For the Easton Gazette.

THE SIX MILITIA MEN.

The pamphlet of John Binns concerning the six Militia Men, executed by order of General Jackson, has been re-published in the Easton Gazette, and represented as laying down "the circumstances and the law upon the subject, *calmly, deliberately, and fairly.*" Binns says he was "indebted to a legal friend, for an examination of the *constitutional* and *legal* principles; but does not relinquish his title to the arrangement of the facts and testimony, and to the episodes, embellishments and forgeries which have given the pamphlet so favorable a reception. The whole publication is *now* said to be "drawn up by one" "of the most able law characters in the United States;" by which artifice it is to be saved from the discredit of having John Binns for its author. But it may be false, *though not* written by Binns, and it is to be presumed that a falsehood is not to be received as the truth, merely because it has been invented by an able lawyer.

General Jackson is charged with having these six militia men tried by an *illegal Court Martial*, for offences committed, *after their term of service had expired*, and of having them executed *contrary to law*.

In refutation of the charges, a true history of the case shall now be given, as far as it can be made out, from the statements and documents which have been laid before the public.

The Regiment of Tennessee Militia, to which these men belonged, was mustered into the service of the General Government the 20th of June, 1814; was placed under the immediate command of Col. Pipkin, and ordered to garrison the different posts in the Creek Nation. A mutinous disposition was discovered in the regiment, late in August, or early in September; and on the 19th of September about 200 soldiers belonging to it, actually mutinied; set the authority of the officers at defiance, broke open the public stores, and committed many other mutinous and disorderly acts The day following, this party of mutineers deserted, under the pretext that their term of service had expired, and that they had a right to return to their homes. Col. Pipkin reported these outrages to Gen. Jackson, who directed him to use every exertion to have the men arrested and brought back for trial. They were arrested accordingly, and it will now be shown:

That they were *legally ordered out for six months*; that they were guilty of mutiny and other offences *during their time of service*.

That they were tried by a *Court Martial legally organized*, and condemned and executed according to law.

In the year 1814, Gen. Jackson, then a militia officer of Tennessee, received an order from Governor Blount of that State, of which the following is an extract:

Nashville, 20th May, 1814.

SIR—"You will without delay, order out one thousand Militia Infantry of the 2d Division, for the term of six months, unless sooner discharged by order of the President of the United States; or you may accept a tender of service of the above number of Volunteer Infantry from the 2d Division for the term aforesaid, at your option; which latitude, in relation to calls for men to act against the Creeks in furtherance of the views of the Government in that behalf is given to me by instructions from the War Department. These troops will be commanded by an officer of the rank of Colonel, & will be required to rendezvous at Fayetteville on the 20th of June next; thence they will proceed, to the above mentioned posts under your order, in such number to each as you shall assign."

By this it appears that Gen. Jackson was ordered by Gov Blount to call out this Regiment for six months; and assured that the requisite powers, in relation to call for militia, had been given by instructions from the War Department.

By the law of Congress of 1795, the Militia, called into the service of the General Government, were to serve only three months.

By the law of April 1812, all the militia drafted into the public service were compelled to serve six months. This law was to continue in force two years, and was followed by the law of April 1814, which gave to the president the power of compelling the militia to serve six months, or of dismissing them sooner as the public interest might require.

The president as Commander in chief of the army, gives his orders through the War Department; and on the 11th January 1814, General Armstrong, then Secretary of War, made the following communication to Governor Blount:

"Sir,

You are authorized to supply by militia drafts, or by volunteers any deficiency which may arise in the militia divisions under the command of Major General Jackson, and without referring on this head to this Department."

Signed, JOHN ARMSTRONG.

Governor Blount was in the neighbourhood of the enemy, and at a distance from the seat of Government and was therefore authorised to call out the militia for the purposes specified without further reference to the War Department. This order of General Armstrong was issued while the law of April 1812 was still in force which required the militia to serve six months, when drafted into the service of the United States.

The law gave no discretion as to the time of service, and the order of General Armstrong gave none. The militia already under General Jackson's command, had been drafted for six months; and those which were to supply their place, in pursuance of this order, being called out under the same law, were necessarily drafted for the same time.

If the law of 1814 was intended to have a retrospective operation, & to apply to the militia called out under the act of 1812, it then became the duty of the President, if he did not wish them to serve the whole time, to notify their commanders of the time they were to be discharged. If no such notifications was received, the inference was inevitable, that, in the opinion of the President, the public interest required that they should serve the time for which they were drafted. Even under the law of 1814, if detachments had been called out for six month, as it is believed they generally were, they must have been compelled to serve till the expiration of that term unless sooner discharged by orders from the War Office. It is now admitted by all, that the Tennessee Regiment was mustered into service and paid for six months; and indeed it cannot be denied, because the present Secretary of War has lately acknowledged the fact.

