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7-4-1828

PROCEEDINGS

OF THE

ANTI-JACKSON CONVENTION,

HELD AT THE CAPITOL

IN

THE CITY OF RICHMOND:

WITH THEIR

ADDRESSES

TO

THE PEOPLE OF VIRGINIA.

(ACCOMPANIED BY DOCUMENTS.)

RICHMOND :

PRINTED AT THE FRANKLIN PRESS.

1828.

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MEETING OF THE CONVENTION.

Tuesday, January 8.

The Convention of Delegates, deputed by the citizens of Virginia unfavorable to the election of Andrew Jackson to the Presidency, met at 1 o'clock, in the Hall of the House of Delegates.

The Convention was called to order by Judge Archibald Stuart of Augusta.

On motion of Mr Alfred H. Powell, Francis T. Brooke, (President of the Court of Appeals,) was unanimously appointed President of the Convention.

On motion of Judge Stuart, John H. Pleasants was unanimously appointed Secretary to the Convention.

Judge Brook having taken the Chair, addressed the Convention as follows :

GENTLEMEN.—It would become me to make my acknowledgments for the honor you have conferred on me, in terms corresponding, if possible, with the feelings with which it has filled me, and to address you on some of the important matters which will belong to your deliberations; but, the indisposition under which I am suffering intensely, forbids it. Indeed, it would have been more agreeable to me, therefore, if some other gentleman had been selected, much more competent in every respect, to discharge the duties assigned me; and I certainly should have declined the performance of them, but for the determination I formed when I came here, to shrink from no duty assigned me, so long as I was in any degree competent to perform them to the satisfaction of the Convention.

The Secretary then called the counties in alphabetical order, which had deputed members to the Convention, and the names of the members themselves, when a majority of the following gentlemen answered to their names:

Anherst.—Landon Cabell, Edmund Winston, David S. Garland and Benjamin Brown.

Albemarle.—Jonathan Boucher Carr, Col. William Woods, Col. Thomas Wood, Dr Hardin Massie and Robert S. Brooke.

Augusta.—Archibald Stuart, Robert Porterfield, Charles A. Stuart, John Wayt and L. Waddell, Esqs.

Buckingham.—Capt. Samuel Branch, Benjamin P. Walker, Robert Hill and Major William Du-Val.

Bedford.—Samuel Hancock, Nathaniel I. Manson, Robert Campbell, John O. Leftwich, Balda M. Daniel, Pleasant M. Goggin and John F. Sale.

Brunswick.—Dr Richard F. Eld, Col. John Tucker, Dr John Field and Reuben B. Hicks.

Brooke.—Col. William Vause, P. Doddridge, Jesse Edgington, John C. Campbell and Samuel Herdman, Esqs.

Bath.—Sam'l Blackburn, Cha's L. Francisco, Charles Cameron, George Mayse, John Brown, jr, John Lewis, Archer P. Strother, and Alexander M'Clintic.

Berkeley.—Elisha Boyd, Joel Ward, Levi Henshaw, Philip C. Pendleton, David Holmes Conrad, Thomas Davis, Thomas M. Colston, Esqs. and Col. Edward Colston,

Botetourt.—James Breckenridge, Allen Taylor, Edward Watts, and Col. Wm. Anderson.

Caroline.—Lawrence Battaile, Robert Corbin, Wilson Allen, Dr P. Robb and Capt. James Madison.

Campbell.—Thomas A. Holcombe, Patrick H. Cabell, Samuel Pannill, Alexander S. Henry, George W. Nelson and James Saunders, Esqs.

Chesterfield.—John Archer, Benj. Hatcher, Peter F. Smith and Abraham S. Wooldridge.

Charles City.—Fielding Lewis, Benj. Harrison and Collier H. Minge, Esqs.

Culpepper.—John Shackelford, J. C. Gibson and Daniel Mason.

Cumberland.—Maj. John Hatcher, Frs. B. Deane, jr. Wm. B. Smith and Thompson T. Swann.

Charlotte.—Col. Wm. L. Morton, Paul S. Carrington, and Wm. B. Green,

Dinwiddie.—Capt. Thomas Field, Daniel G. Hatch, Burwell Goodwyn, Peterson Goodwyn, Abner Adams and Jno. P. Crump.

Elizabeth City.—Robert Lively, Wm. Hope, Wilson W. Jones.

Fauquier.—John P. Smith, Aldridge James, John P. Philips, Robert Randolph, Joseph Thompson, James K. Marshall, Armistead Blackwell, Thomas L. Moore, Thos. Turner, John B. Downman, Thomas Marshall and Lloyd Noland.

Fairfax.—Bushrod Washington, jr. Tho. Jefferson Minor, C. Calvert Stuart and Henry Fairfax.

Frederick.—Gen. Josiah Lockhart, Obed Waite, Major Seth Mason, Wm. B. Page, Richard M. Barton, John W. Page, Alfred H. Powell, Edwin I. Smith and Philip Smith, Esqs.

Franklin.—Robert T. Woods, Norborne M. Taliaferro and Judge Fleming Saunders.

Gloucester.—W. T. Taliaferro and A. L. Dabney.

Goochland.—James Pleasants, Andrew Kean, Thomas M. Randolph, James B. Ferguson and John S. Fleming, Esqs.

Greenbrier.—Ballard Smith, Lewis Stuart, William B. Calwell, Cyrus Cary, John A. North, Col. James M'Laughlin, P. B. Wethered, Joseph Alderson and Samuel M'Clung.

Harrison.—Edwin S. Duncan, William L. Jackson, John J. Allen, Phineas Chapin and Joseph Johnson, Esquires.

Hardy.—Charles A. Turley, Washington G. Williams, William Seymour, John L. Green, James C. Gamble and Leonard Neff, Esquires.

Malifax.—Gen. Carrington and James Bruce.

Hanover.—Capt. James Underwood, Capt. John Thornton and Lewis Berkeley, Esqs.

Henrico.—William B. Randolph, Dr Samuel Pleasants, Jesse Sneed and Wm. Burton.

Hampshire.—Samuel Kercheval, jr. Samuel Cockerill, Christopher Heiskell and Thos. Carskadden, Esqs.

James City.—Thruston James, Richardson Henley and Nat. Piggott.

Jefferson.—Thomas Griggs, jr. Daniel Morgan, Col. Jas. Hite, Bushrod C. Washington, Col. Benj. Davenport, Capt. Jas. Shirley, Carver Willis and Henry S. Turner, Esqs.

King George.—R. Stewart and Needham L. Washington.

Kanawha.—Col. Joseph Lovell, Joseph L. Fry, Jas. C. M-Farland, and Lewis Raffner, Esqs. and Dr Daniel Smith.

King & Queen.—Charles Hill, Robert Pollard, William Temple, Robt. M. Spencer, Esqs. and Col. Wm. Garnett.

King William.—Robert Pollard, and Dr Geo. Claiborne.

Louisa.—Frederick Harris, Jas. Michie, Lucian Minor and Dr Jos. W. Pendleton.

Lee.—Col. John D. Sharp.

Leicester.—Col. John Chowning, Maj. Addison Hall.

London.—Col. Wm. Ellzey, Cuthbert Powell, Samuel Dawson, John Jauncy, Richard H. Lee, James M-Ilhancy.

Lewis.—Col. John M-Worther, Col. John Haymond, Capt. David Smith, Capt. Jacob Lorentz and Weeden Huffman.

Mathews.—Christopher Tompkins, Henry W. Tabb, Seth Shepard and John D. Jarvis.

Monroe.—Hugh Caperton, Esq. Maj. Wm. Vass and Michael Erskine, Esq.

Mason.—Samuel M-Culloch and Isaac Newman, Esqs.

Monongalia.—A. P. Wilson, John S. Barnes, Thomas S. Haymond, James G. Watson, Mathew Gay, John Rogers, Thomas P. Ray and John Evans, jr.

Middlesex.---Dr Manus Rowan, Capt. Robert Healy and Dr Richard A. Christian.

Morgan.---Benj. Orrick, Baruet Lee, Jonathan Carlisle, Jonathan Jones and Dennis M-Donald, Esqs. and Dr Daniel High.

Nelson.---Thos. S. M-Clelland, Maj. Jas. Woods, J. M. Martin, Mayo Cabell, Wm. Massie and Col. J. Perrow.

Nansemond.---Messrs Mathias Jones, John C. Cohoon and Dr Crawley Finney.

Nicholas.---James C. Warren, sen. Robert Kelly and James M-Millan.

Northumberland.---Fleming Bates and Valentine Y. Conway, Esqs.

Norfolk County.---Gen. Robt. B. Taylor, J. A. Chandler, Esq. Capt. A. Emmerson, Col. Wm. Wright, Thos. Talbot, William B. Manning, Esqs. and Dr Saul. Wiles.

New Kent.---Wm. H. Macon, James D. Halyburton, John H. Christian, John F. Christian and Micajah Vaden.

Orange.---Wm. H. Stanard and John A. Porter, Esqs. Captain Jas. Barbour and Col. Jackson Morton.

Ohio.---S. H. Fitzhugh and John Patriot.

Patrick.---John C. Staples and Wm. Lyon.

Puttsylvania.---Capt. James Lanier, Samuel D. Rawlins and Nathaniel Ker.

Powhatan.---John H. Steger, Jos. Hobson, Wm. Pope, Esqs. and Dr Mustoe Chambers.

Princess Anne.---Burw H B. Moseley, Edwin Walke, Lemuel Cornick, Thurmer Hoggard and Dr Jas. M. Alpine.

Prince William.---Capt. John Macrae, Col. Barnbay Cannon and Wm. A. Linton, Esq

Pendleton.--Thomas Jones, John Dice, Michael Henkee, John Sitlington, John Hopkins, sen. James H. Cravens, Jas. Johnson, Zenulon Dyer and Wm. S. Naylor.

