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FAITHFUL PICTURE

OF THE

POLITICAL SITUATION

OF

NEW ORLEANS,

AT THE CLOSE OF THE LAST AND THE BEGINNING

OF THE PRESENT YEAR,

1807.



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BOSTON: F

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1808.

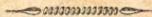
J. V.

ADVERTISEMENT.

MANY causes conspire to render it desirable that a faithful detail of the late transactions in Louisiana, should be at this time collected and presented to the public. If any great or important political changes await the nation, and many with deep concern apprehend that some such crisis is at hand, the occurrences of the last winter in that country, remote as it is, may perhaps be one day or other considered as among the more immediate causes at least of hastening events to which most men look forward with dread, and all with anxiety. In a state of precarious peace with all the principal maritime powers of Europe, and apparently on the eve of a war with that one in particular, from whose enmity there is most to fear, the country is perhaps entering on an untried state of things: and it may eventually prove to have been prophetically said upon the floor of Congress, that "if ever the United States go into a war they will not get out of it with the present constitution." But as if in anticipation of the period thus fixed for the fulfilment of the prediction, some measures lately adopted at New-Orleans, and the manner in which they have been countenanced and followed up by the Supreme Guardians of the nation, induce many to doubt whether the constitution has lasted even until the war begins; or at least, whether it has not received a paralysing shock benumbing its most valuable energies, and rendering it little less than the inanimate form of a system to amuse the curious in theories; a mere abstract scheme of government, whose vital principles, on every pretext of necessity or public exigency, the arm of physical power may practically dispense with at discretion. But whatever may be the political effect of the measures proposed as the subject of this publication, it is certain they have excited much curiosity and not a little interest wherever they have been heard of in the United States: a succinct history of the period, therefore, cannot be unacceptable. Already indeed, most of these interesting events have been partially published in detached pieces: but a complete detail of the whole, though much desired, has never been before given; a work, however, which the present writer did not attempt, until disappointed in a hope, which he some time ago indulged, of seeing the task undertaken by one of more talents and better information than himself. Of nearly all the transactions here related, however, he was an eye witness; and is therefore in some measure qualified to give at least a faithful narrative of them. He thinks it important, also, that the publication of such a narrative should be no longer delayed. In many of these transactions there has been so much obvious irregularity, and daring deviation from principles heretofore held sacred, that the facts should be related while yet fresh in the memory, and while so many living witnesses are within reach to attest their truth. A few years hence the story might otherwise be rejected as pregnant only with the mishapen monsters of a vindictive fancy, and at last, for some political purpose of the moment, perhaps reasoned into impossibilities, or glossed over by some skilful apologist. Were it indeed possible by such means, to consign the whole of these transactions completely to oblivion, the nation would perhaps have reason to rejoice at their fate. Precedents of such a perilous character ought always to be kept as much as possible out of view. But unfortunately, there are too many whom the events of that mysterious period have so deeply affected both in personal suffering and in reputation, and on whose feelings they have made an impression so poignant and indelible, that they cannot be forgotten. The story will never die altogether: that it may live free from misrepresentation is the object of the following pages.

The writer has another and a powerful motive for presenting to the public a faithful picture of the last winter at N. Orleans; a desire to do justice to the country which was chosen to be the theatre of these extraordinary scenes. The true character of the inhabitants of that country unfortunately is not generally estimated as it deserves to be in the United States. Should it therefore hereafter only appear on record, that certain bold and unprecedented measures of illegal violence had been resorted to on the part of the government, it may be suspected that those measures had for their justification the magnitude and imminency of the menaced danger; that possibly the country itself was unavailing in its attachment to the government, turbulent or treacherous. It will scarcely be credited some time hence, that, without a well founded apprehension of more immediate danger, the mysterious speculations or even intrigues of a few individuals in another part of the continent, or the assemblage of forty or fifty unarmed men, however unequivocal their designs at the distance of a thousand miles and upwards, could have induced the officers of the United States at New-Orleans to conceive themselves authorised to suspend the most essential privileges which are guaranteed to the citizen by the constitution of his country, disarm the civil authority, and at their own discretion arrest, imprison and transport citizens of the first respectability; had there even been an open rebellion in the country, and a well appointed army of rebels actually at the very gates of the city. That there has been such a wanton usurpation of unnecessary power cannot be believed without difficulty: to find some plausible motives therefore for that usurpation, the country itself runs the hazard of an unjust stigma. Already indeed, it has been more than once hinted, by some of those interested in devising excuses for the curious steps at that time taken, that the country was much suspected of dissatisfaction and of being too favorably inclined to the views of the dreaded conspiracy. But the friends of the country have ever fearlessly but in vain challenged an investigation. Proofs of the fact have been loudly called for but never yet produced. All such insinuations have in truth proved to have yet dared to accuse openly and who, instead of dissatisfaction, have ever given unquestionable proof of their loyalty by a uniform and respectful obedience to the will of the United States: a conduct the more reasonable when it is recollcted that the laws of those states are new in Louisiana, and have been imposed on the people of that country by a nation to which they are as yet strangers in political relations, as well as language and habits; to which they are in fact as yet little else than a foreign colony, taxed without being represented, and bound by civil institutions to which they have never yet even constructively assented.