But if Governor Blount had misunderstood the laws and requisitions of the General Government, was Gen Jackson to be made answerable for mistakes, not committed by himself, but by his superior in office, whose commands he was bound to obey? Is he to be arraigned for obeying the orders of his Government, and for discharging what he believed to be his duty, as became a citizen and soldier? For offences like these, it is fit that the lawyer of the Democratic Press—that the advocates of mutiny and desertion, and criminals of all sorts, should stand forth as his accusers. From the opinions of such men, he may fearlessly appeal to his country, which he has faithfully served; and even to such of his enemies, as do not believe, that, in condemning his conduct, they are pleading their own cause.

But it is said, the Prisoners were tried by a Regimental Court Martial, composed of three members: and that their condemnation by a Court illegally constituted, was the same as if they had been condemned without a trial.

By the articles of war, no Garrison or Regimental Court Martial can try capital cases; and a general court martial must consist of from five to thirteen members; but shall not consist of less than thirteen, if that number can be spared from the public service.

When the accusation was first made against General Jackson, respecting the punishment of these men, his friends in Nashville, published the proceedings of the Court Martial. By an error of the press, the names of two members of the court were omitted; and many, by that means, were led into the mistake, that the Court really consisted of a less number than the law required. Besides the two, whose names were omitted, there were five commissioned officers, who were all members of the court, though two were called supernumeraries. The enemies of Gen. Jackson however, asserted that there were but three members, though their own statements contained the names of five; & persisted in this assertion after the Nashville papers had corrected the mistake, & given the names of the whole seven. It will be shown that the Court was legally organized; but in the first place some account will be given of the outrages which made it necessary that a Court Martial should be ordered. It will be given in the words of Col. Pipkin himself, who made the following statement on oath, to the chairman of the Nashville committee.

CERTIFICATE OF COL. PIPKIN.

April 16, 1827.

Dear Sir: I have been informed, that Messrs. Buckner and Frank Johnson, late members of Congress, have erroneously charged General Jackson with having six militia men tried and executed without necessity, and for crimes committed after their term of service had expired.

Believing that the six Militia men alluded to, were of my regiment, I deem it a duty I owe to Gen. Jackson, as well as the community at large, to make a full statement of the facts and circumstances connected with their arrest and execution.—The regiment which I commanded was mustered into service under an act of Congress, for a term of six months duty, on the 20th June, 1814, and ordered to garrison the different posts in the Creek nation In the latter end of August, or the first of September, I discovered a mutinous disposition in my regiment, as well at Fort Jackson, where I had established my Head Quarters, as at other Posts; but I had no proof that would justify my preferring charges, until a soldier by the name of Hunt made a public declaration, that he would go home, at the expiration of three months or die in the attempt. I then wrote to General Jackson at Mobile, and requested him to order a court martial for the trial of said Hunt, which he did. but the order did not come to hand until after the mutinous party of my regiment had released him from under guard; who, with him, deserted on the 20th Sept. 1814. A short time previous to this, the same party demolished the Bake house, destroyed the oven, and did many other disorderly and mutinous acts The day previous to their desertion, a large number paraded armed, and marched towards the commissary's stores. I ordered them to disperse, but my order was disregarded, and they forced the Guard stationed for the protection of the stores. The commissary anticipating their design, closed & locked the door; but that did not restrain them, for one of the men who was afterwards shot by sentence of the court martial) immediately snatched up a pick axe and cut the door off the hinges. They then entered the house, and took out eleven barrels of flour, and made public proclamation to all who intended going home to come forward and draw rations which they did. They afterwards proceeded to the bullock pen, and shot down two beeves, and the balance taking fright, broke the pen and run some distance, where they killed a third. They then returned to the Fort and completed their arrangements to start home as before stated, to the number of about two hundred. I immediately reported to General Jackson the situation of my command, and the manner of my proceeding. Shortly after, I received orders from the General directing me that if I had not already arrested them, to use every exertion in my power to do so, and have them brought back for trial. A part of them were arrested and a court martial ordered to be convened for their trial, by Lieut. Col Arbuckle (acting under the orders of Gen. Jackson) at Mobile, and to consist of five members and two supernumeraries. Lieut. Col Perkins of the Mississippi militia, was appointed President of the court, and Lieut. Robeson Judge Advocate. I was ordered to detail the balance of the court from the militia troops of the State of Tennessee, & to order on the witnesses, for the trial of the prisoners of my regiment, to Mobile; also to make out charges and specifications against them, which I did. On the 4th of December. I received notice from Col. Perkins that the court martial was organized. It commenced with the trial of Capt. Strother, & continued from day to day, until all the prisoners were tried.