Peachontas.--John Gilliland, Col. John Baxter, Joseph F. Dangerfield, Sampson L. Mathews, Alexander Eskridge, Josiah Beard, Henry M. Moffitt, Andrew M. Gatewood and Alexander Hamilton.

Randolph.---Wm. Daniels, Robt. M. Crum.

Richmond County.---Robt. W. Carter, Philip A. Bramham and Wm. H. Taylor.

Rockingham.---Col. A. Rutherford, Gen. J. B. Harvie, Col. Jos. Mauzy, Jos. Baxter, Esq. Charles Lewis, Esq. Col. James Hall and Abraham Smith.

Rockbridge.---Charles P. Dorman, Esq. Col. Saml. M. D. Reid, John F. Caruthers, Esq. Dr Robert R. Barton, Robert White, S. M. D. Moore, Esq. and Judge John Coalter.

Sp t'sylvania.---Judge Francis T. Brooke, Col. Hugh Mercer.

Stafford.---Hancock Eustace, Col. Enoch Mason, William C. Beale.

Shenandoah.---Wm. Steenberg, jr. James Sterret, Dr T. T. Blackford, Jos. Arthur and Isaac Miller.

Southampton.---Benj. H. Moyler, Thos. J. Harper, Thos. Pritlow, and John Thomas, Esqs.

Surry.--Col. John Peter, Maj. Ralph Graves, Capt. James D. Edwards and Dr Robt. D. Starke.

Tyler.---Col. Arthur Inghram and Maj. John Wells.

Wood.---David B. Spencer, Hon. Dabney Carr, and John H. Pleasants, of Richmond.

Westmoreland.---Wm. S. Jett, Wm. F. Taliaferro, Wm. Augustine Washington and Jas. Jett.

City of Richmond.---Rev. John Kerr, Chapman Johnson, Dan. Call.

Norfolk Borough.---Dr John French, Joseph H. Robertson, John Myers and Archibald Taylor.

Petersburg.—Robert Bolling, Robert Birchett, M. B. Pillsborough and Lewis Mabry, Esqs.

Williamsburg.—Robert Anderson, Leonard Henley and Dr Samuel S. Griffin.

On motion of Mr Chapman Johnson, the Rules of the House of Delegates were adopted to govern the proceedings of the Convention.

On motion of Mr Alfred H. Powell,

Resolved, That when the Convention adjourns, it adjourn to meet to-morrow at 4 o'clock.

On motion of Gen. Taylor, the Convention then adjourned.



Wednesday, January 9.

The President took the Chair at 12 o'clock.

On motion of Mr Taylor of Norfolk county,

Resolved, That a committee of one from each Electoral District, be appointed by the President, to report to the Convention fit persons to be placed on the Electoral Ticket:—And Mr Chandler of Norfolk county, Mr Birchett of Petersburg, Mr Hatch of Dinwiddie, Mr Hicks of Brunswick, Mr Carrington of Charlotte, Mr Deane of Cumberland, Mr Saunders of Campbell, Mr Staples, of Patrick, Mr Brown of Amherst, Mr Fleming of Goochland, Mr Madison of Caroline, Mr Dabney of Gloucester, Mr Anderson of Williamsburg, Mr Carter of Richmond county, Mr Stanard of Orange, Mr Washington of Fairfax, Mr Turner of Berkeley, Mr Philip Smith of Frederick, Mr Turley of Hardy, Mr White of Rockbridge, Mr Caperton of Monroe, Mr Sharpe of Lee, Mr Fry of Kanawha, and Mr Fitzhugh of Ohio, were appointed a committee accordingly.

On motion of Mr Taylor of Norfolk county,

Resolved, That a committee of at least one from each Electoral District, be appointed by the President; and that the proceedings of the several counties and corporations represented in the Convention, be referred to that committee, with instructions to report by resolution or otherwise, the measures proper to be adopted by the Convention. And a committee was accordingly appointed of Messrs C. Johnson of Richmond, Taylor of Norfolk, Harrison of Charles City, Goodwyn of Dinwiddie, Hicks of Brunswick, Carrington of Halifax, Hatcher of Chesterfield, Branch of Buckingham, Lanier of Pittsylvania, McClelland of Nelson, Mercer of Spottsylvania, Hill of King and Queen, Henley of James City, Eustace of Stafford, Gibson of Culpepper, Turner of Fauquier, Conrad of Berkeley, Powell of Frederick, Harvie of Rockingham, Stuart of Augusta, Blackburn of Bath, Sharp of Lee, Carr of Wood and Fitzhugh of Ohio.

And then, on motion of Mr Chapman Johnson, the Convention adjourned to meet to-morrow at 2 o'clock.

Thursday, January 10.

The President took the Chair at two o'clock.

Mr Nelson of Campbell, at the request of the Secretary moved the appointment of an additional Secretary ; and on motion of Mr Wilson of Monongalia, Jno. P. Ray, a Delegate from that county, was appointed.

On motion of Mr Harvie of Rockingham. Editors of newspapers in this city were invited to take seats within the bar of the Convention to take notes of its proceedings.

Mr Johnson of Richmond, from the committee to frame an address, informed the Convention that the committee had been diligently engaged in discharging that duty, and that an early report might be expected:

Mr Chandler of Norfolk county, from the Electoral committee, stated that that committee had also been diligent in executing the duties assigned them, and that a report would probably be made to-morrow.

No business being before the Convention, on motion of Mr Wilson of Monongalia, it adjourned to Friday at 2 o'clock.

Friday, January 11.

The President took the Chair at 2 o'clock.

Gen. Taylor, from the committee appointed to frame an address, rose and said, he was instructed to announce, that that committee was not yet prepared to make a final report. It was with much mortification he stated the fact, but he hoped that it would not for a moment be doubted, that every exertion, worthy of the character of the committee, of the Convention, and the great cause in which they were engaged, had been used to expedite the result. That result, he was farther instructed to report, would, the committee hoped, be laid before the Convention to-morrow. He knew the inconvenience venerable gentlemen sustained in leaving and staying from their homes at this season ; but he could not but hope, that feeling the sacredness of the principles they came to support, their zeal and perseverance would be called in to sustain their patience. He was further instructed to request the President to apply to the House of Delegates (to whose magnanimity and courtesy, said Gen. T. we are already so deeply indebted) for the privilege of meeting in their Hall to-morrow at one o'clock.

Mr Ed. Colston hoped that despatch would be used in presenting the result of the labors of the Committee ; but no farther than was compatible with what was due to the character of the proceedings of the Convention. He knew that the Committee had been assiduously engaged night and day. He reminded the Convention, that the appointment of county Corresponding Committees was a part of their duty, and he hoped the interval might be employed for that purpose.

The Chair stated, that this was a part of the duty of the Committee appointed to frame an address.

Mr Powell of Frederick said, that the Committee had already been engaged in that duty.

Gen. Harvie said, that as some counties were not represented in the Convention, the Committee would be thankful for information from members.

Gen. Blackburn, as one of the Committee, said, he would offer one or two observations. That committee had been closely engaged in the recess of the Convention. All that man could do, had been done. He made a strong appeal, in his fresh and inimitable way, to calm the impatience of the Convention. He trusted that no friend to his country, who had engaged in this holy cause, would now turn back. He hoped that no patriot who had put his hand to the plough, would look back until the work was finished. Old men could not hope to die in a better cause; and if this was true of old men, what might not be hoped from young men? To-morrow we shall meet here, and put the capstone to this glorious building. Was there a man who would not stay to see the last brick laid?

Mr Tho. Field of Dinwiddie, expressed some regret that the Electoral Ticket Committee were not prepared to report.

Mr Chandler, chairman of the Committee, informed the Convention that he was instructed to report an Electoral Ticket which had been unanimously agreed upon by it.

The report of the Committee was then read.

Mr Turner of Jefferson hoped, the vote would be put upon the whole ticket as reported.

Mr Colston suggested, that it would be better to take the sense of the Convention separately on each elector—but Gen. Taylor saying, that if no objection was made to any part of it, this would be unnecessary, and Mr Chandler that each name on the ticket had met the approbation of the Delegation from his District, Mr Colston waived his suggestion.

The question was then put on the entire ticket, and it was UNANIMOUSLY accepted by the Convention.

REPORT OF THE ELECTORAL COMMITTEE.

The Committee “appointed to report to the Convention fit persons to be placed on the electoral ticket,” beg leave to report that they have performed the duty assigned them, and submit to the Convention the following ticket:

For the Electoral District composed of the counties of Orange, Madison and Culpeper—**JAMES MADISON** of *Orange*.

Loudon, Jefferson and Berkeley—**JAMES MONROE** of *Lou-*
don.

Norfolk, Princess Anne, Nansemond, and the borough of Norfolk—**Col. STEPHEN WRIGHT** of *Norfolk Borough*.

Surry, Isle of Wight, Prince George, Charles City, New Kent and the town of Petersburg—**BENJAMIN HARRISON** (*of Berkeley*) *Charles City*.

Sussex, Dinwiddie and Southampton—**Col. JOSEPH GOODWIN** *of Dinwiddie*.

Brunswick, Lunenburg, Mecklenburg and Greensville—**Dr RICHARD FIELD** *of Brunswick*.

Charlotte, Halifax and Prince Edward—**General EDWARD G. CARRINGTON** *of Halifax*.

Amelia, Chesterfield, Cumberland, Nottoway and Powhatan—**BENJAMIN HATCHER** *of Manchester*.

Buckingham, Campbell and Bedford—**SAMUEL BRANCH** *of Buckingham*.

Franklin, Pittsylvania, Henry and Patrick—**Judge FLEMING SAUNDERS** *of Franklin*.

Albemarle, Amherst, Nelson and Fluvanna—**DAVID S. GARLAND** *of Amherst*.

