

Nashville June 7th. 1828

Moses Dawson Esqr.

Sir,

Your favor of the 28th ult has been received, and recourse had to your letter to Major W. B. Lewis, so as to ascertain the object of your enquiries. Since the receipt of your letter, I have not had an opportunity of seeing General Jackson, so as to be able to give you the date of his commission as Attorney General, during the existence of the Territorial government of the South Western Territory of the United States, (now the State of Tennessee), which commenced in the Spring 1790, and ended in 1796, upon the admission of Tennessee into the Union. Being here, I know, that within that time, General Jackson acted as Attorney General, and presume, that he might have received his commission from General Washington, then President of the United States, as it has ever been usual for the principal officers of the Territorial Governments of the United States, to be appointed by that Government— Should you deem further, or more accurate information necessary, please drop me a line by mail, and it shall be procured. In relation to the rencounter, between Samuel Jackson and General Jackson, being the other point, to which you allude, I herewith forward you a certified copy of the record of the trial in court, from which, you will perceive that General Jackson was entirely acquitted, by a respectable Jury of his countrymen. From the Record it might be inferred, that I possessed minute information of the circumstances of the case; this is not the fact, for my recollection only enables me to say, that the defendant made out in evidence a complete justification, upon which he was acquitted by the Jury. At the time of this trial, our superior or supreme courts, sat in different Districts, composed of several counties, and the Jurors were not picked up of bystanders, as practiced in some of the States, but were selected by the respective County Courts from among the most respectable and best informed freeholders, of the several counties composing the District: Better, and taken generally, more enlightened Jurymen, could not be found in any state, than we had at that time. Names of persons appear on this record, who were citizens and freeholders of the Counties

{ State of Tennessee, Mero District,
Pleas at the Court House in Nashville, in the State of Tennessee, and
District of Mero, before the Honourable David Campbell, John Overton
and Samuel Powel, Esquires, Judges of the Superior Courts of Law and
Equity for the State aforesaid, on the second Monday in November in the
year of our Lord one thousand eight hundred, and seven, and of the
independence of the United States the thirtysecond

The State Indictment for an assault & Battery
vs With intent to kill. Samuel Jackson
Andrew Jackson

And now to wit, at the term, first above mentioned, the said—
Andrew Jackson appeared in Court, according to his recognizance,
and thereupon pleaded not guilty to the Indictment, and for his trial
put himself upon his country; Whereupon came a jury of good & lawful
men, to wit, Silvenus Castleman, John Buchanon, Edward Gwin,
Scion Hunt, James [W.] Kinnard, James Dickson, Erwin Cameron,
Lawrence Whitsell, Arthur Harris, Henry Rieff, David Edmiston
and Archibald Cheatham, who being elected, tried and sworn the truth
of and upon the premises to speak, and having tried the evidence, on their
oath do say, that the said Andrew Jackson is not guilty of the
Trespass assault and Battery charged upon him in the Indictment, as
in pleading he hath alledged. Therefore it is considered by the court
that the said Andrew Jackson be acquitted and discharged. }

{ A True Copy
[Teste] Jacob McGaovck Clerk
of Davidson Circuit Court }

of Davidson, Williamson, Sumner, Rutherford, Dickson, Wilson and Robertson. By our Constitution, Judges, in their charges to Juries, are forbidden to give any opinion as to questions of fact, as in England, and some of the states. They are constitutionally confined to the law in Tennessee. These facts combine to demonstrate, that there was no other operative influence on the trial, but the evidence itself. Since receiving your communication, I have met with a respectable man, who saw this rencounter. The cause, which led to it, is not recollected; no doubt a trivial one, as it would be perfectly in character with this same Samuel Jackson. The facts, as stated to me, by a bystander a few days ago, of which he was a witness, were these. Samuel Jackson, then lived in Nashville, on a street now called Market Street. General Jackson, in the ordinary pursuit of his business, was passing Samuel Jackson's door, walking with a cane, which had a sword in it, not unusual even in these days, but much more so then, without having any cause to suspect that Sam Jackson had any intention of making an attack on him. So it was, that as the General passed the door, Sam [section torn] [section torn] [who] was unseen and without any previous intimation, threw a large [illegible] head of the General, which, if it had struck him, as intended; from its size and form, must have put an end to his existence. Upon this large stone or rock being discharged without effect, Sam Jackson instantly stooped down to pick up another, always at hand in this city of rocks, and in the attitude of throwing the second stone, the General made a thrust at or towards him, with his drawn sword, which he had scarcely time to extricate from his cane; The cane pierced a loose-coat that Sam Jackson had on, but not his flesh, which caused him to drop his rock, and close in with the General, who threw away the sword and cane, and a violent scuffle ensued, which however, was soon put an end to by the bystanders; all that was done, was in an instant — except the prosecution, from which Samuel Jackson the prosecutor derived no credit.

Felis Grundy Esqr, of Nashville, was one of the counsel, and no doubt recollects the whole circumstances particularly.

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y mo ob s

[Mr.] Overton

18³/₄

Moses Dawson esquire
Editor of the Cincinnati Advertiser
Cincinnati
Ohio.

Judge Overton on
Genl Jackson's affair
with Sam Jackson