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ADVERTISEMENTS

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The Case of the Six Militia Men, and GEN. JACKSON'S VINDICATION, *Fairly Stated and Candidly Examined.*

[*Concluded.*]

The court met pursuant to the preceding order. Present,

Lieut. Col. P. PERKINS, *President.*
Maj. W. C. SMART, } *Members.*
Capt. J. BLACKMAN, }
Lieut. D. MITCHELL, } *Supernumeraries.*
Ens. J. H. WILLIAMS, }

'The court having been regularly constituted, and no person appearing before them for trial, adjourned until 10 o'clock to morrow.'

'The court met pursuant to adjournment; present, the President and members, and having been qualified, in presence of the accused, who being previously asked if they have any objection to any of the members, and having answered in the negative proceeded to the trial, &c.' 'of John Harris, private of Captain Strother's company.'

'CHARGE 1st—MUTINY.'

Specification. In this—between the 19th and 20th Sept. 1814, he went about through the camp to get signers to go home on the 20th Sept. 1814, and stated that he would soon have a larger company than Capt. Kilpatrick, and on the morning of the 19th he received the proportionable part of the beef and flour that was forcibly taken, cooked it, and on the morning of the 20th Sept. 1814, about the end of the Reveillee Beat, marched off yelling and firing his gun; and after arriving in the neighbourhood of Fort Strother, he stated that he would take those who had been taken by Captain Blackmore.'

CHARGE 2d.—Conniving at Mutiny.

Specification. In this—not reporting those who were of the mutinous party, as required by the rules and articles of war. To which charges and specifications the prisoner plead not guilty.

Lieut. Noah Bennet, a witness in behalf of the prosecution being sworn, states that he saw the prisoner on the 19th of Sept. 1814, with a paper containing a good many names, and the prisoner informed him he would only set down such men's names as directed him to do so, that those who were present said it was a list of men's names to draw provisions to go home on the 20th of September, that the prisoner was one of the mutinous party, who marched off on the morning of the 20th; that he belonged to the same company, and believes that the prisoner never reported any of the mutinous party, as required by the rules and articles of war—that the prisoner was under his immediate command on the 19th Sept. and that he behaved himself as usual well until evening, when he saw him with the paper as described heretofore

John H. Hogan, a witness in behalf of the prosecution being sworn, states, that he saw the prisoner with a paper setting down such men's names as intended drawing provisions for the purpose of going home and on the morning of the 20th of Sept. he saw the prisoner march off with the mutinous party.

John Husbands, a private in Captain Kilpatrick's company, witness in behalf of the defendant being sworn, states, that he saw the prisoner some time previous to the 20th September, with a paper, setting down such men's names as intended going home; that the prisoner did not appear to be using any persuasion, and stated that it was right that some should remain at the Fort, that he would soon have a larger company than Capt. Kilpatrick's, and believes that the prisoner did march off with the mutinous party on the morning of the 20th.

John Johnson, private of Capt. M'Kay's company, a witness in behalf of the prosecution, being sworn, states, that while at Fort Jackson in the month of August, he heard the prisoner say that there was no law to compel the men to stay longer than three months—that he was a man of spirit, and would stay no longer— that a considerable number of the men would go then, and one that would refuse he could see bayonetted about six inches—that they would go up to the Big or Great man and shiver their muskets over his head, but not strike so hard as to kill him.'

The court adjourned until to morrow at nine o'clock.

The court met pursuant to adjournment present, the President and members, and proceeded to the further examination of the witnesses.

Edward Stevens, a sergeant of Captain Kilpatrick's company, a witness in behalf of the defendant being sworn, states that he saw the prisoner with a paper. setting down such men's names as was going home, and said that he would take down none but such as directed him to do so, and the prisoner marched off with the mutinous party on the 20th Sept.