Goochland, Louisa, Henrico and the City of Richmond—**CHAPMAN JOHNSON** *of Richmond City*.

Spottsylvania, Caroline and Hanover—**Judge FRANCIS T. BROOKE** *of Spottsylvania*.

Essex, King and Queen, King William, Gloucester and Matthews—**CHARLES HILL** *of King & Queen*.

Accomac, Northampton, Elizabeth City, Warwick, York, James City and the City of Williamsburg—**Captain ROBERT LIVELY** *of Elizabeth City*.

Middlesex, Lancaster, Richmond, Northumberland, Westmoreland, King George and Stafford—**Capt. HANCOCK EUSTACE** *of Stafford*.

Fauquier, Prince William and Fairfax—**Judge WILLIAM A. G. DADE** *of Prince William*.

Frederick, Hampshire and Morgan—**ALFRED H. POWELL** *of Frederick*.

Rockingham, Shenandoah and Hardy—**Col. JOSEPH MAUSSE** *of Rockingham*.

Botetourt, Alleghany, Rockbridge and Augusta—**Judge ARCHIBALD STUART** *of Augusta*.

Bath, Pocahontas, Pendleton, Greenbrier, Giles, Tazewell, Monroe and Montgomery—**BALLARD SMITH** *of Greenbrier*.

Washington, Russell, Lee, Wythe, Scott and Grayson—**Col. BENJAMIN ESTILL** *of Washington*.

Harrison, Wood, Lewis, Nicholas, Mason, Cabell, Kanawha and Logan—**Judge LEWIS SUMMERS** *of Kanawha*.

Monongalia, Preston, Brooke, Ohio, Tyler and Randolph—**ALPHEUS P. WILSON** *of Monongalia*.

Saturday, January 12.

The President took the Chair at one o'clock.

Mr Dabney Carr, from the committee to frame an address, stated the readiness of that committee to report within one hour--and on motion of Mr E. Colston, the Chair was vacated for that space of time--at the expiration of which, the President resumed the Chair.

Mr Johnson, from the committee to frame an address, then reported the following Address and Resolutions :

TO THE PEOPLE OF VIRGINIA.

Having been delegated, by those who oppose the election of Andrew Jackson, as President of the United States, and having assembled in the city of Richmond, pursuant to our appointment, and formed an electoral ticket, we feel it due to ourselves, to those who deputed us, and to our country, to submit a brief exposition of our views, on the very interesting subject which has brought us together.

It is no ordinary occasion, which at this inclement season of the year, has brought so many of us from our business and our homes. We believed that the dearest interests of our country were at stake, that her character, her peace and happiness, and even the permanence of her free institutions, were in peril. We feared the most pernicious consequences from the election of General Jackson, and we have come to consult about the means of averting this calamity from our country. We believe that the only means of effecting this great object, is the re-election of the present Chief Magistrate, and have formed an Electoral Ticket for that purpose, which we earnestly recommend to the support of the people of Virginia.

We know that many of you strongly disapprove some of the leading measures of the present administration,—have not confidence in it, and would be exceedingly unwilling to sanction the principles of construction applied by the present Chief Magistrate, to the constitution of the United States. But we do not perceive in these circumstances, any sufficient reason for withholding your support from the Ticket we have recommended. We ourselves are not agreed upon these subjects. While some disapprove these measures, want confidence in the administration, and are unwilling to sanction the principles of construction adopted by the President,—most of us approve the general course of the Administration, have confidence in its virtue, its patriotism, its wisdom, and see nothing to condemn in the President's interpretation of the federal constitution. Yet we do not discuss among ourselves, and we will not discuss before you, the grounds of this difference. We waive such discussion, as wholly inappropriate; and postpone it to the time, when there may be some choice offered us, that might be influenced by it. Now there is none such. We are left to the alternative of choosing between Jackson and Adams; and however we may differ in opinion as to the merits of the latter, we heartily

concur in giving him a decided preference over his competitor. The measures which some disapprove in the present Administration, none would hope to see amended, under that of General Jackson:—the distrust in the present Chief Magistrate, entertained by some, is lost in the comparison with that which all feel, in his competitor;—and the constitution, which we would preserve from the too liberal interpretation of Mr Adams, we would yet more zealously defend against the destroying hand of his rival.

While however, we decline a discussion of those subjects, on which we differ in opinion, and pretermitt any general vindication of the Chief Magistrate, his cabinet or his measures, we cannot pass unnoticed some topics connected with the last election, and some acts of the Administration, in relation to which, we think the public mind has been greatly abused.

The friends of General Jackson have confidently held him up, as the favorite of the people,—have insisted, that in the last election, his plurality of votes proved him to be the choice of the nation,—and have bitterly complained, that *that* choice was improperly disappointed, by the representatives in Congress.

Never was there a more direct appeal to those prejudices and passions, which, on all occasions, the good should disdain, and the wise should repress,—never was a complaint more utterly unfounded,—and never one more characteristic of that disregard for the constitution, which has been manifested, on more occasions than one, when its provisions stood in the way of General Jackson's march.

Whether Gen. Jackson is the people's favorite is to be tested by the event, not assumed as the basis, of the pending election. That his plurality of votes proved him to be the choice of the nation at the last election, we confidently deny. It may perhaps be found upon examination, that while Gen. Jackson had a plurality of electoral votes, Mr Adams had a plurality of votes at the polls; and we are satisfied that if Mr Crawford and Mr Clay had been withdrawn from the canvass, and the contest had been single-handed, between Gen. Jackson and Mr Adams, the election would have resulted, as it has done, in the choice of Mr Adams.

But this is not the light in which this question deserves consideration. The minds of the people ought not to be influenced by such extraneous considerations—and above all, the principles of our constitution ought not to be abused, by admitting, for a moment, that the plurality of votes, given to Gen. Jackson, should have governed the choice of the House of Representatives. We do not mean to say, that a proper respect, for the wishes of the nation fairly ascertained, ought not always to be observed by its representatives. But we do say, that the present Chief Magistrate holds his seat, by the will of the people of the United States, regularly expressed, in the only way, in which an expression of that will had any authority. They have willed, in the most solemn manner,—in the form of a constitution, which they declare shall be

the supreme law of the land,—that a plurality of votes shall not constitute an election,—that when there is such plurality, the representatives shall elect, voting by States—thus withdrawing from the people, that equality of influence which is given them, in the first vote, and transferring it to the States, in the second. This provision of our constitution is in the true spirit, which pervades the whole of it, and which marks it the result of a conference between States, surrendering in part, and retaining in part, their political equality. Shall this spirit be appealed from, one very occasion in which it was intended to soothe and conciliate, and the spirit of faction be invoked, to expose our magistrates to unjust prejudice, and bring our institutions into discredit? These things are revolutionary in their tendency, and ought to be discouraged.

Of like character is the complaint against the Kentucky delegation, for disregarding the instructions of their Legislature. We have too much respect for the Legislature of Kentucky to suppose, that they meant to bind the delegation by an instruction. We can only suppose, that they meant to furnish the best information, in their power, of the opinions of the people, on a question, which had never been submitted to them. Such information was entitled to the respect due to intelligent opinion,—and no more. It was not the constitutional organ, through which the will of the people was to be conveyed to the representative. The representatives in Congress were directly responsible to their constituents, not to the Legislature. And an attempt of the Legislature to control the immediate representatives of the people, would be a usurpation upon the rights of the people; an act, which instead of deserving obedience, or even respect, required resistance and reprobation. The faithful representative will obey the instructions of his constituents, whenever constitutionally given. He will pay a respectful attention to their wishes, and every evidence of their wishes. But, when not bound by instruction, he will look beyond the imperfect evidences of their will, informally conveyed—he will rest upon the conclusions of his own mind, formed from the best lights he can obtain, will consult his country's good,—and firmly meet the responsibility of those acts, he deems proper for its attainment. This we believe the Kentucky delegation did. They were not instructed; they did not choose to shelter themselves from responsibility, under the cover of a legislative recommendation;—consulting their own judgments, they preferred the man thought most capable of advancing the interest of his country; and there is no question, that Virginia then concurred in the opinion, and approved the act.

This vote, which, if honestly given, is an affair chiefly between the representative and his constituents, would not have been obtruded on your attention, had it not been connected with a charge of grave import made upon the purity of the election,—impeaching the integrity of the chief magistrate of the nation, and the first member of his cabinet. This charge, in its strongest form, im-

ports, that at the last election, the vote of the Kentucky delegation was in the market, for the highest bidder,---that it was offered to one candidate, and being refused by him, was sold to the other,---and that the consideration of the sale, was the office of secretary of state, bestowed on Mr Clay. If this were true, we should not hesitate to affirm that it stamps infamy on the characters of the guilty, and renders them forever unworthy of public trust.

This charge, not so strongly, however, as has been here stated, was made, for the first time, pending the Presidential election. It was promptly met, and challenged by Mr Clay, and deserted by its supporters. They rallied again after the election, gave it a form somewhat varied, drew to its aid some imposing circumstances, and, at last, gave it the public sanction of Gen. Jackson's name. Mr Clay again publicly denied it, called for the proof, and challenged inquiry. No proof has appeared to sustain it, no inquiry has been instituted, and now, in all its phases, it stands reprobated, by a body of proof, so strong and so convincing, as to require from the least charitable, its open disavowal, and from the most suspicious, a candid acknowledgment, that they have done injustice in even thinking it probable.