A FAITHFUL PICTURE, &c.



THE province of Louisiana has of late years engaged so much of the public attention, and the means of information respecting it have been so multiplied in the United States since its late cession, that it is unnecessary to introduce this narrative with any general remarks on a country already so well known. The writer therefore hastens towards the period, a sketch of which is here more particularly intended.

Both the Spaniards and the French relinquished the flourishing colony of Louisiana to the United States, with reluctance. The sensibility of some of the French on the occasion, was particularly observable at the delivery of the province to the American commissioners. That the Spaniards also suffered the sovereignty of the country to pass out of their hands unwillingly, was equally visible. The officers of the government protracted their stay in New-Orleans many months beyond the time limited by the treaty; until indeed the American government, distrustful of their views in such unreasonable delay, at length actually forced their departure. But even at this moment they are unwilling to believe that the country is really lost to them forever; and an opinion is still cherished among them, that the United States hold the place only in trust during the war, and that a European peace will restore it to its ancient masters. Nor would it be surprising, (and no disrespect is intended to the inhabitants of Louisiana in suggesting the idea,) if many of them at that time sympathized in the sentiments and hopes of the friends who were leaving them. Few indeed, if any in that country, are now dissatisfied with the general principles of the existing government. But it would be a poor compliment at least to their hearts, to suppose, that on hoisting of the American flag in New-Orleans, the Louisianians all suddenly divested themselves of all their former attachments. The writer respects that people too highly to believe, what in truth they have ever been too honest to affect, after a rapid succession of changes of allegiance, unsought on their part, and all negotiated even unknown to them, that they became at once unmeaningly devoted to the domination of strangers, speaking another language, and introducing modes of government till then unknown to them, and almost wholly destitute of those splendid exteriors of power which are employed by other governments to command sudden respect. The American constitution and laws require to be studied before they can be justly appreciated. Let it therefore be considered rather as an honor than a reproach to the Louisianian, that, after having lived perhaps a long life under the mildest government known in a Spanish colony, and there grown rich in wealth and honor, amidst a numerous and flourishing kindred, he could not refrain from a tear at the departure of

his long and respected patrons, and still cherishes a grateful remembrance of their worth. But let it not be hence inferred, that it is here intended to represent the inhabitants of Louisiana as malcontents, from whose disaffection the United States can with justice entertain the slightest apprehension. After having so long and so patiently suffered a privation of certain important political rights, which are, in their opinion, guaranteed to them by the treaty which gave them to the United States, their unaffected deference to the decision of the general government on that question, and their silent submission to the unkind, and perhaps scarcely civil treatment, which they received on their first respectful assertion of those rights, such almost unprecedented forbearance on their part furnishes a convincing proof that a disposition to faction or revolt, makes no part of the Louisianian character. The Louisianians without doubt, in common with the human race every where, have their weaknesses and imperfections. But among their virtues, industry, temperance and hospitality, eminently prevail; and these are not qualities with which any aptitude to disturb the public tranquillity can easily combine. The inhabitants of Louisiana, like most cultivators of the soil, are of a domestic turn, sincere friends to peace and social order, and active in the performance of all public duties assigned to them. Of their natural disposition to good order, there is ample proof in the undisturbed state of peace and tranquillity which the country continued to enjoy after the late cession, during an interval of nearly a year, in which almost an interregnum of all perceptible authority prevailed, when it was unknown by what laws the country was to be governed, or indeed whether there was any law in the province or not. These truths were so obvious, that as soon as the United States had obtained peaceable possession of the country, their troops were no longer kept together at New-Orleans; the government, by their conduct, shewing a just and judicious confidence in the good sense and friendly disposition of the people.

But the troops, though thus wisely withdrawn from the capital, were but too much wanted in other parts of the country. Secure as the government might have been, if not of the affections, at least of the obedience and good conduct of the inhabitants of Louisiana, it ought to have been recollected, that both on the East and on the West of that province the Spaniards were still in force; and that many of those who had been lately expelled from Louisiana, were now hovering on its frontiers, provoking vexatious contests about limits, and occasionally violating with armed force, and even with outrage, the unequal and undisputed territories of the Union.

