For the Easton Gazette.

THE SIX MILITIA MEN.

[CONCLUDED.]

The Tennessee Insurgents had experienced no hardship, but that of being called out, according to law, for the short period of six months, in defence of their own families and homes. It is said however, that these men *believed* they had a right to disband themselves, at the expiration of three months, and that it was improper to punish them for mistaking the law. If the plea of ignorance was allowed, no criminal would be punished; but in this instance it was proved on the trial that both officers and men knew that they were mustered for six months. It has already been shown that the act of 1812, as well as the orders of Governor Blount, required them to serve the latter period; it has been admitted by Mr. Barbour that they were mustered and paid for that term; then how could they pretend to plead ignorance of that, which must have been notorious to the whole Regiment, at the time they were drafted.

After they were drafted, they might have understood that the law of 1814 exempted them from serving six months, unless, in the opinion of the President, the public interest required it. As that part of the country, at the time of their desertion, was menaced at different points, it was reasonable to conclude, that the same necessity which originally called them out, still continued; and that therefore, the President was of opinion that the public interest required them to remain at their posts. No intimation of a different opinion was received from the President, Secretary of War, Gov. Blount, Gen. Jackson, or the Commander of the Regiment. Even if the law had required a positive command for their continuance in service, till the expiration of the six months, for which they had been drafted, that command would have been given to Governor Blount, or General Pinkney, or General Jackson, and not to John Harris and his associates. How did the mutineers know that such an order had not been given?—They asked for no information; made no application for a discharge; but with every circumstance against them, even according to their own supposed views of the law, deserted their standard and turned their backs upon the enemy. If they had really believed their time was out the 20th of September, is it possible, that they would, the very day before, have committed mutiny and other excesses, which under *either term* of service or any construction of the law, must have subjected them to detention and punishment? This circumstance alone is sufficient to prove that they knew they were about to commit the crime of desertion; and that being liable to the penalty of death for that offence, the certainty and severity of the punishment could not be increased by the previous mutiny and disobedience of orders.

But is it said by John Binns that one of the Prisoners was an athletic and vigorous youth; that he received three balls without falling, and then addressed the officer in command as follows:

"You see I do not fear death but let me live to serve my country and return to my family." No, said the officer (a proper agent for the Commanding General,) "you must die," and another volley sent him into eternity.

We are informed that this story is told "upon authority," but whether upon the authority of Mr. Barbour, or the famous Lawyer of the Democratic Press, does not appear; it must therefore rest upon its own merits. If the prisoner was so young and active and vigorous as to be able to receive three balls without falling, would that have justified the officer in suspending his execution? If he had been released he could not have served his country and returned home at the same time. His previous conduct proved that he did not wish to serve his country; and if he had really survived the first fire, and asked for his life, he would have taken care to say nothing about going home, as his illegal attempts to do this, had already brought him to the place of execution. Even the officer, who had no discretion in the case, is not spared, but represented as a fit agent of General Jackson; and it so happens that this officer is Col. Russel of the United States Army, and one of the friends of Mr. Adams.

Some notice will now be taken of the case of John Harris; so far as it is distinguished from that of his associates.—Some stress is laid upon the circumstance that he should be executed as a Ringleader, though only found guilty of mutiny and conniving at mutiny; while others received a lighter punishment, though guilty of mutiny and exciting to mutiny. It is however, easy to suppose that a man, found "guilty of mutiny alone, might be more guilty than others who were convicted of greater nominal offences. Those found guilty of mutiny, exciting to mutiny and desertion, might, before their arrest, discover a returning sense of duty; while the man who was convicted of mutiny alone, might become an active leader, and continue a violent resistance as long as he had it in his power. In making discriminations of this kind, the court had the best means of ascertaining the relative guilt of the prisoners; and in the absence of other proof, their decision might be considered sufficient. But the pamphlet itself furnishes proof that John Harris was a Ringleader. He took a list of the men that were to desert; and boasted that *he* would soon have a larger company than one of the Captains of the Regiment.

But John Harris, it appears, "was a Minister of the Gospel of the Baptist persuasion, who "would have returned to his family again to preach the word of God in the wilderness; and who, if General Jackson had set aside the proceedings of the Court-Martial, "might now have been teaching Gospel truths, and his life, an example and precept to all."

After this edifying description of John Harris, an attempt is made, to account for his taking a list of the men who were to desert, by suggesting, that he merely wished companions enough, on his way home to provide against any attack of the Indians. The Great Lawyer then exclaims—"Shade of JOHN HARRIS, Holy Minister of Peace is it not so, was not this your intention?"