It may not be unworthy of notice, as one of the means, by which the public mind has been prejudiced and inflamed, that opinions the most offensive to a republican people, have been unwarrantably and uncandidly inferred from some of the President's communications to Congress, and gravely imputed to him, as doctrines in his political creed. He has, on one occasion, not perhaps with strict rhetorical propriety, used the expression, "palsied by the will of our constituents"—in reference to duties enjoined by the constitution. This phrase has been torn from its context, misinterpreted, and used as the authority, upon which, the President is charged with the heresy, that a representative owes no obligation to the will of his constituents. On another occasion, incautiously taking it for granted, that every one would understand, that the high obligation of an oath was derived from heaven,---he has again perhaps, without much felicity of phrase, made an obvious, though not avowed reference to his oath of office, as imposing an obligation above all human law,---and this reference is tortured, into a public avowal, of the odious doctrine, that his political power, was *jure divino*. If these had been the taunts and the railings of anonymous newspaper scribblers, they would have been deemed unworthy of this public notice. But, when such charges are seriously made and reiterated, by men holding high stations in the government, and exercising some influence over public opinion, they cannot be too strongly condemned.

Mr Adams, it is said, is friendly to the regulation of the tariff of duties, with a view to the encouragement of American manufactures, and this is clamorously urged against him, as a serious objection, by those who support the election of Gen. Jackson.

This objection seems to have been treated before the public, as if Mr Adams were the founder of a new and odious doctrine, and the father of the measures to which it had given birth. Nothing can be farther from the truth. Not a single act of the government, on this subject, has its date within his administration. And so far is he from being the founder of the doctrine, that it is traced to the earliest and purest times of the republic, avowed and acted upon from the foundation of the government, when the father of his country presided over its destinies. Before the adoption of the Federal Constitution, the power of regulating commerce and imposing duties on imports, belonged to the State governments; and such of them as deemed it expedient, so regulated their tariff of duties as to give encouragement to their manufactures. The Constitution transferred to the federal government, by express provision, the power of regulating commerce, and of imposing duties. An act passed at the first session of the first Congress, held under the Constitution, advocated by James Madison, and signed by George Washington, on the 20th of July, 1789, contains the first Tariff of duties on imported goods laid by the General Government, and its preamble recites, that it was "necessary for the support of government, for the discharge of the debts of the United States, *and the encouragement and protection of manufactures.*" This doctrine was acted upon by every succeeding administration, by the elder Adams, by Jefferson, Madison and Monroe: the policy of protecting and encouraging manufactures was recommended by them all; the tariff was increased from time to time, with a view to that object; and yet no champion of the Constitution, though many and bold and able there were, always at their posts, ever challenged the authors of these measures, as invaders of constitutional ground---until, during the administration of the last President, when the fathers of the constitution having most of them retired from the field of action, a member from Virginia suggested in Congress, the want of constitutional power to give protection to manufactures.

On this question we forbear to enter the field of argument; and content ourselves with saying that the power of Congress to regulate the tariff of duties, so as to give protection and encouragement to agriculture, manufactures, commerce and navigation, cannot be denied, without denying to the letter of the constitution its plain import, and to its spirit its most obvious and essential attributes---without affirming, that those who have administered the government, from its foundation to the present day, have either misunderstood the charter of their powers, or wantonly and habitually violated it---without coming to the extraordinary conclusion, either that a power which existed in the State governments, and was frequently exercised by them, before the adoption of the federal constitution, was annihilated by the secret and magical influence of that instrument, or that such power does not properly pertain to the legislature of any free people.

The exercise of this power is necessarily referred to the sound discretion of Congress, to be justly and impartially employed for the common benefit of all; not to be perverted to the purpose of advancing the interest of one class of the community, or of one part of the country, at the expense of another; and whatever some of us may think as to its abuses under a former administration, or of the danger of such abuses under the present, all must concur in the opinion, that the remedy is not to be found in the election of Gen. Jackson; but if sought at all, should be looked for in the vigilance and exertions of faithful and able Senators and Representatives in Congress.

The opinions of Mr Adams, and his recommendations to Congress, in relation to internal improvement, are unpopular in Virginia, and have been urged against him with much earnestness, and perhaps with some effect; even though it cannot, with any color of reason be contended, that his competitor, General Jackson, is not exposed to precisely the same objection. We do not vindicate these opinions, or discuss them; because they fall within the interdiction we have imposed on ourselves; we differ in opinion concerning them. But we will remind you, that these opinions, whatever may be their merit, have produced but few and unimportant acts, during the present administration---and we will avail ourselves of the occasion, to appeal to the good sense and good feeling of Virginia, and invoke its influence, in tempering the asperity of party politics, and in securing to every subject of national interest, a deliberate and candid consideration. We beg leave also to remind you, that the questions of constitutional law and State policy connected with this subject, are important, delicate, and of acknowledged difficulty; that there are arrayed on either side of them, statesmen of approved patriotism and talent, whose opinions should be examined with great consideration, and whose measures if deemed wrong, after being judged with candor, should be opposed with reason, not with passion, with firmness, nor with violence; that those among us who deny the constitutional power, and condemn the policy, should entitle our doctrines to respect, by the fairness of views, and the force of our reasoning, and give weight to our opposition, by its temper, and its dignity; while those who affirm the power, and approve the policy, should observe the most respectful deference for the opinions of the many and the wise, who differ from them, should consult the public interest and tranquility, by confining their measures to objects of acknowledged and general interest, by infusing into them a spirit of the most exact justice, and by observing, in all things, scrupulous care in the exercise of a power, so delicate and so much controverted.

Thus far, we have endeavored to correct error and disarm prejudice, that reason might be left free, to estimate fairly, the present Administration and its principal measures. We have offered no panegyric on the present Chief Magistrate; we cheerfully leave you to estimate the value of his long and varied public services, his

great experience, his talent, his learning, and his private virtues,—and to set off against them whatever your fancy or your judgment may find to blame, in his private or public life. When you have done this,—reflect on the character of the office you are about to fill,—inquire what feeling, what temper, what talent, what acquirements, what habits, are best suited to the discharge of its high duties;—and then carefully compare John Quincy Adams with Andrew Jackson, in reference to the great questions,—which of them is best qualified for the first office in the nation,—which most likely to preserve to us, the distinguished blessings we enjoy,—from which is most danger to be apprehended, to our peace and happiness, our lives and liberties?

It is not in wantonness, that we speak,—but in the sadness of our hearts, we are compelled to declare,—that while we yield our confidence to the present Chief Magistrate in very different degrees, we are unanimous, and unhesitating in the opinion, that Andrew Jackson is altogether unfit for the Presidency, and that his election would be eminently dangerous,—that while we cheerfully accord to him his full share of the glory, which renders the anniversary of the 8th of January a day of joy and triumph to our land,—we must, in the most solemn manner, protest against a claim to civil rule, founded exclusively upon military renown,—and avow, that nothing has occurred in the history of our country, so much calculated to shake our confidence in the capacity of the people for self-government, as the efforts, which have been made, and are yet making, to elevate to the first office in the nation, the man, who, disobeying the orders of his superiors, trampling on the laws and constitution of his country, sacrificing the liberties and lives of men, has made his own arbitrary will, the rule of his conduct.

In stating an opinion so unfavorable to a distinguished man, who has rendered valuable service to his country, a proper respect for ourselves and for you requires, that we should declare the reasons which compel us to withhold our confidence from him.

Capacity for civil affairs, in a country like ours, where the road to preferment is open to merit, in every class of society, is never long concealed, and seldom left in retirement.--Gen. Jackson has lived beyond the age of 60 years, and was bred to the profession best calculated to improve and display the faculties, which civil employment requires;—yet the history of his public life, in these employments, is told in a few brief lines, on a single page of his biography. He filled successively, for very short periods,—the office of member of the Tennessee Convention, which formed their State constitution,—representative, and senator in Congress,—judge of the supreme court of Tennessee,—and again senator, in the Congress of the United States. Here was ample opportunity for distinction, if he had possessed the talent, taste and application suited for civil eminence. But he resigned three, and passed through all these stations, acknowledging his unfitness in two instances,—ma-

most feeling it is all,---and leaving no single act, no trace behind, which stamps his qualifications above mediocrity.(a)

For civil government,---and in no station more emphatically, than in that of President of the United States,---a well governed temper is of admitted importance; Gen. Jackson's friends lament the impetuosity of his, and all the world has evidence of its fiery misrule.

To maintain peace and harmony, in the delicate relations existing between the government of the Union and the various State governments, in our confederacy, requires a courtesy and forbearance in their intercourse, which no passion should disturb:---Let the spirit of domination displayed in General Jackson's celebrated letter to Gov. Rabun, warn us of the danger of committing to his keeping, this precious deposit, sacred to the union of our Republics and to the freedom of Mankind.(b)

Military men should never be allowed to forget,---that the obligation to obey being the sole foundation of the authority to command, they should inculcate subordination, not by precept only, but by example,---that profound respect for the laws and constitution of their country, is an indispensable guarantee of their worthiness to be entrusted with the sword, which is drawn to defend them,---that they should lose no fit occasion for manifesting that respect, by practical illustrations of the principle, sacred in every well ordered Republic, which proclaims the military, subordinate to the civil power,---that mercy even to the guilty, and humanity always to the conquered and the captive, are part of the law of God and man, found in every civilized code, written in every human heart, and indispensable to the true glory of the Hero.

Gen. Jackson has been unmindful of these truths:---though he has enjoined subordination by precept, and enforced it by authority, he has not recommended it by example:---he has offered indignity to the Secretary of War, in the very letter which assigned his reasons for disobeying an order for disbanding his troops;(c) he has placed his own authority in opposition to that of the War Department, by a general order, forbidding the officers of his command to obey the orders of that Department, unless they passed through the channel which he had prescribed,(d) and he disobeyed the orders of the Government in his military operations in the Spanish territory.(e)

He has been unmindful of the subordination of military to civil power, and has violated the law and the constitution---by declaring martial law at New-Orleans, and maintaining it, of his own arbitrary will, for more than two months, after the enemy had been beaten and repulsed, and all reasonable apprehension of their return had ceased(f)---by surrounding the hall of the Louisiana Legislature with an armed force, and suspending their operations---by seizing

(a) See Eaton's Life of Jackson.