James Alexander, Sergeant Major, a witness in behalf of the defendant, being sworn, states, that on the 19th September he saw the prisoner when the provisions were issued—believes he received his proportionable part, and on the morning of the twentieth, marched off with the mutinous party, that the prisoner told him that he had not supposed the list which he had of the men's names was improper, as it was to be handed to the colonel—that the prisoner gave up his gun to Captain Kilpatrick and thinks he demanded and received a receipt which he had given for his gun, or the captain wrote one for that purpose.

Ensign David Kelly, a witness in behalf of the defendant, being, sworn, states, that the prisoner belonged to the same company, and was frequently near him during August and the beginning of September that he generally behaved himself well and was obedient to orders.

James Smith, a private of Lieut. Mitchell's detachment, a witness in behalf of the defendant, being sworn, states that the prisoner advised him not to go home with the mutinous party, and believes went himself on the 20th Sept.

James Nelson a private in Capt. Mebane's company, a witness in behalf of the defendant, being sworn, states that he heard General Washington of Tennessee, say to the members of the court martial, that he did not know whether the men were ordered out for a tour of three or six months—that he had wrote to the governor, but had received no answer to his letter on that subject.

The prisoner states, in his defence, that he was totally unacquainted with the nature of militia service, that he had frequently heard his officers say they knew of no law compelling militia to remain longer than three months, and from the opinion of other men of respectability and information, conceived that his term of service had expired—returned his gun to his captain, under that impression, took up the receipt he had given for it, and departed from Fort Jackson conscious of having discharged his duty.

The Court after mature consideration on the evidence adduced, find the prisoner guilty as charged, "with the exception of yelling and firing his gun, and saying he would retake those who had been taken by Captain Blackmore; and sentenced him to receive Death by Shooting."

Let us abstract the charges against this unfortunate victim of military misrule and lawless power; and exhibit them truly, but divested of all technicalities.

The charges were, I Mutiny—II. Conniving at Mutiny

The specification of Mutiny was, that between the 19th and 20th of September, 1814, he went about in the company to which he belonged, [Captain Strother's,] among his fellow citizens and brothers in arms, to get as signers to go home on the 20th of September, 1814; that he stated, that he would have a larger company than Captain Kilpatrick, that he received provisions which had been forcibly taken, and cooked them, and on the 20th of September, 1814, marched off yelling and firing his gun.

The specification under the charge of 'conniving at mutiny,' is, 'not reporting those who were of the mutinous party. as required by the rules and articles of war.'

The testimony given to the court upon these charges & specifications was obtained from the mouths of four witnesses, to wit: Lieut. Noah Bennett, John H. Hogan, privates, John Husbands, and John Johnston.

Noah Bennett proves, an open, avowed and peaceful assertion of his right to leave the army on the 20th of September—and that, on the morning of the 20th, he marched off. He says, 'he was one of the mutinous party,' but this he says, no doubt, because the act was called mutiny, by those who had put Harris on his trial; and not because of any acts done by Harris other than his having claimed to have served out his time, and leaving the camp. He also says he did not report any of the mutinous party.

But Noah Bennett also testified of John Harris, 'that he was under his immediate command, and that he behaved himself as usual, WELL, until the evening when he saw him with the paper as described.

Is there in this testimony any thing to call forth vengeance unto death,' against this victim of military violence! this slaughtered patriot! this Minister of the Holy Gospel! What intentional offence, is here proved? Did not John Harris believe, that under the law of the State of Tennessee under the Constitution and laws of the United States under the proclaimed opinion of his officers, he had a right to draw provisions and go home on the 20th; as until the evening of the 19th he had behaved himself WELL, had fought the battles of his country with bravery and fidelity and that his period of service expired on that evening.

John Hogan testifies to the same, & no other circumstances than those stated by Lieut. Bennett.

John Husbands swore, that he saw the prisoner some time previous to the 20th, 'with a paper setting down such names as intended to go home'—that he did not appear to be using any persuasions, and stated, 'that it was right that some should remain at the fort'—that he would soon have a larger company than Capt. Kilpatrick—and he believes he marched off with the mutinous party, on the morning of the 20th.

Let us examine this testimony, and we shall find that it abounds with the strongest proofs of patriotism and virtue; and that instead of aiding to convict the accused, it vindicates and redeems him from all suspicion of guilt.