Instead of calling upon the shade of John Harris for this posthumous evidence, it might have been expected from so learned a Counseller, that he would have appealed to the acts and declarations which proceeded from that Holy Man while he was living. By a reference to these it appears, that some time in August, John Harris declared that he would see a bayonet six inches in any man, that would refuse to go home; and that if any opposition were made to their leaving the camp, they would break their muskets over the head of the Big Man, (meaning their commander,) but not so hard as to kill him.

The mildness and piety of this Minister of the Baptist persuasion here speaks plainly for itself. He was so bent upon "again teaching the word of God in the wilderness," "to preach gospel truths," and make his life an example and precept to all, that he determined at once to begin the good work, by knocking his commander in the head, and running his bayonet into men's bodies for the good of their souls. But says the Lawyer, who is always "calm and deliberate," these declarations are to go for nothing; Harris was not charged with words spoken in August, but with mutiny committed the 19th of September. According to this learned opinion, if a man is charged with having committed a criminal act, no previous declaration of his intention can be given in evidence. But with due submission to this high authority, in all points of law, it may still be contended, in point of fact, that the declarations aforesaid show, that John Harris was better qualified to break into the Bullock Pen, than to be admitted into the Sheep Fold; that instead of leading a religious flock, he preferred leading a band of insurgents; and that having been a deserter from his religion, if he ever had any, he became a preacher of sedition in the army and a deserter from the standard of his country.

Among the various attempts to excite prejudice against General Jackson, John Binns states that the original proceedings of the Court Martial have been furtively taken, "that is, *stolen*, from the war office; and that until General Jackson denies that they are in his possession, he will persist in asking him what has become of them.

It has lately been officially made known, that these original proceedings have been found in some part of the war office, where they had been overlooked for many years

The principal charges, in relation to the six militia men, have been examined; but most of the misrepresentations and disgusting cant of the pamphlet have been left unnoticed.

The following statement of Col. Russel, in answer to a number of interrogatories, supplies additional information; and is sufficient itself, to satisfy any unprejudiced man, that the conduct of General Jackson in relation to this whole business, is altogether unexceptionable. Col. Russel is friendly to the election of Mr. Adams, and his statement was published last summer, in the National Gazette, a paper friendly to the Administration, and, (I believe) has never been called in question.

COL. RUSSEL'S LETTER.

2. The regiment to which the men that were shot belonged, was drafted and mustered for SIX MONTHS service, which was authorized by law then in force, and never was doubted or questioned but by the mutineers and deserters. They knew better, as they acknowledged previous to their execution

2. It was said and believed, that Harris and one or two others of the six that were shot, were hired substitutes, for the term which the regiment had been drafted and mustered, and that was six month.

4 and 5. While the prisoners were confined, they might have written without the knowledge of any one but the guard. The privilege of writing, I believe never was denied to men in their situation. It is however, unlikely that Harris or any of the others, addressed Gen. Jackson to spare his or their lives—for they did not know what the result of their trial was, before the promulgation of the sentence which was accompanied by an order to be carried into effect in a few days afterwards; so that a letter could not have reached Gen Jackson, from Harris, before the time appointed for his execution. But to allow that Harris did write to the General, to have paid any attention to it would have betrayed a weakness and indecision in him, that, in the then position of affairs, might have been productive of fatal consequences:—for we had *no knowledge of a treaty of peace* having been signed at Ghent, till more than a month after the approval of the sentence, and fifteen or twenty days after its execution. At such a time the least relaxation of discipline might have proved ruinous to the country.

7. Harris was a sort of preacher, of that denomination called Baptist. He was in profession, saint, and in reality, (under such a garb of sanctity, with great pretention, to learning and knowledge,) a mischievous man enough, amongst more ignorant people than himself.

7. Mutiny and desertion are the highest crimes known to the law, for the government of the army.

8. The evidence in support of these charges against the militia, was positive and free from a shadow of doubt. They committed the offence in broad day light, in the presence of the troops that remained faithful, the agents of the contractor, and every body on the ground.

9. They were without justification or excuse, though so long as they hoped for life they alledged an excuse, their pretended belief that no law existed to hold them to service more than three months, in which they had been sustained by the opinions of some officers. However, before their execution, they abandoned this excuse, as they knew better—and said that those officers who encouraged them to the fatal deed ought to die as well as they.