At the Mobile, the American trade was incessantly harrassed with searches, and obstructions, and too often had to submit even to unjust exactions. From Baton Rouge armed parties frequently entered the Mississippi territory; and at one time seized some American citizens*

* Two men of the name of Kemper, who on their passage afterwards down the Mississippi, confined in a Spanish boat, were gallantly rescued by Lieutenant Wilson, of the United States' artillery, and a small party of soldiers.

who resided near the frontier, and carried them off as prisoners. From Nagogdoches the American settlements near the Sabine and on the Red river were continually menaced and disturbed. And at length a Spanish army of several hundred men having collected there, they proceeded to acts of open hostility, took several prisoners, and opened an asylum for deserters from the American army, and even for slaves, who were accordingly invited by proclamation, to escape from their masters. From the Sabine to the city of New-Orleans, the country was open to the invader. There was but one place of strength on the road, and that was at Baton Rouge, a settlement still in possession of the Spaniards, though within the territories claimed by the United States. Such was the position of affairs in Louisiana, towards the close of the year 1805, without a single regiment or half regiment of regular troops to repel the aggressions or resent the insults with which the country was on every side assailed; and by a foe, in whom the people could see nothing to respect but the increasing boldness with which they daily set the country at defiance.

These events of course did not fail to produce at New-Orleans the feelings and the fears which the occasion naturally suggested. There was already in that city a respectable battalion of volunteers. In addition to this, a "military association," consisting of the most respectable citizens, and divided into several companies, was embodied for the immediate protection of the town. Among the Americans particularly, a universal spirit of enterprize and resentment prevailed. Private associations were formed with objects beyond a mere defensive war. And signal retaliation on the Spanish possessions in that vicinity was every where spoken of with confidence and enthusiasm.

In these feelings however of the citizens of New-Orleans, the general government refused to sympathize. To the poignant mortification of every friend to that country, the session of Congress of 1805—6 closed, and little efficient notice was taken of the perilous situation of Louisiana. Congress as if regardless of the dangers and indignities to which that province was exposed, shewed but little disposition to attend either to its past grievances or to its future security. Notwithstanding the official though imperfect account of these transactions which the President communicated, together with his opinion, that an amicable accommodation of the then existing difficulties between Spain and the United States was hopeless, his representations were altogether unheeded. Instead of Spain, the public resentment was directed rather against England, on points important without doubt, but of little else than a mere commercial nature.

This unexpected turn of general politics in the United States, naturally leads the mind to some painful reflections on the inadequate causes that are sometimes suffered to operate powerfully on public sentiment. When an obscure individual of the name of Pierce, was unfortunately, but in a great measure accidentally killed at New-York, by a shot from a British frigate; that city was suddenly thrown into a ferment of indignation; and many other cities warmly participated in the feelings excited there on the occasion. That this, with many, was a mere electioneering trick is sufficiently proved by

the circumstances of the times, and the use openly made of it. From some motives or other however, the whole nation was for several weeks clad in mourning and in menace. In that one gun from the Leander, on the Atlantic shore, there was more insult and aggression than in all the daring violations already mentioned on the western frontier. As if the nation were wholly insensible to indignity, except on one side, the voice of the people throughout the continent was raised in solemn dirge over the tomb of this one solitary victim of mischance, while on the western frontier citizens were attacked with impunity in their houses by a foreign army, within the territories of the Union, plundered of their servants and property, seized and dragged into confinement, and then actually in the dungeons of Nagadoches, or of St. Antoine. In the general outcry against England, the sufferings of these citizens were forgotten or lightly mentioned as distant evils, affecting neither the honor or safety of the nation. Such however, appeared to be the disposition of the general government, as well as of the Atlantic States generally: and consequently the Americans in Louisiana thus disarmed by natural policy, had to abandon all those projects of attack and defence, which they had formed in the expectation of an immediate war. For a time at least, they were compelled to smother their just resentments, and suppress all that ardent spirit of ingenious and patriotic enterprize, which not many months before had animated every breast among them.

The consequences of this policy were such as were naturally to be expected. The Spaniards on the Sabine were emboldened by the supineness of government. And being reinforced from the interior of Texas, they again appeared in arms with the Governor of that province at their head; and encamping within the limits of the United States' territory at Nachitoches, renewed their threats and recommenced hostilities. The transactions which followed are very generally known. The United States' post at Nachitoches was now strengthened by the addition of all the regular troops that could be immediately collected there. Several corps of militia also were called from the neighbouring counties, where many Americans were settled, and from the Mississippi territory. Governor Claiborne proceeded himself to Nachitoches and the other western counties to hasten the preparations; but at the same time not without a hope of being able to avert the calamities of the impending conflict by amicable and honorable negotiation with the invader. In this reasonable expectation however, he was disappointed; the work of peace was reserved for a more happy negotiator. After a fruitless attempt to persuade the Spaniards to retire beyond the Sabine until the disputed boundary should be settled by their respective governments—Claiborne became impatient for the conflict, which to him then appeared inevitable. His intention was to dislodge the enemy before they could be further reinforced. And an attack would have been immediately made on the Spanish camp, had not General Wilkinson's previous orders to the regular troops directed them to act on the defensive only until his arrival. Whether these orders were dictated by the General's jealousy, or his distrust of Claiborne's military qualifications, or whether