(b) See Appendix marked B.

(c) See Eaton's Life of Jackson, p. 22.

(d) See Appendix marked D.

(e) See Appendix marked E.

(f) See Appendix marked F.

the person of Louallier, a free citizen of Louisiana, and member of their Legislature, and bringing him to a trial before a military tribunal, for having the boldness to denounce, through the public press, the continued arbitrary reign of martial law—by disapproving the acquittal of Louallier upon his trial, when to have condemned and executed him, would have exposed the actors in that fatal tragedy to the legal pains of death—by suspending, of his own arbitrary will, the privileges of the writ of *habeas corpus*, when the Legislature of Louisiana had refused to suspend it on his application, when no law of Congress authorised it, and no imminent danger pleaded its apology—by arresting and imprisoning Judge Hall, for issuing the writ of *habeas corpus* to relieve Louallier from illegal confinement, and arresting and imprisoning two other officers of the law, for appealing to civil process against his tyrannic rule (g)—by the arrest, trial and execution of six militia men, who were guilty of no other offence, than the assertion of their right to return home, after their legal term of service had expired (h)—by organizing a corps of volunteer militia, and appointing, its officers without any warrant for so doing, and against the provisions of the constitution, which expressly reserves the appointment of the officers of the militia to the States respectively—and by making war upon the Spanish territory, seizing and holding Spanish posts in violation of the orders of his Government, and while peace existed between Spain and the United States. (e)

That mercy and humanity may unite with the offended law and constitution, in accusing General Jackson of being unmindful of their voice, and in refusing to his laurel crown the rays of true glory, will be acknowledged by impartial posterity, when they review the history of his Indian campaigns—and especially, when they read the stories, of the cold blooded massacre, at the Horseshoe, (i)—of the decoyed and slaughtered Indians at St Mark's, (k)—of the wanton and unexampled execution of Ambrister; an Englishman, found fighting, it is true, in the ranks of the Seminoles, but taken prisoner, tried, doomed to a milder punishment, and executed by order of the commanding general, against the sentence of the tribunal appointed by himself,—and of the still more injured Arbuthnot,—another Briton, not bearing arms at all, only found among the warring Indians, a trader, and an advocate for peace. (l)

We have done with this sickening catalogue:—You have now a brief summary of the evidence on the authority of which, we regard Gen. Jackson, as wholly disqualified for the Presidency, and look to the prospect of his election with the most gloomy forebodings.

You think, perhaps, we pay a poor compliment to the virtues of our people and the strength of our institutions, by indulging in apprehensions of danger from the encroachments of military power,

(g) See Abstract from Louallier's Address, marked G.

(h) See Report of the Nashville Committee. (i) See Appendix marked I.

(k) See Appendix marked K. (l) See Appendix marked L.

in the youth and vigor of our republic, and in the midst of profound peace. We should, indeed, do great injustice to the virtue of our people, the circumstances of our country, and the value of our government, if we indulged in the idle fear, that an open attack upon our liberties, made with any military force, which Gen. J. could probably command in the course of his Administration, would bring us under the yoke of his power. These are not our apprehensions; we would bid a proud defiance to his power, if he should so dare our liberties. Nor will we do him the injustice to charge his ambition with any designs at present, on the liberties of his country, nor withhold our acknowledgment, that if they were assailed by others, we believe he would promptly and boldly draw his sword to defend them.

But, we have no security for the continuance of peace, in whatsoever hands the government may be placed; and it is not unreasonable to think, that in the hands of a man of military pride and talent, and of ungovernable temper, the danger of war will be increased. A foreign war may come, may rage with violence, and find Gen. Jackson at the head of the civil government, and commander-in-chief of the land and naval forces. Dissident views among the states may arise, controversies grow up between the State and Federal authorities, as dissensions and controversies have heretofore arisen; and who then, we pray you, can answer for the consequences of that spirit, which said to Governor Rabun, *when I am in the field you have no authority to issue a military order?* Reflect on this question we beseech you—on the peculiar structure of our government—on the collisions of opinion, and the threatened collisions of action, both in peace and war, which have already occurred between the State and Federal authorities—and then tell us, whether the fear is altogether visionary, that the first foreign war, seriously waged against the United States, with Gen. Jackson their chief, would bring danger of civil discord, dissolution of the Union, and death to the hopes of every free government in the world.

We say nothing of the danger of civil discord, even when no foreign war should afflict us: though the retrospect of a few short years would teach us that such danger is not imaginary,—and that the slightest want of tact in its management, the least indulgence of temper on the part of the Chief Magistrate, might inflame the whole nation, and light the funeral pile of freedom.

There are dangers of another kind. If we are correct, in the detail of offences committed by Gen. Jackson against the most sacred principles of our government, what will be the moral effect of the direct sanction given to these offences, by rewarding the offender with the first honor of the nation? Can we preserve our love and reverence for institutions, which we suffer to be violated, not only without censure, but with applause? Will not our affections and our veneration be transferred from the despised laws and constitution, to the honored hero who has abused them, from re-

publican simplicity and virtue, to military pomp and glory? Will you not, in fine, by such example, lay the sure foundation of that moral depravity, and admiration of arms, which must soon reduce us to the condition in which Greece was enslaved by Alexander, —Rome by Cæsar,—England by Cromwell,—France by Bonaparte,—and in which we will assuredly find some future Jackson not too fastidious to accept the proffered crown, and erect a military despotism on the ruins of the last Republic.

We appeal to the people of Virginia, to say what there is in the present party politics, so alluring on the part of the opposition, so frightful on the part of the Administration, as to seduce them to the fraternal embrace, or drive them under the protection, of such a man as Andrew Jackson? We ask an answer to this question, not from their offended pride, nor from the prejudice which attachment to party never fails to beget—but we ask it from their love of country, their love of truth and virtue;—we ask it, after a deep and dispassionate consideration of the true state of the question—after a candid estimate of the little to be possibly gained by the rejection of Mr Adams,—the incalculable mischiefs which may probably attend the success of his rival.

If you indulge the faint hope, that, under the administration of General Jackson, the tribute which agriculture will pay for the encouragement of domestic industry and enterprise, will be somewhat lighter than at present,—we ask you, first, whether the hope is not groundless,—and next, whether it is wise to insist on enjoying the profits of your estates to the uttermost farthing of their fancied value, at the risk of having your free allodial lands converted into military tenures, or fiefs of the crown. If you are fighting the battles of Gen. Jackson in this political contest, with the vain hope that victory will conquer from your adversaries some barren spot of constitutional ground,—we ask whether you will wage such a war with your countrymen, at the hazard of laying all your conquests, and all your former possessions, the constitution itself, and the freedom it was intended to protect, at the feet of a despot? This does not become the character of Virginians.

In the ancient state of political parties, when federalists and republicans contended for ascendancy, there was something in the great questions of foreign policy, in the leading principles of construction applied to the constitution, bearing strongly on the essential character of the government, and worthy of a generous struggle between the statesmen, who on the one hand, sought to guard against a dissolution of the Union, by strengthening the federal bond, and, on the other, endeavored to avert consolidation, by establishing more firmly the State authorities. But this state of things has passed away, and the feelings and doctrines to which it gave rise, though not entirely forgotten, are almost unknown, in the party distinctions of the day. Federalists and republicans mingle together in the ranks of the opposition,—and together rally around the standard of the administration. There will be no great

principle of political doctrine to distinguish them, unless the opposition, by following too closely the footsteps of those who trample on the laws and constitution of the country, should give to the supporters of the Administration some claim to be the champions of civil rule and constitutional law. Shall our parties be hereafter founded on local interests and marked by geographical boundaries, arraying the north against the south, the east against the west---losing the generous enthusiasm which is always inspired by a contest for principle, for honorable distinction, for pre-eminence in the service of our common country, and acquiring the bitterness of spirit, acrimony of feeling, narrow policy and sordid views, which ever characterise the contests of men, striving not for the promotion of the common good, but for the advancement of their own peculiar interests---and which must lead inevitably, to the entire subjugation of the weaker party, or a dissolution of the Union?

We know well that the people of Virginia will never countenance any such distinction. Their generous sacrifices in the cause of their country, their uniform devotion to civil liberty, and their noble daring in the defence of freedom, from whatever quarter assailed, is the sure guarantee that they will not be slow to follow where the path of duty leads; and on that guarantee, we repose with confidence, that, in this hour of danger, sacrificing all minor considerations, they will go forth in their strength, and save the temple of liberty from pollution.

1. *Resolved*, That JOHN QUINCY ADAMS, of Massachusetts, be recommended to the people of the United States, as a fit person to be supported for the office of President.

2. *Resolved*, That this convention approve the nomination of RICHARD RUSH, of the State of Pennsylvania, for the office of Vice-President, made by the Convention at Harrisburg, and recommend him to the people of Virginia as a fit person to be supported for that office.

3. *Resolved*, That the President of this Convention be requested to transmit a copy of the proceedings and address of this Convention, to each of the gentlemen who have been nominated on the Electoral Ticket, and inform them of their several appointments.

4. *Resolved*, That the following persons be appointed a central corresponding Committee, with the authority to fill any vacancies which may occur within their own body, or in the Electoral Ticket; in favor of the election of John Quincy Adams as President of the United States, and Richard Rush as Vice-President, viz:--- Judge William H. Cabell, Judge Dabney Carr, Judge John Coalter, Mr Robert Stanard, Rev. John Kerr, Gen. J. B. Harvie, Mr Peyton Randolph, Mr John H. Pleasants, Mr Charles Copland, Mr Thomas Brockenbrough, Mr E. W. Rootes, Mr J. H. Eustace, Dr. Thomas Nelson.

5. *Resolved*, That the Corresponding Committees, which have been appointed by the meetings opposed to the election of General Jackson as President of the United States, in the various counties

and corporations of this commonwealth, constitute the corresponding Committees of said counties and corporations, with authority to add to their numbers and fill any vacancies which may occur in such Committees.