He did not persuade any one to go. About to depart for his home, and his fireside, and anxious again to clasp his expecting wife, and fond lisping infants to his toil-worn, and scarred bosom; his service to his beloved country having been faithfully performed, desirous to resume his sacred duties to his Creator, as the minister of his word, and to become the Pastor of a congregation 'of the Baptist profession;' as his journey would be made through a wilderness, in the very regions of which, as General Jackson declares, 'the British agents were then engaged in stirring up the Creeks to the indiscriminate murder of our defenceless border citizens,' he was willing to ascertain who would accompany him in this lawful purpose, and in this perilous journey. For this 'he had a paper to set down the names of such as intended to go.' But he was not willing that his country should be exposed, to danger; he would not consent, that the fort should be deserted, 'some should remain at it,' and thus, the humane, the true, and the only fair construction of these acts of Harris, was not, that he wanted all to go,—not, that he sought to persuade any one to go; but 'by setting down on a paper the men's names who intended to go,' he would ascertain their numbers, and thus finding that enough would remain at the fort to protect it, and that his country no longer required his services, he might use the right of a freeman, and return to his home.

Departed patriot! Untimely victim of power without right! Minister of Holy peace! Shade of John Harris! were not these the motives, and the purposes of your deeds?

One other witness remains to be noticed John Johnson, 'a private in Capt. M'Cay's company."

He said, before the Court Martial, that in the Month of August, he heard John Harris say, that there was no law to compel him to stay in service, longer than three months;—that he was a man of spirit, and would go, and one that would, refuse, he could see bayonetted about six inches—that they would go to the 'Big' or 'Great man,' and shiver their muskets over his head, but not strike so hard as to kill him.

In reference to this evidence, two observations only are necessary; either one of which, is sufficient to vindicate John Harris from the accusation it was intended to support. First, the conduct of John Harris in August was not the subject of investigation, before the Court Martial. He was on trial for acts done between the 19th and 20th of September, to these charges, and to the specifications under them, and to these only, he was called upon to plead. To repel these and none other, he had prepared himself—what he did in August was not before the Court, and for what he had done in August, the Court could not convict him, upon the charges, and specifications before them.

Had he been informed, by their being made the subject of specific charges against him, that his actions in August would be investigated, he would, no doubt, have been able to repel and refute, the falsehoods of the obscure private Johnston, who testified against him, and who alone, of all the officers and soldiers of the army, uttered a word against the mildness and meekness, and submission of his deportment, during the whole period of his service.

But if John Harris did say in the month of August, 1814, 'there was no law to compel him to serve longer than three months, was this mutiny, or conniving at mutiny? If he did say, that a considerable number of men would go, and one that would refuse he could see bayonetted, was this any thing more than offensive expressions made under excitement and irritation, probably provoked by insulting taunts, on the part of Johnston. Did he deserve to 'be shot to death' for these words, wrong and unjustifiable as they certainly were! He did not say he would see such as refused to go bayonetted—this would have been a threat, and if made in August, while he was regularly in the service, it was an offence against the articles of war, although not mutiny, or conniving at mutiny.' He said he could see them thus punished, and this because of their tame submission to oppression—for their want of the spirit of freemen, and for their shameless surrender of their rights as citizens. If he said 'they would go up to the Big or Great man,' and 'shiver their muskets over his head,' he meant to say, that if they were deprived of their rights—if, against the laws and constitution, General Jackson should insist on their remaining in the camp, such would be the influence of these wrongs on their passions, that the worst consequences might follow—And may not this have been said with a painful and unwished anticipation of what he feared and believed would occur? John Harris did not say he would go up to 'the big or great man,' he said 'a considerable number of such would go from the camp after their term of service had expired, and that they would go up to the big or great man, &c.

But was there not enough in all these expressions to show, that they had no serious purpose, and no design beyond the declaration of the conviction of his own mind, of the rights of others and of his own,—of a determination to maintain them—and the assertion of his apprehensions, of severe consequences, should they be withheld. Could he have seriously meant or intended any thing, when he said, 'the men would shiver their muskets over the head of the great man, but not strike so hard as to kill him? Impossible!!!