In this business, Mr. Chairman, General Jackson had but little more to do than you had. It is true, that at my request, he ordered a court martial, and appointed the President and Judge Advocate, who were both very respectable and intelligent men; but the balance of the court were detailed by me. Nor was Gen. Jackson present, or even in Mobile at the time the prisoners were tried or executed for I have always understood and believe, that he had reached the city of New Orleans, before the court was organized, where he remained until the restoration of peace.

On the 20 Dec. the term of service of my regiment expired, and on the 21st or 22 day we took up the line of march for Tennessee, and as soon as we arrived, were discharged.

PHILIP PIPKIN.

State of Tennessee, }
Davidson county }

Personally appeared Philip Pipkin, before me an acting Justice of the peace for said county, and made oath that the foregoing facts and circumstances, as set forth, are true to the best of his knowledge and belief.

Subscribed and sworn to, this 20th April, 1827. }
W. B. LEWIS, J P.

When a report of these disorders was made to General Jackson who was then at Mobile, he directed that the offenders should be arrested; and when he was informed of their arrest, he issued the following order for their trial.

"*Adjutant General's Office, November 21, 1814. Head Quarters, Seventh Military District.*

A GENERAL COURT MARTIAL to consist of Five members and Two supernumeraries will convene at Mobile, at such time as Lieut. Col. Arbuckle shall direct, for the trial of such militia prisoners as may be brought before it. Col. P. Perkins is hereby appointed President of the Court, and Lieutenant W. L. Robeson of the 3d Regiment Infantry will act as Judge Advocate. Col. Pipkin of the 1st Regiment W. T. Militia, will detail the members from the State troops at and near Fort Montgomery; order on all witnesses necessary for the trial of the prisoners of the regiment at this place—also to furnish specific charges against them; and lastly, will notify Lieut. Col. Arbuckle of the probable time they will reach this point, to enable him to regulate the hour of setting.

By command.

(Signed,) ROBERT BUTLER,
Adjutant General.

The Court was detailed accordingly; was convened under the direction of Col. Arbuckle, and consisted of the following members:

Lieut. Col. Perkins President,
Major William Stuart }
Capt James Blackmore } Members,
Capt. William McKay }
Lieut. James Boyd. }
Lieut. David Mitchel } *Supernumeraries*,
Ensign James H. Williams }

This General Court Martial, consisting of the requisite number, and two more than were absolutely necessary, and in every other respect legally organized, proceeded in the trial of the Prisoners; while General Jackson himself, on the 22d day of November, the day after ordering the court, left Mobile for New Orleans, where his duty called him, and where he remained till the termination of the War. All the prisoners were found guilty; the six principle offenders were condemned to death; and the remainder sentenced to have their heads shaved, their pay stopped, and to be drummed out of camp. The proceedings of the Court were sent to General Jackson, who dispensed with the punishment of all but the Six Ringleaders; whose sentence of death he ordered to be carried into execution in four days after its approval should be made known at Mobile. These Ringleaders were Jacob Webb, David Morrow, Henry Lewis, Edward Linsey, and John Harris.

Webb was found guilty of mutiny and desertion; Morrow, Lewis and Linsey, of Mutiny and exciting to mutiny, and

John Harris of mutiny and conniving at mutiny.

By the Military Law of the United States and of England, a soldier who shall excite, or join any mutiny, or knowing of it, shall not give notice to the commanding officer; or shall desert, sleep on his post, strike or use violence to his superior officer, or disobey his lawful commands, is liable to the penalty of death.