from some secret sympathies with those who served his Catholic Majesty, still remains unknown. Wilkinson at length arrived and Claiborne returned to New-Orleans. Between Wilkinson and the Spaniards negotiations were now renewed under more favourable auspices; and either by the superiority of his diplomatic talents, or the skilful use of some secret* to which Claiborne was a stranger, the general in a short time brought the Spaniards to the very terms which the less fortunate Governor had before proposed to them in vain.

On Claiborne's return to New-Orleans, and before the result of Wilkinson's negotiations at the Sabine were known, much fruitless exertion was used to prevail on some of the city militia to join the army at Nachitoches. This circumstance was mentioned, not so much on account of its own immediate importance, as because reference will necessarily be had to it in a subsequent and material part of this narrative.

The backwardness on this occasion of the citizens of New-Orleans, who a few months before had manifested so much public spirit, is easily accounted for. On former occasions they had believed, that in their readiness to take the field to resent the wrongs of the country, they only anticipated the wishes, and entitled themselves to the thanks of the government. How great and discouraging therefore was their disappointment, when they found, several months afterwards that notwithstanding the insecurity of the frontier, and indeed of the whole country, not one additional soldier was sent for its protection; that apparently in consequence of some commercial difficulties with England, Louisiana and all her concerns, the injuries which her citizens daily received from foreign aggression, and the indignities to which they were exposed from foreign insolence, engaged as little of the attention of the national councils as if the province had not been under the protection of the United States! This spirit of enterprize in Louisiana had accordingly fled with the energies of the government and was not to be recalled with ease on the present occasion. Claiborne however determined to make an experiment of the dispositions of the people and the failure of his hopes was such as he ought to have expected, and could not but have foreseen.

In the first instance, application was made to the battalion of volunteers. Of these whole companies refused to serve; and of the rest, so few offered their services, that the idea of engaging that battalion was abandoned altogether.† The regular militia were then

* The General now says, that he prevailed in this negotiation, by communicating Burr's plans to the Spanish general, and showing him the necessity at least of harmony, if not of co-operation also between them, to resist the expectation. It was the terror of Burr's name therefore, and not of the arms of Wilkinson, that "drove the Spaniards thirty leagues on the other side of the Sabine," as the general lately boasted. How he could have driven the Spaniards so far on the other side of that river, without crossing it himself, remains to be explained. The general sometimes shoots with a long bow.

† The "militia association" mentioned in a former page, was now no longer in being. The spirit in which it was at first entered into soon flagged: it had been for a long time altogether neglected; and its existence was by this time almost forgotten.

called upon, and a scene ensued almost too ridiculous to be gravely related. Two regiments and a part of a third were paraded in one of the suburbs. The officers, commanding these regiments, addressed each his own corps, briefly mentioned the object for which they were assembled, and without any previous arrangement or understanding with the citizens generally; it was signified to them unexpectedly on the spot, that those who volunteered should *stand fast*, and those unwilling to serve fall back some paces in the rear; a manoeuvre both novel and awkward in the extreme. Unluckily, neither the addresses or the directions, with which they concluded, were distinctly heard or well understood in the line. The general impression was, that the volunteers, as is usual on such occasions, were directed to advance some paces in front. Accordingly not a man quitted his ground; and the officers, either mistaking, or affecting to mistake, this *standing fast* of the whole as indicative of their unanimous alacrity to serve, incontinently conveyed to the governor the glad tidings, that the militia had to a man volunteered. Incredible as this must have appeared, Claiborne was too much delighted with the intelligence to admit a doubt of its truth. Immediately afterwards, in full uniform, and accompanied by several officers of his staff he repaired to the place of rendezvous; and riding in the centre of a hollow square that had been formed to receive him, he saluted the three regiments with great complacency, paid them a short compliment on their patriotism, in an audible voice, *accepted their services*, and retired.