10. When the mutiny and desertion took place at Fort Jackson, I believe that the British force, afterwards repulsed by the garrison on Mobile Point, in the attack on that place, had hewed themselves in the then Spanish harbor of Pensacola, and probably Lt. Col. Nichols had issued his gasconading proclamation, to the people of Louisiana and elsewhere, and at that time the regular force in Mississippi and Louisiana consisted of the 2d, 3d, 7th and 8th Reg. of Infantry, (none of them but little more than half full, and some not that) detachments of the 24th and 44th, with a few companies of artillery, and the militia under Pipkin, to which the mutineers belonged. At the time of the trial the intended invasion of the country confided to the care of Gen Jackson, was known, and such measures as the state of the national resources would allow had been put in requisition to oppose it: and at the time the men were shot, the British forces, that had been driven from before New Orleans, had taken the Fort on Mobile Point had received a reinforcement of twelve or fifteen hundred men, under Col. Bell, and had every thing in readiness to come up. Nothing prevented them but adverse winds which continued till the treaty of peace was received To prevent advantage or surprise, a system of vigilance was adopted, suited to the occasion, and we were all as well prepared as was possible with our men and means, to oppose them. This was the precise state of the opposing forces, when Harris and five more of the ringleaders of the mutiny and desertion, with one regular soldier (who slept on his post) were shot. From what I saw of the British, lying on Dauphin Island the Point of Mobile, where I was sent with a flag of truce, their force was more numerous than ours; their's consisted of old troops, and our's mostly of militia, from Georgia, Tennessee and Mississippi, with but few regular infantry and artillery and 6 or 7 hundred Chickasaws, Choctaws and Creeks.

11, 12 and 13. At the same time that Harris and the other five principle offenders were tried and found guilty I think 192 more were convicted—and from the facts disclosed on the trial, those were only considered as the followers of the six sentenced to suffer death—and were to be let off by having their heads half shaved, to forfeit the pay due them, and be drummed or turned out of the lines. I do not recollect that the court recommended that the General should remit the punishment or not: But whether or not, he did remit that part of the sentence which imposed the use of the razor, if nothing more.

14th. In the then state of things, as before described, I thought not, and I can never entertain any other opinion. The execution of the whole possy, although painful to behold, was nothing more than a due administration of justice, nor did I ever hear it doubted, or questioned, till in the summer of 1824, when the whole affair was so perverted and misrepresented, that a stranger, if he believed the tale, must have thought that the General and all his officers delighted in shedding innocent blood for amusement. I felt bound to correct the absurd story, when and wherever I heard it, and have always continued to do so.

15th and 16th. In the summer of 1814 under the orders of Maj. Gen. Pinckney, some men were shot, for sleeping on their post and desertion. One was pardoned, and one more would have been shot had he not died of fever before the day of execution arrived. For this no blame was ever cast upon Gen. Pinckney, because the necessity or propriety of it, never was doubted."

Poulson's Philadelphia American contains an interesting decision made by the court of oyer and terminer of that city, in the case of Isaac W. Morris, a member of the Society of Friends. He was summoned as a juror, in the case of a man who was indicted for the murder of his wife; and when called, at the swearing of the jury, he declared to the court his unwillingness and inability to find a verdict of conviction whatever might be the evidence, in a capital case. The attorney for the commonwealth, thereupon, offered to challenge the juror for cause. This was objected to by the counsel for the prisoner; they alleged that the declaration of the juror was no cause of challenge, and contended that he should be affirmed. After argument at length on each side.

Chief Justice Gibson said in substance, that he considered the point as recognised and ruled by the late Chief Justice Tilghman and himself, in a former case in the same court, where a member of the Friends Society was committed to prison for refusing to serve as a juror, in a capital trial The case fell within none of the causes of challenge laid down in the books—it was an error and a mere abstract opinion of the juror's; if the prisoner had advantage by it the court was not to deprive him of it; and he thought the juror should be affirmed, as being *omni exceptione major*.

Judge Rodgers, who had been called from the court of nisi prius, adjoining to take part in the decision, in giving his opinion denied the right of the court to place the juror in a situation to violate his conscientious rights; such interference would be a violation of the constitution.—"Lead us not into temptation," said Judge R is our daily prayer; and to compel the juror to act either against his conscience or the law, would be to tempt him to wrong. The obvious religious persuasion of the juror confirmed him in believing his declaration was a sufficient cause for challenge.

Judge Todd did not think the point decided in the former case referred to; that there, the juror had only asked to be excused. We are bound, said he, to support the law. Murder ought to have the punishment which the law provides, or no punishment at all. It would be an abuse of language to say that an assassin was tried by jurors who felt the convictions which Mr. Morris had expressed. He gave his opinion that the cause of challenge was good.

The juror was excused, and another substituted.

FOREIGN.

Highly Important.