6. *Resolved*, That the Central Corresponding Committee be authorised to appoint corresponding committees in the several counties and corporations which have not appointed them--which committees shall have authority to exercise the same powers as those which have heretofore been appointed.

7. *Resolved*, That it be recommended to the Convention, that each member should pay the sum of five dollars to the Secretaries to be deposited in the Bank of Virginia to the credit of the Chairman of the Central Corresponding Committee, to defray the expenses of printing and circulating the documents directed to be published by the Convention, and such other publications as may be thought advisable by the said Central Committee, for the purpose of distribution among the citizens of the Commonwealth, and all other incidental charges.

8. *Resolved*, That at least thirty thousand copies of the proceedings and address of this Convention be printed and circulated, under the direction of the Central committee, through the several counties and corporations of the Commonwealth.

9. *Resolved*, That the Central Corresponding Committee be requested to publish, in pamphlet form as many copies of the address of the Hon. Henry Clay, with the accompanying documents, as they may deem expedient, and that they cause to be published such other documents, as in their opinion, will sustain the facts and principles, set forth in the address of this Convention.

10. *Resolved*, That the Central Committee be requested to make to the officers of the Senate and House of Delegates who have attended upon this Convention during its session, such compensation as they may deem proper to be paid out of the fund provided by this Convention.

11. *Resolved*, That this Convention entertain feelings of unfeigned gratitude for the facilities offered, and the spirit of accommodation manifested, by both Houses of the Virginia Assembly and their officers to this Convention, in the prosecution of their duties, and that the President be requested to tender the thanks of this Convention to both branches of the Assembly and their officers; for their kindness and liberality.

12. *Resolved*, That the Editors of the several newspapers printed in Virginia, be requested to publish the proceedings of the Convention, together with their address to the people of Virginia, in their respective papers.

The address having been read, was on motion *unanimously* adopted.

The question was then taken on the resolutions seriatim, and they were *unanimously* adopted.

On Mr Sharpe's motion, the President was requested to desire the Rev'd John Kerr, a member of the Convention, to close their labors by prayer.

Gen. Carrington offered a resolution, which was adopted unanimously, tendering the thanks of the meeting to the President and Secretaries.

Judge Brooke then rose and made a suitable acknowledgment.

A resolution of thanks was next adopted to the sub-committee for the ability with which they had discharged the duty confided to them. Gen. Taylor said he was one of the persons embraced in the resolution, but that the whole merit of the address to the people was due to the Chairman, Mr Chapman Johnson.

The Rev'd Mr Kerr then closed the proceedings by an appropriate prayer---and on General Taylor's motion, the Convention adjourned.

APPENDIX.

(B.)

Extract of a letter from General Jackson to Governor Rabun, dated on march towards Pensacola, 7 miles advance of Fort Gadsden, May 7, 1818. (Niles' Weekly Register, vol. 15, page 254.)

"You, Sir, as Governor of a State, within my military division, have no right to give a military order whilst I am in the field; and this being an open and violent infringement of the treaty with the Creek Indians, Capt. Wright must be prosecuted and punished for this outrageous murder, and I have ordered him to be arrested and confined in irons, until the pleasure of the President of the United States is known upon the subject."

Extract of a letter from Governor Rabun to Gen. Jackson, in reply, dated Executive Department, Geo. Milledgeville, 1st June, 1818. (Niles' Weekly Register, vol. 15, pa. 254.)

"SIR,—I have lately had the honor to receive yours of the 7th May, founded on a communication from Gen. Glascock, relative to the attack recently made on the Chehaw village. Had you, sir, or Gen. Glascock been in possession of the facts that produced the affair, it is to be presumed at least, that you would not have indulged in a strain so indecorous and unbecoming. I had on the 21st of March last, stated the situation of our bleeding frontier to you, and requested you, in respectful terms, to detach a part of your overwhelming force for our protection, or that you would furnish supplies and I would order out more troops, to which you have never deigned yet to reply. You state in a very haughty tone, that "*I as Governor of a State within your military division have no right to give a military order while you are in the field.*" Wretched and contemptible indeed, must be our situation, if this be the fact; when the liberties of the people of Georgia shall have been prostrated at the feet of military despotism, then, and not till then, will your imperious doctrine be tamely submitted to. You may rest assured that if the savages continue their depredations on our unprotected frontier, I shall think and act for myself in that respect."

(D.)

Extract from division order of Major General Jackson, dated Adjutant General's Office, Head Quarters, Division of the South, Nashville. April 22d, 1817. (Niles' Weekly Register, 12th vol. p. 320.)

“The commanding general considers it due to the principles of subordination, which ought and must exist in an army, to prohibit the obedience of any order emanating from the Department of War, to officers of this division, who have reported and been assigned to duty, unless coming through him as the proper organ of communication.”

(E.)

FROM NILES' W. REG., VOL. 16, P. 33, AND DOCUMENTS ANNEXED.

Extract from the report of the committee of the Senate, appointed to inquire relative to the advance of the United States' troops into West Florida, &c.

“While your committee feel a pleasure in applauding the zeal and promptitude that have marked the military conduct of these general officers on many former occasions, they would feel themselves wanting in their duty to the Senate and the nation, if they did not express their decided disapprobation of the conduct of the Commanding Generals, in the steps they took to raise and organize the force employed on this occasion. There was no law in existence that authorised even the President of the United States to raise, or accept the services of volunteers. The law passed for that purpose, had expired in the year 1815. The Constitution of the United States gives to Congress exclusively, the power of raising armies, and to the President and Senate, the power of appointing the officers to command those armies when raised. The Constitution likewise gives congress power to provide for calling forth the militia, to execute the laws of the Union, to suppress insurrection, and to repel invasions; but reserves to the States respectively, the appointment of the officers. In conformity with the last recited provision of the Constitution, the Congress of the U. States have passed laws, authorising the President, when the contingencies above alluded to should happen, to call on the Governors, or any militia officers of the respective States, for such portions of the militia as he might deem requisite for the occasion: and in strict observance of these laws, was General Jackson ordered to call on the Governors of the States adjacent to the Seat of War, for the requisite militia force.

“It is with regret that the committee are compelled to declare, that they conceive General Jackson to have disregarded the posi-

five orders of the Department of War, the Constitution and laws: that he has taken upon himself, not only the exercise of those powers delegated to Congress, as the sole legislative authority of the nation, and to the President and Senate, as it relates to appointments, but of the powers which had been expressly reserved to the States, in the appointment of the officers of the militia: A power the more valuable to the States, because, as they had surrendered to the General Government the revenues and physical force of the nation, they could only look to the officers of the militia, as a security against the possible abuse of the delegated power.

“The committee find the melancholy fact before them, that military officers, even at this early stage of this republic, have, without the shadow of authority, raised an army of at least 2,500 men, and mustered them into the service of the United States. Two hundred and thirty officers have been appointed, and their rank established, from an Indian Brigadier General, down to the lowest subaltern of a company. To whom were those officers accountable for their conduct? Not to the President of the United States; for, it will be found that it was not considered necessary even to furnish him with a list of their names, and not until the pay-rolls were made out and payment demanded, were the persons known to the Department of War: And in this place it is proper to observe, that General Jackson seemed to consider those officers of his own creation, competent to discharge all the functions of officers appointed by the authority of the General or State Governments; for, we find five of them detailed, afterwards to act on a general Court Martial, on a trial of life and death. On the same principles, might not General Jackson have tried, condemned and executed, any officer of the Georgia militia, by the sentence of a Court Martial, composed of officers created by him, and holding their usurped authority by the tenure of his will?”

Extract from same report, as to the violation of the Constitution by General Jackson, in waging war against Spain, with whom the United States were at peace.

“The Constitution declares (article 1, sec. 8,) “Congress shall have power to declare war; grant letters of marque and reprisal, and to make rules concerning captures on land and water.” Surely it was never designed by this provision, that a military officer should first make war, and leave it to Congress afterwards to declare it: This would involve an absurdity that it is unnecessary to expose. It is sufficient to say, that the Executive authority of the United States, and much less a subordinate officer, has no power to change the pacific relations of the nation. The President of the United States is bound constitutionally, to preserve the peace of the country, until Congress declares it in a state of war; he can only, while thus in a state of peace, use the military force of the nation in three specified cases: that is, “to execute the laws of the Union, to sup-

press insurrection, and repel invasion." (See Constitution, article 1, sec. 8; also the act for calling forth the militia, passed Feb. 28th, 1795.) It will not be pretended that Spain had invaded the United States, or that Congress had declared war against that nation, and of course the relations of peace did exist between the two countries at the time General Jackson took possession of the Spanish possessions in the Floridas. These facts being admitted, and they cannot be denied, the only question to decide is, whether the military conduct of General Jackson was not war against Spain? And on this subject there can be no doubt. The Capital of a Spanish Province is taken by the sword; a fortress is invested and bombarded; lives are lost, and the place surrendered on capitulation, the terms of which are declared "more favorable than a conquered enemy merited;" military officers and men, as well as those in the civil departments of Government, are transported to the West Indies, and a new Government established for the conquered country. If all these acts of hostility combined do not constitute war, the committee confess themselves utterly at a loss for its definition:— Or, if the fact be denied, the consequence of such denial will be a proof that no war was made by the Seminole Indians on the United States, and of course that the invasion of Florida was an unauthorised act of aggression on the part of the United States."

Copy of a letter from George Graham, acting Secretary of War, to Gen. Gaines, dated 2d of December, 1817.

SIR—Your letter of the 9th ultimo, advising of the call on the Governor of Georgia, to assemble the auxiliary force which had been previously required by you at Fort Hawkins, on the 26th ult. has been received.