Even to those who understood the English language, this unexpected condescension of his excellency was not at first perfectly intelligible; and their French and Spanish fellow-citizens were of course still more ignorant of the honor intended them: for the Governor spoke in English only. For the better information of the public, however, on a point so necessary to be understood, at least by those whose personal services were required, an extra Gazette was quickly afterwards struck off, announcing the unanimous offer of the militia of the city and suburbs to serve on the frontiers. If report spoke truth the Governor would not be un deceived, until he had dispatched an express to the city of Washington, with the same agreeable information. An hour however, had scarcely passed, before the citizens from all quarters, swarmed around the government house to set his Excellency right as to the unlucky mistake which he had made. For some time he defended himself with great dexterity and courage, until overpowered by numbers, he was at last compelled to surrender his point. As many of the Gazettes as could be found were called in and suppressed; and as little as possible was afterwards said about the expedition. Fortunately, in a few days, the successful termination of Wilkinson's negotiation with the Spaniards was known at New-Orleans; and there being no longer any ostensible necessity for the services of the militia, Claiborne was spared the mortification of a public *reclaireissement* on the subject of their volunteering.

All apprehension of molestation from the Spaniards being thus removed, the inhabitants of New-Orleans learned with pleasure, that General Wilkinson, to whom the country was apparently so much

indebted, proposed to pass the winter in that city, with his lady.— Accordingly, on his arrival, which took place about the 25th of November, he was received by society generally, with distinguished attention. The politeness of the citizens on this occasion, was afterwards used in the United States as evidence of the great popularity of the General at a subsequent period, when, in reality, such attentions were not paid to him; when the people, no longer assured even of internal peace, awaiting in silence the issue of the fearful events of the day, without any disposition to trouble with unseasonable compliment, a government of such equivocal character, as that which Wilkinson and Claiborne were establishing in the country.

The first symptoms of uneasiness at New-Orleans, were occasioned by news from Natches, that the General on his return from the Sabine, had required of Mr. Meade, the Secretary and then acting Governor of the Mississippi territory, five hundred militia, to proceed to New-Orleans. Mr. Meade desired to know the object for which the requisition was made. This the General refused to communicate. And Mr. Meade, either suspecting conduct thus mysterious, or offended at the General's want of confidence in him, would not furnish the men. It appeared extraordinary in the extreme, after an amicable adjustment of the difficulties on the frontier, that General Wilkinson, with a respectable body of regular troops already under his command, should require a reinforcement at Natches to proceed to New-Orleans; where the militia were already numerous, and many were well armed and disciplined. As yet, the supposed designs of Col. Burr were unheard of at New-Orleans; and conjecture was tortured in vain to discover the enemy. A rumor indeed, was at one time breathed, that an insurrection in the western country had either taken place, or was apprehended. But this was generally disbelieved. Many in the city were well acquainted with the people of the western states, the firmness of their attachment to the existing government, and devotion to the present administration in particular. Most of those persons had recently received letters in the usual course of established confidence with that country, and nothing of disaffection was hinted at. It was besides objected to the report, that if an attack were apprehended from above, the General, instead of weakening Natches by drawing off the militia, would rather have thrown additional force into that territory; and instead of descending with the whole of his army to New-Orleans, where the river is a wide sheet of water with a low and flat country on both sides, that he would rather have availed himself of the many heights, narrows, inlands and other interesting points on the Mississippi above Natches, where a small party might, from advantage of position, successfully dispute the passage of a considerable force. The city could derive no security from the abandonment of the country above it. On the contrary, the invader, after having possessed himself of the Mississippi territory, the fort and settlement of Baton Rouge, and both banks of the river from thence to New-Orleans, and exhausted these rich and populous tracts of country of the resources in which they abound, would descend so powerfully reinforced, equipped and provided, that

there could be but little hope of protecting the city from a speedy participation in the general calamity. It was therefore confidently believed, for several days, (except by those immediately in the confidence of the General) that his measures were directed against some foreign foe; possibly against the Spaniards, of whose sincerity in pacific dispositions, few were as yet thoroughly convinced.

In the mean time, workmen made their appearance on some of the old and ill-contrived military works, which had long been suffered to fall into decay in the city of New-Orleans. Contracts were entered into to supply a sufficiency of pickets to enclose the whole town towards the land, and various other articles used in fortifying; and works were undertaken which, according to the shortest possible calculation, could not have been completed in less than a year. One circumstance was remarkable in these contracts, that instead of being publicly offered as usual, to those who would engage on the best terms, they were entered into privately; and every transaction respecting them has been kept so studiously from the public eye, that it is doubtful whether the real contractors are yet certainly known. And it is very generally believed that the terms throughout have been unfavorable to the government.