At a late hour last evening, we received, by the politeness of a passenger in the Citizens' Line, from New York, a copy of the New York Morning Courier, of yesterday, from which we copy the following important items of foreign intelligence, received by the packet ships Wm. Thompson, Capt. Maxwell, and the Bayard, Capt. Robinson, bringing Liverpool dates to the 17th November.

With reference to the great victory obtained, the Globe of the 15th Nov. asserts, that "every possible means will be resorted to, to provide for the safety of the allied ambassadors, and subjects of the Christian States, resident in Constantinople. The British ministers entertain no apprehension that the intelligence from Navarino will reach the Turkish government before it is received by the ambassadors; this we hope, for the sake of humanity, will prove to be the case, for the first ebullition of the Ottoman Fury might be cruel in the extreme."

LONDON, Nov. 15.

Despatches were yesterday received at the Admiralty announcing a brilliant victory obtained on the 20th October, in the port of Navarino by the English, French and Russian squadrons over the combined Turkish and Egyptian fleets.

The battle was fought at anchor, and was necessarily bloody and destructive. The numerical superiority of the force was immense, but the result has been, we are proud to say, the destruction of the whole Turkish force.

The following is a Synopsis of the forces.

	Line.	*Frigts.*	*Corvettes.*	*Slps. &c.*	*Total.*
E.	3	4	0	4	11
F.	3	2	0	2	7
R.	4	4	0	0	8
Allies	10	10	0	6	26
T.	3	19	26	10	58

Four of the Frigates were in fact sixty four gunships; and there were 40 transports moored behind the line of battle. The following is a statement of the fate of the enemies fleet. One Turkish line of battle ship burnt, two driven on shore wrecks, one double frigate sunk, one on shore a wreck, two burnt, fifteen frigates burnt and sunk, one on shore masts standing, six fire ships destroyed and three transports: of the sixty six vessels of War only eight are left afloat.—The most perfect Victory ever achieved.

The despatches were brought to Marseilles, by Lord Viscount Ingestrie, in the Gannet where his Lordship was detained by the Quarantine regulations, but the Authorities permitted the despatches to be forwarded by a Courier. They arrived at the Admiralty yesterday morning and were immediately sent off to His Majesty at Windsor.

Affairs have been brought to this crisis by the bad faith and cruelty of Ibrahim Pacha, who, finding that he would not be allowed to commit naval hostilities, resolved in defiance of the armistice, and in breach of his solemn promises, to wreak his vengeance on the whole Greek population; and this savage determination he was carrying into effect, by burning houses destroying agriculture and trees, and even massacreing women and children.

The Gazette de France remarks, that "the astonishing harmony between the three united nations, is one of the wonders of history!" By and by, perhaps we may see a still greater wonder—the age of miracles is not yet over.—Let us now contemplate the state of affairs on land.—We have stated heretofore that the Turks were sending large supplies of money, provisions, men, ammunition to his fortresses on the Danube. On the lines of that river and of the Pruth, eighty thousand Russians under Field Marshall Wittgenstein, are already assembled and ready for the field. A still greater army under Marshal Sachen is ready to support his operations, and the Czar himself is expected to join them.

Previously to the battle of Navarino, the Sultan had sent a firman to Ibrahim Pacha directing him to repel force by force.—On the strength of this firman Ibrahim commenced the aggressions above recited

GREECE.—On the 2d of Oct there arrived at the camp of Vostizzas the Commander of the Philomel brig, with despatches from Admiral Codrington, addressed to Gen. Church and Lord Cochrane, to acquaint them that under the present circumstances, he was obliged to hinder the Greek expedition, which was preparing against Albania.—*Bel. Gazette.*

Many of our readers will peruse with interest the brief debate which ensued upon the proposition submitted in Congress, by Mr. Barbour, to sell the seven millions of stock owned by the Goverment, in the Bank of the United States. In allusion to this matter, we find the following sound and well timed remarks in the National Intelligencer:—

Our readers will have noticed, in our account of the Proceedings of the House of Representatives, yesterday, a proposal of Mr. P. P. Barbour, of Virginia, for the sale of the seven millions of Stock of the Bank of the United States, owned by the Government. The high respectability of the quarter from which this proposal came, might have given it an alarming consequence to the commercial community, had it not been met by the decided opposition of Messrs. McDuffie and Gorham. The principal recommendation of the measure proposed by Mr. B. appeared to be, the gain which would accrue to the Treasury, by the advance of *twenty three* per cent. at which the stock is now selling; & which, on Seven Millions of Dollars, would, certainly amount to a very handsome sum. The fallacy, however, of supposing that Seven Millions of Bank Stock, (one-fifth of the whole amount of the capital of the Bank of the U. States,) could be thrown into market, without seriously affecting the price, was satisfactorily pointed out by the gentlemen who spoke against the proposition of Mr. Barbour.—The necessary effect of such a glut of Stock market would, of course, be enhanced by the jealously that would arise in the money world, both at home and abroad, from seeing the Government, (in whose hands rest the power of extending the charter, and an important control of the affairs of the Bank,) disembarrass itself at once of the stock. The example of the Government would be followed by other Stockholders. All, especially, who have purchased stock at a high advance, would rush into market, to anticipate the course of depreciation. This depreciation would thereby become more rapid. As it increased, the panic would spread, till it ended at best in a fall of stock below par; a result which would infallibly be productive of the most disastrous transfers, and forced sales, and general derangement.