It is hoped that the letter addressed to you from this department, on the 30th October, will have been received; and that you will confine your operations to the object stated in that communication, and to such a disposition of the regular force under your command, as will deter the Seminole Indians from making further depredations on the frontiers of Georgia.

The state of our negociation with Spain, and the temper manifested by the principal European powers, make it impolitic, in the opinion of the President, to move a force at this time into the Spanish possessions, for the mere purpose of chastising the Seminoles for depredations which have heretofore been committed by them. I have, &c. &c.

Copy of a letter from J. C. Calhoun, Secretary of War, to General Gaines, dated 9th December, 1817.

SIR—Your letter bearing date the 21st ultimo, and advising of the arrival of the 1st brigade at Fort Scott, on the 19th ultimo, and of the subsequent attack on the Indians at Fowl-town has been

received. Although the necessity of this attack and the consequent effusion of blood is exceedingly to be regretted, yet it is hoped that the prompt measures which were taken by you on your arrival at Fort Scott, and the display of such an efficient force in that quarter, will induce the Indians to abstain from further depredations and to sue for peace.

Referring to the letters addressed to you from this department on the 30th October, and 2d of December, as manifesting the views of the President, I have to request that you conform to the instructions therein given. Should the Indians, however, assemble in force on the Spanish side of the line, and persevere in committing hostilities within the limits of the United States, you will, in that event, exercise a sound discretion, as to the propriety of crossing the line for the purpose of attacking them, and breaking up their towns. I have, &c. &c.

Copy of a letter from J. C. Calhoun, Secretary of War, to General Gaines, dated 16th December, 1817.

SIR—On the receipt of this letter, should the Seminole Indians still refuse to make reparation for their outrages and depredations on the citizens of the United States, it is the wish of the President, that you consider yourself at liberty to march across the Florida line, and to attack them within its limits, should it be found necessary, unless they should shelter themselves under a Spanish fort. In the last event, you will immediately notify this department. I have, &c. &c.

[F.]

Extract of general orders by General Jackson, dated Adjutant General's Office, New Orleans, December 16th, 1814. (See Niles' Weekly Register, vol. 7, p. 317.)

“Major General Andrew Jackson, commanding the 7th United States' Military District, declares the city and environs of New Orleans under strict martial law, and orders that in future the following rules be rigidly enforced, viz: Every individual entering the city will report to the Adjutant General's office, and on failure, to be arrested and held for examination.

“No person shall be permitted to leave the city without a permission in writing, signed by the General or one of his staff.

“No vessels, boats or other crafts, will be permitted to leave New-Orleans, or Bayou St John, without a passport in writing from the General, or one of his staff, or the commander of the naval forces of the United States on this station.

“The street lamps shall be extinguished at the hour of nine at night, after which time, persons of every description found in the

streets, or not at their respective homes, without permission in writing as aforesaid, and not having the countersign, shall be apprehended as spies, and held for examination."

Extracts of a letter from Major General Jackson to the Secretary of War, dated Head Quarters, 7th Military District, Camp 4 miles below New-Orleans, 19th January, 1815. (See Niles' W. Reg. 7th vol. p. 385.)

"Last night at 12 o'clock, the enemy precipitately decamped, and returned to their boats, leaving behind him, under medical attendance, eighty of his wounded, including two officers, 14 pieces of his heavy artillery, and a quantity of shot, having destroyed much of his powder," &c.

"Whether it is the purpose of the enemy to abandon the expedition altogether, or renew his efforts on some other point, I do not pretend to determine with positiveness. In my own mind, however, there is but little doubt that his last exertions have been made in this quarter, at any rate for the present season, and by the next, I hope we shall be fully prepared for him," &c.

(From Niles' W. Reg. vol. 8, pa. 122.)

New-Orleans, March 7th, 1815.

SIR—From the enclosed, which the commanding General believes to be genuine, the very pleasing intelligence of peace is placed almost beyond a doubt. You will please, however, in giving it publicity, to state the despatches referred to, have not from some extraordinary occurrence, reached the commanding General, and consequently leaves us in doubt whether the state of peace relates to the treaty as negotiated at Ghent, or to the ratification by the President of the United States. With due consideration,

ANDREW JACKSON,
Major General Commanding.

MR LECLERC, Printer.

General-Post Office, February 14, 1815.

SIR,—Mr Charles Bell, the bearer hereof, is charged with despatches relative to the state of peace which has taken place between the United States and Great Britain. I need not mention to you the importance of forwarding these despatches with the greatest expedition possible, and have only to request your aid in furnishing or procuring horses, or in case Mr Bell should be unable to proceed, to employ a new messenger, so often as occasion may require, to forward these despatches to New Orleans: any necessary expense which may be incurred in this respect, shall be duly reimbursed from this office.

R. J. MEIGS,
Post Master General.

Mr Bell will rest 4 hours at night, and travel 80 miles in day time, and proceed as far as he can stand it. The rider may take the lower road, direct for Columbia, so as to pass on the shortest route.

*To Post Masters, Contractors, and others on
the route from Washington city to New Orleans.*

(The despatch-bearer of the above ratified treaty, by some strange mistake, exchanged his despatches containing the treaty, for a bundle of old despatches he met with at one of the Post Offices between Washington and New Orleans, ordering out three regiments of militia. The mistake was not discovered till the seal was broken by Gen. Jackson, at head-quarters.)

From Niles' W. Reg. vol. 8, pa. 141.

*Head-Quarters 7th Military District,
Adjutant-Generals office, New Orleans, March 13th, 1815. }*

GENERAL ORDERS.

The commanding General, with the most lively emotions of joy and of gratitude to Heaven, announces to the troops under his command that a treaty of peace between the United States and Great Britain, was ratified and exchanged at Washington, on the 17th of February last.

In consequence whereof he loses not a moment in revoking and annulling the General Order issued on the 15th day of December last, proclaiming martial law, which is hereby revoked, annulled and countermanded; and he orders all hostilities immediately to cease against the troops and subjects of the United Kingdom of Great Britain and Ireland.

And in order that the general joy attending this event may extend to all manner of persons, the commanding General proclaims and orders a pardon for all military offences, heretofore committed in this district, and orders that all persons in confinement under such charges be immediately discharged.

(G.)

(From the New York Advertiser.)

General Jackson's conduct towards Mr Louallier, a member of the Legislature of Louisiana, some time after the battle of New Orleans, has been the subject of many remarks, and much discussion, both among his partizans and his opposers. His opposers have called it illegal and unconstitutional, and of course tyrannical and oppressive. His friends have justified it on the ground of

strong necessity—charging Mr Louallier with mutiny or exciting to mutiny, with being a spy, &c. &c. Louallier has recently published a history of the transaction, which has given rise to the following article. It seems that he inserted an article in a newspaper on the third March, 1815, complaining of an order of Gen. Jackson's commanding the Frenchmen residing in New Orleans to leave that place in three days, and to keep themselves at a distance of one hundred and twenty miles from the city. For this he was arrested, and imprisoned; and then brought before a court martial, to answer no less than seven charges as above mentioned, all arising out of the article thus published. After denying the jurisdiction and authority of the court martial, and being overruled, he suffered the case to go on without calling a witness, or making any defence. He was however acquitted. Gen. Jackson disapproved of the sentence of course, and gave his reasons. As soon as Mr Louallier was arrested, he applied to Judge Hall, of the District Court of the U. States, for a *Habeas Corpus*, which was granted. Instead of paying obedience to the writ, Gen. Jackson ordered the District Judge himself be arrested for issuing it, and had him imprisoned. The District Judge employed the U. States District Attorney to procure a *habeas corpus*, in his own case, from Judge Lewis—a Judge under the State authority—for procuring which the Attorney was arrested, and an order was issued by Gen. Jackson, for arresting Judge Lewis for granting the *Habeas Corpus* in favor of Judge Hall. Here were then three arrests, and an order for a fourth, under the authority of Gen. Jackson, in the proceedings relative to which, the rights and security of the several individuals were totally disregarded, and the authority and sanctity of the civil laws utterly despised, and trampled under foot. It must be acknowledged that a *strong necessity* must have existed to justify such outrageous proceedings. We will endeavor to ascertain the facts respecting it.

The battle of New Orleans, it will be recollected, happened on the 8th of January, 1815. On “the 21st of January, Gen. Jackson and the army left the field of battle to return to New Orleans.”—“Two regiments received orders to encamp at a place called Villere's plantation. “It will easily be imagined,” says Mr Louallier, “how painful such an order must have been for those two regiments, which, as a part of the levy *en masse* were composed of the greater part of the citizens of New Orleans, between the ages of 18 and 45 years. These militia men were deeply wounded at being thus deprived of the happiness of returning to the bosom of their families, at the same time that this favor was granted to the battalion of volunteers under the command of Major Plache, and the colored men under Major Daquen.” “Why did he retain these militia men without the city, while the others and even the corps of regulars, were allowed to enter it?” In this state of things, it would seem, and in consequence of the uneasiness felt and expressed, General Jackson issued his peremptory order for the re-

moval of the Frenchmen in the city to the distance of 120 miles in the country. That they should have been uneasy, is not strange; not merely because they were unnecessarily and arbitrarily kept from their families and their homes, but they were probably apprehensive of the effects of their exposure to the most destructive diseases. It is stated in one of the documents accompanying Mr Louallier's account, that the troops from Kentucky and Tennessee were stationed upon plantations, and that in one month no less than five hundred of them fell victims to diseases which originated among them.