The fortifications contemplated by General Wilkinson deserve attention. The Spanish works were erected when the buildings in the city covered but a small space of ground in the centre, remote on all sides from the fortifications. In the course of time, however, the buildings were extended in all directions, until they reached the works. Some lands above the city were then laid out in a suburb, which was soon built; and in the rear of the town another suburb was gradually formed by buildings extending from the city towards the bay on St. John. A third suburb has also been within a few years established below the town. And so rapid has been the progress of improvement in these suburbs, that they may now be considered as containing more than a third of the population of the place generally. The works around the old city however, were suffered to remain, or rather the ruins of those works. Though they had not been repaired for many years, and were absolutely unserviceable, the parade of rusty guns on rotten carriages, and of sentinels at hingeless gates, was kept up by the Spaniards while they remained in the country. After the Americans took possession of New Orleans, in the winter of 1803-4, the season being unusually cold, and fire wood scarce, the poorer citizens began to demolish the palisades, bridges, gates and chevaux-de-frises on every side; and in a few nights dismantled the city of all its apparent military character. The American commissioners, Claiborne and Wilkinson, affected to be much displeased at the liberties which the people had taken with public property; though the former, in the true spirit of his political sect, in reality only smiled at the demolition, considering all such artificial modes of defence superfluous under a popular government. Across the ditches and glacis, paths and passages were now made, wherever convenience suggested them. The principal gates, or rather gate posts, were pulled down, and the roads widened. After the incorpo-

ration of the city in the year 1805, nearly every distinction of city and suburb was unnoticed. And between the old city and the upper suburb a new street was opened, which filled up the fosse, and infringed upon the tottering ramparts of an intervening fort.

In this situation General Wilkinson found these works at the end of the last year, when he undertook the Herculean task of reinstating them in their former strength. By the Spaniards, these works, extending upwards of two miles in length on the east, west and north sides of the city, had been slowly erected, at a small expense to the king, by the labour of a numerous soldiery, and of convicts. The necessary timber also was then standing under the very walls of the city. To rebuild these works hastily, now required workmen to be hired in great numbers, and at an enormous expense, for the price of labour is very high at New Orleans. And the timber required could not be obtained nearer than West Florida; and had to be transported first from the woods to Lake Ponchartrain, then thirty or forty miles across the lake, and afterwards five or six miles by a bayou and a canal, or by a bayou and a cartage of two miles, to the rear of the city.

This great work however was commenced. From the fort which is already mentioned as intervening between the old city and the upper suburb, a ditch was cut to the river across the principal road, and a rampart thrown up. The new street also which had cut off a part of that fort was now shut up, and the rampart, ditch, &c. were replaced in their former situation. And thus one third of the city became as effectually barricaded out from the rest, as if the enemy were already in possession of the suburb, and its total demolition had been determined on.

On the repairs of this fort and the erection of the new works contiguous to it, the principal labour was bestowed, though there was scarcely a line in which the fire of that fort could be directed without destruction to a valuable part of the town. It was evident indeed, from the manner in which the city is now built around it, that this fort was incapable of affording the place any protection against an external enemy. And its refitment on this occasion, therefore naturally excited in the public mind an odious suspicion, that the General's real and immediate object was to command and overawe the city itself, though with what eventual views few dared to hazard a conjecture.

But however the prodigious plans of the General were calculated to inspire the citizens with apprehension, they fortunately had one source of consolation in the miserable and puerile manner in which these plans were carried into execution. The new ditches were so narrow that an active stripling could leap the widest of them with ease; and the walls or the parapets, as if despising the protection of such ditches, took advantage of every shower of rain to fill them up in several places. Fortunately for the purse of the nation it has not been found necessary to persist in these works. How much money has been already expended on these Shaldeen experiments of the General is as yet unknown; but it is supposed that they have cost the country some hundreds of thousands of dollars.

But to return to the General's arrival at New-Orleans. For some time the citizens were kept, though it is difficult to understand why, completely in the dark as to the object of all these military preparations. Sailors however at length were wanted for the gun boats and other United States' vessels then fitting out, and it became necessary to apply to the merchants for assistance. On the 9th of December last, accordingly a meeting of the merchants and some of the other principal inhabitants was called at the government house, where the Governor and General attended to receive them. Here the citizens were for the first time informed of the dangers to which the country was said to be exposed from the designs and supposed armaments of Col. Burr. The speeches of the Governor and General on the occasion, were prepared with art, and delivered with some address. That of the latter in particular had not a little merit. With the exception of an affected pathos, and that disposition to excite verbiage, which so peculiarly distinguishes his literary compositions; his address was calculated ingeniously enough to produce the effect which he had in view, with that class of citizens of which his auditory was almost entirely composed.—These speeches were never accurately given in any of the public prints. The substance of them is as follows:—

The Governor first unfolded the object of the General's preparations, namely, to defend the city against a numerous and powerful party, headed by "some of the first characters in the Union," which was shortly to descend the river from the western states, with hostile views against the country. He stated the difficulty of manning the armed vessels of the United States then in that port, and concluded by expressing his confidence in the merchants, that they would adopt the best and most immediate measures to enable the officers of the navy to procure the necessary hands.