The worthy mover of the resolution does not appear to have been wholly accurate in the supposition that at the winding up of the affairs of the Bank, its stock would be worth only par. In an institution like this, a surplus is of course reserved, in the final disposal and division of which a handsome dividend may be safely calculated upon.

The nature and operation of the various parts of the financial system of the country are so delicate and complicated, that it is exceedingly desirable that they should not be unnecessarily disturbed, even by the proposal of changes. The desirable effect of producing an economy of the public money in the payment of the national debt, might be much more advantageously obtained, by authorizing an exchange of stock, in the manner proposed by the Secretary of the Treasury at the last session of Congress, adopted by the House of Representatives, and unfortunately lost in the Senate. The sum lost to the Treasury, by the failure of that bill to become a law, exceeds the amount paid for the salaries of all the Executive and Judicial officers of the Government, and of all the Foreign Ministers.

The following is a copy of a bill produced to a Jack Tar paid off within this week or two past at Plymouth, by a landlord of a public house at Davenport. The sailor strolled into the house of mine host early on the morning following the day on which he had been paid off. Jack's coppers were of course dry, and he sung out most lustily for a pot of beer. This was brought him, and liking his quarters he remained in the house, till the following morning about ten o'clock, when his reckoning was called for and the various undermentioned items were produced in his account. Jack, not over and above sober, examined the bill, turning his quid in his jaw, and every now and then swearing it was all right. He paid the bill, and then declared the landlord should have a parting glass for good luck. This ceremony was gone through with, and Jack and his lass staggered off to have a ride to Plymouth, to enjoy himself there.

40 pots Beer,	20s	3 hf-pts Gin,	3s
6 noggins Rum,	3	Breakfast	6
18 hf-pts Gin,	18	20 pots Porter,	10
10 noggins Gin,	5	7 hf-pts Gin,	7
8 glasses Gin,	2	7 noggins Gin & Peppermint,	7
Breakfast,	6	20 pots Beer,	10
Dinner,	6	10 hf-noggins gin	10
Oysters,	4	1 quart Rum	4
Pears & Apples,	2		
Lodgings,	1		
10 pots Beer.	5	Your bill, J H	£6 9

Eng. Paper.

[*From the Savannah Georgian.*]

TALL CORN.—The Morgan (Ohio) Sentinel contains the following notice of a plantation of corn:

A short time since, on the head waters of Duck Creek, in this county, we had our curiosity considerably enlivened, by seeing a man engaged on horseback topping corn. The corn notwithstanding the dryness of the season, had grown beyond the reach of the tallest men amongst us when standing on the ground. The stalks were generally from seven to nine feet high, and unusually large. Another striking evidence of the fertility of our lands, is an inoculated Peach Tree, of but two years growth, which measures more than five inches in diameter, and has branches proportionably large.

Novel Experiment—Burying alive.—At Neustrelitz, (Prussia,) Mr. Counseller Hosse, in order to prove an apparatus for preventing injury to persons who may be buried alive, had himself buried two feet under ground in a close coffin, to which two tin tubes were attached, one for breathing and another for communicating with his assistants, by means of a bell. He remained two hours in this situation, and was disinterred in good health, except that he was very hot. The thermometer which stood at twelve (Reaumur) outside, rose to nineteen in the coffin.—*French Paper.*

WELCH PONIES.—In crossing the black mountains, which are perhaps the most bleak and sterile spots upon the island, you meet frequently with a kind of tableland of most boggy and unstable surface. Upon these minature Steppes, hundreds of black, shaggy ponies, not much larger than Newfoundland dogs, are found apparently wild. They graze on these wild mountain plains in droves, and are as much alarmed at the sight of a human being, as a herd of Antelopes on the Arabian Desert. When the owner wishes to catch any of his ponies, for sale, he goes in search of them as a huntsman in search of game; and hunting a pony is sometimes attended with as much sport and difficulty as running down a fox.

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