The next observation which is also in itself a conclusive argument that every thing Johnston testified, was *untrue*, is this. By every other witness who was examined, and who speaks of his conduct as a soldier, the most favourable representations were made, that he always behaved well, 'with the exception of his acts on the evening of the 19th and 20th of September.' Is not this testimony amply sufficient to negative the *solitary* and *unsupported* assertions of Johnston. Could they have had any value, or were they believed, and yet the conduct they impute to Harris not be made the subject of 'charges,' and 'specifications,' upon the Court Martial?

But how stands John Harris upon the testimony which he produced; upon the evidence of the five witnesses who came forward in his vindication?

Edward Stevens stated, that 'he saw him with a paper setting down such men's names as was going home,' and said 'he would take down none but such as requested him to do so.'

James Alexander, sergeant major, stated, that 'he believed Harris received his proportionable part of the provisions, which were issued on the morning of the 20th.' That he told him, he had not supposed the list, which he had of the men's names was improper, as it was to be handed to the Colonel that Harris gave up his gun to Captain Kilpatrick, and he thought he demanded and received a receipt, which he had given for his gun, or the Captain wrote one for that purpose.

ENSIGN David Kelly, of Captain Strother's company, said, that Harris was frequently near him during August and the beginning of September, and that 'he generally behaved himself well, and was obedient to orders.

Private, James Smith, swore, that '*Harris* advised him not to go home with the mutinous party.'

Thus, John Harris, who always behaved himself well as a soldier, who conscientiously believed that he had ceased to be a soldier, on the 19th of September—to whom provisions were regularly *issued* upon the 20th —who delivered up his gun to his Captain, as no longer entitled to retain it—and whose surrender of his arms was ratified by his Captain by the return of his receipt —who *peacefully*, left the camp to return home to his native state—and who, in all these actions, did nothing against the articles of war, was therefore entirely innocent of 'mutiny,' or 'conniving at mutiny.'

He stated in his defence every thing which was proved by the testimony given on the trial. 'That he was totally unacquainted with the nature of militia service—that he had frequently heard his officers say, that they knew of no law compelling Militia to remain longer than *three months* —and from the opinion of other men of respectability and information, he conceived his term of service had expired—he returned his gun to his Captain, taking up the receipt he had given for it, and departed from Fort Jackson, conscious of having discharged his duty.'

And yet, monstrous injustice! Unexampled submission to the wishes of 'the commanding military chieftain.' The Court Martial convened, by order of General Jackson, found John Harris guilty of mutiny, and of conniving at mutiny, and sentenced him 'to receive death by Shooting!'

With all the proceedings of the Court Martial before him—with the full record of the testimony which established his innocence—*at a period when all danger of an enemy had ceased*—when example, if the circumstances would have justified it, was not called for—when not a hostile foot trod on 'the soil of the United States,' Major General Andrew Jackson, on the 22d of January, 1815, 'approved of the sentence of the Court Martial, and ordered *John Harris*, a minister of the Baptist profession to be shot, four days after the arrival of his orders at Mobile; and, in obedience to this command of General Jackson, he was *shot to death!!!!!*

In this paper it has been our purpose to exhibit facts as they were in proof, and to offer a few only of such deductions as they clearly authorise. To every citizen of the United States we make one and only one request; look at 'the case of the six militia men,' as shown by the official documents —look at the case of *John Harris* in particular, as exhibited in the certified proceedings of the Court Martial, and ask your own consciences, and your own judgment, if those six militia men, were not *lawlessly, wantonly, unjustly, and unnecessarily*, condemned to death, by the Court Martial, and whether they were not *shot to death*, as lawlessly, as wantonly, as unjustly, and as unnecessarily by the command of General Andrew Jackson?