General Wilkinson spoke more at length. He commenced with a tedious detail of the manner in which he had been apprized of the impending danger, and of his own address and ingenuity in penetrating the mysteries of the conspiracy. He mentioned Col. Burr as the companion of his youth, his brother in arms, and bosom friend through life; and concluded with denouncing him as the "arch traitor" who headed the rebellious expedition. He spoke of the expected co-operation of the British navy with Col. Burr, and the ultimate destination of the expedition to Mexico; but not, as he emphatically added, until these adventurers had *plundered the banks at New-Orleans; seized the shipping, and in short, helped themselves to every thing of which an army of seven thousand men could stand in need of!*

These speeches produced the effect required. The last mentioned sentence of the General seized instantaneously on the whole nervous system of his audience and produced a sudden sensation which beggars all description. The persons present were principally merchants; their banks, their ships, even the very goods in their warehouses, all menaced with the merciless requisitions of seven thousand hardy and half naked adventurers! This was a shock for which they were wholly unprepared, and pregnant with every thing horrible to a

commercial imagination. There was no time for deliberation; no interval allowed for calm discussion of the probable truth or falsehood of the alarming information. Suddenly petrified with astonishment and dread their intellect was struck motionless. With beating hearts and pallid countenances they only demanded to know how they could best contribute to strengthen the arm of government at the present crisis, against an expedition so diabolically conceived.—At this favorable moment it was proposed that the ships in port should be detained and the crews discharged, that they might enter on board of the United States' vessels. The merchants instantly agreed, and an embargo was laid.—And as if it was impossible for them to do too much in support of the government at such a perilous season, they, on withdrawing from the government house opened a subscription at the exchange, for extra bounty and clothing for such seamen as should go on board of the United States' vessels; and before night a large sum was subscribed.

Of the embargo on the shipping, it has been said, that it was continued as it began, only in the acquiescence of the merchants individually, and not by the authority of government; that any one merchant might, by incurring merely the penalties of public odium, have sent as many vessels as he pleased to sea without opposition from the government. But this is untrue. For it was then well understood, that clearances could not be obtained at the custom-house, during the continuance of the embargo, without the special permission of the territorial government; and that even after the collector no longer felt himself authorised to refuse them, no outward bound vessel was suffered to pass the fort on the river without a written permission from the Governor or General.*

It was of course some time before many recovered from the shock which they received at the government house on the 9th of December. Some however found leisure before long, to collect their scattered senses, and endeavoured to take a dispassionate view of the perils to which it was said the country was exposed, and the plans adopted for its protection. The General's attempt to disarm the Mississippi territory, by drawing off the bulk of his militia, and refusing to apprise the acting Governor there of the dangers to which his government was more immediately exposed than that at New-Orleans, recurred with force on the minds of all who dared to reflect. If Burr were really descending the river with seven thousand men, it was asked, how could Wilkinson expect to oppose him at so defenceless a place as New Orleans, with scarcely a seventh of that force, including the militia? And if Burr's object were to seize the specie in the banks, the shipping and other property, how were they to be protected by an embargo? Or by dismantling and unmanning the very ships, by means of which alone any part of the property could

* The sloop Two Friends, Captain Hubbard, which sailed from New Orleans about the 20th of December, had to obtain a passport from the Governor. Another vessel, the name of which is now forgotten, was about the same time stopped at Fort St. Philip, and sent back to town, not being furnished with that necessary document.

be preserved? To obviate in some measure this last objection, it was boldly suggested that the whole of the specie in the banks ought to be immediately embarked on board some armed vessel under the orders of the General, ready to put to sea on the arrival of the expedition from above. Whether this ingenious proposition originated at head quarters is not known; but from whatever source derived, or with whatever views suggested, it contributed much to excite some serious suspicions of the measures pursued by the government, and confirmed many in the belief that they were founded in weakness or in wickedness, if not in both. In a few days the embargo was much complained of, as a measure into which the merchants had been unfairly surprised; and many struck their names with indignation from the subscription list of extra bounty and clothing for the sailors. The reality of the danger was every where questioned; and nearly all began to turn with disgust from the pompous display of overacted patriotism and needless alarm, by which the officers of the government were endeavoring to impose on public credulity.

Among the particulars detailed in the General's communication to the merchants at the government house, it was positively stated, that an army of seven thousand men had been actually raised, and were then in motion; and that the advance guard, consisting of two thousand men, would certainly arrive at Natches in eleven days. All who were capable of a moment's reflection, refused credit to the intelligence. Between New Orleans and the western country generally, there passed continual intercourse of trade and correspondence. And it was then the season of the year when arrivals from that country were beginning to occur almost daily. It was therefore considered as impossible that so large an army could have been even raised there, and much less on its march along the high road of all the commerce of the western country, and that nobody in New Orleans should hear of it but General Wilkinson. Could two thousand men, it was asked, have reached within eleven days march of Natches, in silence and unseen, preceded by no information of their approach but that which the General received, no precursive reports? That the General should hazard so palpable an improbability on his own credit alone, could not but excite an unusual degree of astonishment in all who believe even in his cunning, were not that astonishment lost in another miracle, that any man of ordinary understanding could be so much the dupe of his fears, as to give credit to the tale.