This law is written in characters of blood, but it was framed, not by "military chieftains," but by civilians and statesmen, who had been taught by the history of nations, that these offences, though some of them are apparently slight, might endanger the safety of armies and empires. If a party of soldiers desert, it is necessary that they should be pursued and, if possible, arrested, otherwise their example might be followed by others. During the administration of General Washington, Gen. St. Clair was sent with a considerable force against the Indians*. As the army approached the scene of danger, about sixty of the militia deserted in a body. It was feared that, if they escaped with impunity, the example would be extensively followed; and it was reported that the deserters intended to plunder the convoys of provisions in the rear. A Regiment was sent to pursue the deserters and secure the provisions. The army being now reduced from 2000 to 1400 men, was suddenly attacked by the Indians and was completely defeated, with the loss of more than six hundred men killed on the field of battle. The Indians, encouraged by this victory, laid waste the frontier, and continued to carry destruction into the heart of the western settlements, till they were finally subdued by General Wayne. Thus the cowardly desertion of these sixty men was the probable cause of the death of six hundred brave soldiers in battle; of the destruction of defenceless families, whose dwellings thus became exposed to the midnight incursions of Indian warriors; and of the expenditure of a million of dollars, laid out in the creation of another army. In like manner, the cowardly part of the Tennessee Regiment, while in the neighborhood of the enemy, seized upon the provisions which had been collected for the use of the army; abandoned their posts and their comrades, while threatened with an attack from the enemy; and set an example of disobedience and mutiny, which, if followed by the troops afterwards collected at New Orleans, might have exposed all that part of the country to the vengeance of the British army, and of the Negroes & Indians that would have risen up in its train. But the sudden arrest of the mutineers, and the certainty of their impending fate, set an example of an opposite tendency; and by making the militia more afraid of deserting their standard, made them more bold in resisting the enemy. Towards the close of the revolution, a part of the Jersey Brigade, inspired by the success of a previous mutiny in the Pennsylvania line, rose in arms and marched to Chatham, with the expectation of exciting other troops, stationed there, to join the mutiny. Gen. Washington, who had been deeply mortified at the success of the Pennsylvania mutineers, instructed Gen. Howe to make no terms with the deserters, but as soon as they surrendered, to seize a few of the most active leaders and execute them on the spot. These orders were promptly obeyed, and the men returned to their duty. These soldiers had been long in the service of their country, and were nearly exhausted by sufferings, of which they saw no probable termination. They were frequently without food; had been nearly twelve months without pay, and were exposed to the rigours of winter, without a sufficiency of clothes Under these accumulated hardships, they broke out into a mutiny and with arms in their hands, demanded satisfaction for their supposed wrongs. They were immediately reduced to obedience, and their leaders shot without a trial. This severe but necessary punishment was perhaps the only means of saving the army.

[*To be continued*]

*Marshall's life of Washington, 5th chap. of the 5th vol.

Interesting Narrative.—In the year 1766 or 7, the late Mr. John Willie, in Willie's parish of Doroock, paid a visit to a friend on the English side of the Solway Frith, and while returning home attempted to cross by a well known ford, about a mile to the eastward of Bowness. He travelled on horseback, was well mounted and knew the time precisely of low water; but an intense frost lay on flood and field and in the course of a very few hours the process of crystalization had gone forward so rapidly, that the ice which deeply incrusted the sand banks, and cracked under the horse's hoofs, stretched even far into the middle of the Frith. With much difficulty he groped his way through the river Eden, and on reaching the Esk, the air became so cold and the atmosphere so hazy that his senses were not a little bewildered.—His gallant steed, unlike his wont evinced great reluctance to proceed, and though admonished by both whip and spur went forward at very lagging pace. This to the rider seemed an ominous circumstance; & while pausing to reflect on his situation, the sagacious animal turned gently round of his own accord, and appeared much more willing to retreat than advance. This incident, trifling as it was, determined Mr. Willie to resign himself entirely to the guidance of his horse; but he had not proceeded far in the backward route when he heard the distant sound of waters and ascertained by more than one indication, that the flood tide untaid and unrebuked by the frost, was advancing with its usual fearful rapidity. His situation was now perilous in the extreme,—Placed in a dark night between two rivers neither of them deep but sufficiently dangerous—with an ocean tide in the rear, that has overwhelmed hundreds in the course of centuries, he literally knew not where to flee to for aid.

