!' This was the way the poor fool continued until the examiner called for silence, which, if they had not speedily done, I should have given my neighbor more causes of complaint than his corn. This circumstance did me more good than harm, for now I felt perfectly composed, and ready to answer any question. The spell which had bound me (and among which silence was not the least) had broken, and my ideas seemed settled. The examiner was the first to address me—'Well, Mr. S.' said he, 'your answer is very good.'

'Yes sir,' said I, considerably piqued, 'but it is not correct.'

'Well, sir, what is right then?'

'Why, sir, the municipal law is divided into two kinds—the *lex non scripta*, the unwritten or common law—and the *lex scripta*, the written or statute law.' I had several other questions given to me, which I answered with equal precision and correctness, and my only regret was that they were not more difficult, that I might convince my scoffers that I was not the booby they took me for.

The examination went on, some had more courage and less sense; and others less courage and more sense, and answered accordingly. The question had now come to the person whom I saw make so merry with my mistake, he was a conceited young coxcomb, whose vanity was insufferable, and whose pride and ill manners had gained him the dislike of all his companions. Oh, how I hoped that he might might make as great a b under as I did, nor was I doomed to disappointment.

Thus passed the examination, and after a considerable time, and undergoing a literal, as well as a physical sweat, a period was appointed for us to hear our fates and we were dismissed.

During the interval I suffered amazingly—I thought my all depended entirely upon my *debut*. I was one of the first in the room at the appointed time: when we had all assembled, we more resembled so many culprits than *attorneys at law*!—The list was produced, and the names read: the fifth was mine—I heard the Judge pronounce it, but I heard no more. I forgot every animosity—my happiness seemed complete—my heart bounded for joy—I left the room—that very day hired an office—put out a large gilded sign, that stared every body in the face, with this inscription, "*Higgins Subpœna Attorney at Law.*" It was not long before I was retained in a suit; and next I shall inform you what were my feelings on this occasion, as well as the nature of my first suit; till then believe me to be

Your well wisher,

Higgins Subpœna.

MARYLAND,

Caroline County Orphans' Court,

31st, day of July A. D. 1827.

On application of Edward B. Hardcastle, administrator de bonis non with the will annexed of Robert Stevens, late of Caroline county deceased, it is ordered that he give the notice required by law for creditors to exhibit their claims against the said deceased's Estate, and that the same be published once in each week for the space of three successive weeks in one of the newspapers printed in Easton.

In testimony that the foregoing is truly copied from the minutes of proceedings of the Orphans Court of the county aforesaid, I have hereto set my hand and the public seal of my office affixed this 31st day of July A. D. 1827.

Test, JAS: SANGSTON, Reg'r.
of Wills for Caroline county.

In compliance with the above order,

NOTICE IS HEREBY GIVEN,

That the subscriber of Caroline county hath obtained from the Orphans' Court of Caroline county in Maryland, letters of administration de bonis non with the will annexed, on the personal Estate of Robert Stevens, late of Caroline county dec'd. all persons having claims against the said deceased's Estate are hereby warned to exhibit the same with the proper vouchers thereof to the subscriber on or before the eleventh day of February next; or they may otherwise by law be excluded from all benefit of the said Estate: Given under my hand this thirty-first day of July A. D. 1827.

EDW'D. B. HARDCASTLE, Adm'r.
D. B. N. with the will annexed
of Robert Stevens dec'd.

August 11 3w

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