What makes Gen. Jackson's conduct towards Mr Louallier the more remarkable is, that the publication which was the cause of it appeared, as is asserted by that gentleman, 43 days after Gen. Jackson had left the field of battle, and returned to New-Orleans—43 days after the British army had left Louisiana—and 22 days after the last act of hostility committed by the British forces, as their officers received intelligence immediately afterwards that a treaty of peace had been signed in December between the United States and Great Britain. It was also 21 days after Col. Livingston had returned from the British fleet, and informed General Jackson that news of peace had been received; and above all, it was 53 days after Gen. Jackson had written to the Secretary of War, that, in his opinion *Louisiana might be considered freed from her enemies.*

Under circumstances like these, and when there was no possible excuse for any measure of violence. General Jackson, without law or right, and in the face of all law, and all constitutional authority, forcibly arrested a private citizen, in no respect subject to his control, having no military character, but being of such an age that he was not by law liable to military duty, threw him into prison, ordered him before a court martial, and had him tried upon charges that would have cost him his life had he been convicted.

To the honor of Gen. Gaines, and the other officers who composed the court, they were too honest, too intelligent, and too independent, to be so lost to all sense of their duty as to find Mr Louallier guilty. In giving his reasons for disapproving the sentence of the court martial, Gen. Jackson says—"The charges against the prisoner were mutiny, exciting mutiny, general misconduct, for being a spy, illegal and improper conduct, and disobedience of orders; writing a wilful and corrupt libel against the Commanding General, unsoldiery conduct, and conduct in violation of a General Order; all of which charges are, on the face of them;" he remarks, "proper to be inquired into by a court martial." He then proceeds to state the circumstances which had led to the proclamation of martial law, one of which was the threatened attack upon New Orleans by the British. "Martial Law," he says, "as the most comprehensive and effectual," was established by him. "The occasion that calls it forth," that is martial

law, "involves at once the very existence of the government, and the liberty, property, and lives of the citizens."

"Martial Law being established, applies, as the Commanding General believes, to all who remain within the sphere of its operation; and claims exclusive jurisdiction of all offences which aim at the disorganization and ruin of the army over which it extends. To a certain extent it is believed to make every man a *soldier*, to defend the spot where chance or choice has placed him, and to make him *liable* for any misconduct calculated to weaken its defence." After a good deal more of this kind of military logic, Gen. Jackson comes to the case in hand, and attempts to apply it.—He says—"After the adjournment of that legislature of which the defendant *claims to be a member*, he remains within the camp of the American army, and within those limits which are declared to be embraced by martial law. How does he there deport himself?—Instead of contributing to the defence of his country, instead of seeking to promote that unanimity which a love of country, and the important trust which had been reposed in him might have led us to expect, we behold him endeavoring to stir up discord, sedition, mutiny, laboring to disorganize and destroy an army which had so lately defended his country, and might so soon again be necessary for its defence, not only inviting the enemy to renew his attempts, but contributing his utmost to enable him to succeed."

This certainly sounds well. The great objection to this bomb-proof reasoning is, that it is utterly unfounded in point of fact. The publication had nothing in it seditious or mutinous. It was a plain manly remonstrance against an act of oppression towards a meritorious set of men, who had been arbitrarily treated with rigorous and unjust severity. That there was no danger to New Orleans from the British forces is abundantly manifest from the facts already stated. They had retreated from Louisiana, no show of hostilities had been made for three weeks previously, and news of peace had been known for the same period of time. That the service of the troops, who were the object of the order to quit New Orleans, was not required, is proved by the order itself;—for they were directed not to come *within 120 miles of that city*. If martial law had ever been necessary, that necessity had long ceased. The whole then is resolved into a simple, unnecessary, and most alarming act of illegal and unconstitutional tyranny—such as ought to have subjected the author of it to trial and disgrace, at least, if not to a much more exemplary punishment.

"The Constitution of the United States," says General Jackson, in his reasons for disapproving the sentence of this court martial, "secures to the citizen the most valuable privileges; yet the same Constitution contemplates the necessity of suspending the exercise of some, in order to secure the continuance of all. If it authorizes the suspension of the writ of *habeas corpus* in certain cases, it thereby implicitly admits the operation of martial law.

when in the event of rebellion or invasion, public safety may require it." Without attempting to examine into the soundness of this implied deduction from the premises, or to inquire whether it was originally necessary to proclaim martial law at New Orleans, we would remark that on the 14th day of December, the Legislature had expressly refused to suspend the habeas corpus, doubtless on the ground that it was not necessary. If there had been any necessity for establishing martial law, that necessity was over; all danger from the British had long ceased, the civil laws ought to have been re-established, and the persons of the inhabitants freed from the effects of such an odious tyranny. Mr Louallier was a member of the Legislature. As such during its session, and as a citizen after its session had closed, he had made the most active exertions for the defence of the city and the comfort of the army. In remonstrating against the act of despotism by which the troops were banished from their homes, he did nothing that the laws would not justify. For such an act he was thrown into prison, brought like a deserter or a traitor before a military tribunal; and had he been convicted, would, beyond all question, like the "six militia men," have been shot as a deserter or a traitor. We say beyond all question he would have been shot: for when did his relentless prosecutor ever lose an opportunity to glut his vengeance when once the object of it was within his power? In this case, as in all others where he has been called upon to exercise any public duties, he took the law into his own hands, and turning his back on the constitution, trampling the authority of the courts under foot, and violating the sanctity of justice and the character of her tribunals, he attempted to exercise acts of despotism, which might have brought a Russian Czar to an untimely end, and even a Turkish Sultan to the bow-string.

The question then for the people of the United States to settle will be, *whether they will elevate a man of this lawless and ungovernable disposition, to the chief magistracy of the Republic?* Referring to this, and other instances of his unwarrantable, unconstitutional, and sanguinary conduct, even one of his devoted friends has charged him with having "violated laws, human and divine." If he is thus considered by his friends in what light must he be viewed by others? If elected President, the constitution entrusts him with the command of the navy and army of the United States. We have seen, that when at the head of only a small body of men he was able to suspend the operation of all civil-law in a very important district of country, establish the supremacy of military power, and under its influence, exercised acts of the most unqualified oppression and injustice. What might be expected from his irascible temper, his lawless ambition, his fierce and vindictive spirit, when clothed with the immense power which the constitution reposes in the chief magistrate of the nation?

(I.)

Extract from Gen. Jackson's despatch to Maj. Gen. Pinckney, dated "On the battle ground in the bend of the Tallapoosie, 28th of March, 1814." (6th Niles' W. Register, 130.)

"The enemy were completely routed. Five hundred were killed by the horsemen in attempting to cross the river; it is believed, that no more than ten had escaped.

"The fighting continued with some severity about five hours; but we continued to destroy many of them, who had concealed themselves under the banks of the river, until we were prevented by the night. This morning we killed 16 which had been concealed."

(K.)

Extract of a letter from Gen. Jackson to a gentleman in Nashville, dated "Camp before St Marks, 9th April, 1818." (See 14 Niles' W. Reg. p. 270.)

"Captain M. Eger having hoisted English colors on board his boats, Francis, the *Prophet*, *Hamotchemucks* and two others were decoyed on board, believing him to be the promised and daily expected aid from New Providence, under the command of Woodbine. These have been hung to-day.

(L.)


Extract of report of the committee on Military Affairs, presented by Thos. M. Nelson. (Niles' Register, 15th vol. p. 394.)

"Your committee find in the general order of 29th April, in which Gen. Jackson orders the execution of Arbuthnot and Ambrister, this remarkable reason, intended as a justification of the executions, principally of Ambrister, but applying to both Arbuthnot and Ambrister; "It is an established principle of the law of nations, that any individual of a nation, making war against the citizens of another nation, they being at peace, forfeits his allegiance and becomes an out-law and a pirate." It may be asked by what system of interpretation, the offences charged could be considered as piracies, which imply, in common acceptation, offences upon the high seas, of which the court could not assume cognizance; and it is equally difficult to understand the propriety of the appli-

cation of the term "out-law," to the offenders; a term, which applies only to the relations of individuals with *their own* governments. It will not be pretended that La Fayette, who volunteered his services in the cause of America, in the war which established our independence, forfeited his allegiance, became an out-law, and subjected himself to an ignominious death, had he fallen into the hands of the English. Or can it be believed, that one voice would be heard, in justification of Spain, if she were to execute such of our countrymen as she may make prisoners, while fighting in the armies of the South American Patriots? And if these cases should not be considered of such a nature, as to warrant a resort to so severe a measure, while they occurred with a people in a state of revolution, and considered by the parent countries, to be in a state of rebellion, much less could these men, (Arbutnot and Ambrister,) be considered liable to it, who were acting with a power acknowledged and treated, as sovereign and independent, by us.

Your committee beg leave to call your attention particularly to the case of R. C. Ambrister; who, after having been subjected to a trial before a court which had no cognizance or jurisdiction, over the offences charged against him, was shot by order of the Commanding General, contrary to the forms and usages of the army, and without regard to the finding of that court, which had been instituted as a guide for himself.

JJJJJJ

 *The following Valedictory of the President of the Convention, delivered on the eve of its adjournment, was omitted in its proper place.*

On motion of Gen. Carrington,

Resolved, unanimously, That the thanks of this Convention be returned to the President and Secretaries, for the diligence and ability with which they have discharged the duties of their respective offices.

The President then addressed the Convention in the following brief valedictory:

GENTLEMEN.—Your approbation expressed in the resolution just adopted, of my services in the discharge of the duties assigned me, cannot be too highly valued by me, especially as I am sure I am indebted for it more to your kindness than any merits of my own. I cannot be so insensible of the imperfection of my efforts

to deserve it, as to lay any claim to it. You, gentlemen, have discharged the duties confided to *you*, with an ability and a zeal that entitle you not only to the approbation, but the applause of your fellow-citizens. That your labors in the cause of civil liberty may continue to prosper, I humbly invoke that Providence, who on many trying occasions, in the most disastrous times, has manifestly directed the destinies of our country, to enlighten our fellow-citizens, and to inspire them with wisdom, to avert the danger that threatens its future peace and prosperity.



¶ The proceedings of the Convention should have been signed by the PRESIDENT and SECRETARIES.

B

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