To reach the English shore by out-galloping the tide, was an utter impossibility even if the Eden had not intervened; and after commending his soul to Divine Providence the bewildered traveller took his station on the largest and thickest piece of ice he could find; in hope rather than expectation, that it would happily float him to dry land. The poor animal proved by his trembling that it shared deeply in the fears of its master, and endangered the safety of both by its restlessness, as the wind whistled louder and louder, and the water approached nearer and nearer, until the spray and head wave foamed and rushed and lashed around its sides. Still Mr. Willie, who had previously dismounted stood unmoved at the extremity of the reins; and after a very brief space, he not only heard the ice break up, but he felt that he was fairly under way. The strong swell impelled the voyagers rapidly forward: but before they arrived at Tardoff point, a distance of at least three miles the slippery raft unfortunately separated, leaving Mr. Willie standing upon one fragment and his companion upon another.—When the tide began to ebb, the icebergs floated in a contrary direction; and while again sailing rapidly with the stream, the horse passed his master at a little distance and neighed so loud that it was perfectly obvious he saw and recognized him. His share of the iceberg was either the largest or from some other cause floated the fastest; but both at length were safely landed on the Cumberland coasts, and at the distance of a quarter of a mile from each other. Their meeting was necessarily a happy one; and though they had drifted altogether above eight miles, neither had sustained the slightest injury beyond what arises from numbness and cold. On finding his way to the nearest inn, Mr. Willie interested the owner's feelings by relating the wonderful escape he had made; & before tasting a morsel himself he saw his steed rubbed down and suppered in a style that would do honor to the grooms at Kew Palace. The animal had always been a great favourite, but this new adventure tended so much to enhance his value, that his master was often heard to say, that no vile dog, or carrion crow should ever tear the flesh from his bones. And this resolution he kept so religiously that Rattler, on his death was buried in the bottom of a sunny knoll, and the decent ceremony honored with a tear as grateful as ever flowed from a human eye.

Report of the Post Master General

[Accompanying the President's Message.]

Post Office Department, }
Nov. 13th, 1827 }

SIR:—The Receipts of this Department for the year ending 1st July last, amounted to $1,473,651 00
During the same period the expenditures were 1,373,239 00

$100 312 00

Leaving one hundred thousand three hundred and twelve dollars surplus of receipts.

The receipts of the last year exceeded those of the four preceding years, the sums stated, viz:

1826,	$85,134 18
1825,	221,489 68
1824,	304,352 09
1823,	359 205 83

If to the above sums there be added the amount of the reduction of expenditure, upon established routes, without lessening the public accommodation, and due allowance be made for increased services, at a rate of compensation below what had usually been paid, the condition of the Department will be found to have been improved; within four years ending 1st July last, more than a million of dollars; and the last year, in comparison with the year preceding 1st July 1823, near half a million.

Within the last year an augmented transportation of the mail has been authorised, of four hundred and fifteen thousand two hundred and fourteen miles annually in stages, and on horseback or in sulkies five hundred thousand and thirty two miles.

Under the contracts recently made, great additional facilities have been given, by accelerating the mail on leading routes, increasing the number of trips, and establishing lines which connect important districts of country. There are few towns or villages in the Union which are not accomodated with mail stages.

The post offices have increased to seven thousand.

In the last four years there has been added to the mail operations of the country, in revenue, transportation of the mail, and post offices, more than one third. The means of the Department are now ample to meet the reasonable wants of the Country, and a vigilant administration of its affairs, for a few years to come will place at the disposition of the Government an annual surplus of more than half a million of dollars. This sum will be augmented as facilities of mail intercourse are multiplied, and can be most advantageously applied, if deemed within the Constitutional powers of Congress, in the establishment and repairs of mail roads.

By the last annual statement, there was shown to be in deposit, and due from post masters, including judgments obtained on old accounts, the sum of $270, 321 87
To this sum may be added the surplus of last year, 100,312 00

$370,633 87

The repairs lately authorized to be made on the mail roads from Columbus to Doaks in the State of Mississippi, and from Fort Mitchell to Line Creek in Alabama, are nearly completed, under contracts which require the work to be done in the best manner, and at a price that cannot fail to meet the public approbation.

I have the honor to be, with great respect, your obedient servant,

JOHN M'LEAN.

The President of the United States.

ABUNDANCE OF DOCTORS.—When we look abroad over our beloved and thrice happy country, and see every village blessed with from three to a dozen physicians, and every city crowded with from fifty to five hundred of these sons of Æsculapius, we should be apt to consider the Eastern salutation—"*May you live a thousand years*," if adopted in these United States, as no longer a mere compliment, but on the contrary, should be at a loss to conceive how it is possible to die short of that period, except, indeed, where one is shot directly through the head; or run through the heart, in a case of 'honour'

Dr. Rush predicted, some years ago, that the time was fast approaching, when there should be no other outlet to life but through the doors of old age, to such perfection would the art of healing arrive, and a wiser man than Rush, (but not half so *good* a one,) has told us that in the multitude of counsellors there is safety. *Ergo*, to say 'may you live a thousand years,' is nothing more than saying "employ the doctors and pay them well."

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