Are there any who yet believe that John Harris and his five associates, in injuries, in oppression, and in death, had not a right to claim, and to assert their exemption from military service, after the 19th of September? If there are any such, let them read what is here printed, and let them obtain from authority, and give in a tangible shape, a contradiction of the assertions which we here make.

The records of the department of war do not contain a request from President Madison, that any of the militia of Tennessee should serve beyond three months.

In the same department evidence exists, that when Governor Blount, of Tennessee, applied to Mr. Madison, in behalf of the militia of that State then in service, immediately preceding the detachment of the militia, of which the six men, who were shot to death, by order of General Jackson, were a part, and requested, that their term of service should *not exceed three months*, as prescribed by the laws of Tennessee, Mr. Madison directed 'that they should serve only that time.'

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We have in the foregoing pages laid before the reader the whole of the *Law* and the whole of the *Facts* as they bear upon the case of the Six unhappy Militia Men who were arrested, tried, and shot to death by order of Major General Andrew Jackson. It will be remembered that this officer was but a few months in command — General Washington was many years in command yet he never had one of his fellow countrymen shot. He was humane as well as brave. Let it not be forgotten that there was no danger impending at the time that General Jackson, at four days notice, had those Six Militia men shot to death. If he had chosen, if he had wished to shew mercy, or to avoid spilling the blood of his fellow soldiers, he would have referred the matter to the President of the United States. No! He had no desire to save the lives of those men; who, contrary to law and in violation of every principle of justice, were condemned to be shot to death.

You that are Militia Men and may be called into the service of your country, & you who have borne arms, reflect upon this conduct of General Jackson. Think, there is none, no not one so bloody, a page as this in our history, & then say, will you, can you conscientiously, in the discharge of your duty to your country and your God, vote to place Andrew Jackson, the doer of all this wrong, will you vote to place him in the chair of the Chief Magistrate of these United States? Allow me to say that I would perish at a stake, I would be led, like these Six Militia Men, and seated on a log and shot down like a dog, before I would do such violence to my conscience, such wrong to my country, as to vote for Andrew Jackson as President. I will not vote for him, and I hope that all who have read the preceding pages will say with me,

I WILL NOT VOTE FOR ANDREW JACKSON!!!

From the Democratic Press.

TO THE PUBLIC.

Mr. Buchanan, Mr. Isaacks and Major Eaton have thought proper to bring my name before the public as that of a person implicated, or in some way concerned, in an attempt to induce General Jackson to give a certain pledge or pledges, as to a certain appointment it would be his duty to make in the event of his election as President of the United States.—One consequence of the publications of these gentlemen has been that they have given rise to a torrent of abuse and calumny, which has been directed against me. It is not however for the purpose of averting this polluted stream or of noticing those who have cast into it their mite of slander, that I sit down. My object is of a higher nature; a desire to do myself justice, and so far as my best recollection and judgment shall permit, to spread the truth and the whole truth before my fellow citizens. I do not hope by any thing I can say, however satisfactory and conclusive, to propitiate any of my enemies, personal or political; nor shall I, for that or any other purpose, turn from a full and fair examination of such parts of the letters of the gentlemen who have imposed upon me this unpleasant duty. As relates to myself, I could have wished to have been spared this appeal, but it is no longer a matter of choice. I might have been persuaded to permit the errors and inaccuracies of Mr. Buchanan and Mr. Isaacks, arising from a want of recollection, to pass unnoticed; and, from a desire to be at peace I might even have been content to over look their unkindness; but, when Major Eaton on their shewing presumes to call me "the negotiator," in what he represents to be a corrupt transaction, I am imperatively bound to speak, and I will speak that which I do know to be true. Let the blame and condemnation, fall where it ought; where it is merited, but not on me.

If these were not motives sufficiently powerful, there is another which would determine me. An effort is making by the use, and the abuse of my name, to wound the characters of some of our ablest and most exalted citizens, and by accusations which I believe to be unfounded and in which I am certain I bore no part, to sink them in public estimation; to cast them down from the heights to which they have honourably attained and in their places to put those whom I regard as having adopted principles and avowing a determination to pursue a course of policy,

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