Nothing short of information the most particular and unequivocal could authorise any man to spread so serious alarm through the country; and that General Wilkinson had no such information, is evident, as it has since appeared that the facts related never had even a shadow of existence, except in the fables of the General himself. By subsequent disclosures of his own indeed, it has long since been reduced to a moral certainty, that he could not at the time have believed the story himself. He by his own statements on oath since that time, acknowledges the receipt of Burr's famous letter in cypher by the hands of Mr. Samuel Swartwout, at Natchitoches "early in

October." From this letter and his conversations with Swartwout at that time, he pretends to have learned the nature and views of the expedition in its full extent. If on that occasion the General had been faithful as a citizen or vigilant as a soldier, is it not reasonable to believe at least that instructions were given to the military posts under his command on the leading water courses, if the propriety did not suggest itself of using other means of information also, to obtain the earliest intelligence of the actual movements of an expedition so important, if not also pregnant with danger to his country? Is it to be believed that he remained two months incurious as to the physical existence of that expedition; that with all the means of positive information in his power, he contented himself with chance news and conversations with persons who knew as little of the actual situation of Colonel Burr as he did himself; and that he himself was really imposed on by rumor, which by the way, nobody had heard but himself, on the 9th of December, when he addressed the merchants? If he had really received any credible intelligence from the upper country it must have told him that there were no arms there: he therefore either deceived the merchants by telling them that he had certain accounts from that country, when in truth he had none, or having had intelligence from that quarter, misrepresented it most grossly.

It remains then to be asked, on what authority did General Wilkinson make this communication? On nothing more than this, that Colonel Burr, in a letter written early in July, and two of his friends who had not seen him since that time, told the General among other things, that Col. Burr *intended* to raise an army, and *intended* to be with the advance guard at Natches by a certain time. But that these intentions, if ever they were conceived, had not been carried into effect, must have been as well known to Gen. Wilkinson on the 9th December as it is now. How contemptible therefore must he appear, thus publicly detected in a wilful falsehood, calculated to throw not only the territory of Orleans, but the union into a ruinous state of terror and confusion; a falsehood fabricated with no other view than that of preparing the public mind for the outrages which he meditated against society and its laws; and exhibiting to the nation a violent proof of his affected incorruptibility and overbearing zeal in the service of his country. He believed, perhaps that should he attempt his lawless career at New-Orleans, without due precaution, he might there find a sufficiency of public spirit as well as of force to resist him. He determined therefore to commence with paralysing the one, and if possible getting the other into his own hands; and for this purpose he suddenly introduced the pretended danger in the most gigantic form possible; and least the citizens should take time even to breathe, he announced the monster as just at hand, ready to devour them. In this scandalous imposition on the public he was but too successful at first. Society was panic struck at the intelligence; and reason and reflection were for the moment drowned in the pomp of military parade, or hurried away in the bustle of warlike preparation.

The public mind having been thus artfully wrought up to the necessary pitch of agitation and alarm, the General commenced his

operations. On the evening of Sunday, the 14th of December, Doctor Erick Bollman was arrested by a military guard in the public streets, and afterwards conducted to some secret place of confinement. This was done without even the picture of lawful process, or by any other authority than that of General Wilkinson; though the officer had the weakness to tell Bollman that he arrested him "in the name of the U. States." As if in mockery of the laws, that officer was without doubt instructed, while his sword was drawn against one of the vital principles of the constitution, to profane the sacred name of the nation by stamping it in the crime.

On the evening of the 15th, Mr. James Alexander, a counsellor at law, applied in behalf of Bollman to Judge Sprigg, for a writ of habeas corpus. This is an important writ, but one, the nature of which is well understood. It is particularly well known that delay *will* often and *may* always defeat. In this writ also there is this peculiar excellence, that even when it issues irregularly, improperly or without cause, it does no mischief; it deprives no man of liberty, and puts none to inconvenience but those who apply for it. Hence it is that this writ ought never to be refused or even delayed, not only when a regular affidavit, but when even a credible suggestion supports the application for it. Judge Sprigg however, was unwilling to act alone, and refused the writ until he could consult his colleague Judge Matthews; and as Judge Matthews could not be found that evening, the application was laid over till ten o'clock the next morning, to be then renewed in open court. And during this delay, Bollman, who had been shipped on board of a vessel,* was actually descending the river in custody, to be removed beyond the jurisdiction of the court.

Next morning Mr. Alexander attended the court and renewed his application of the preceding evening. On this occasion he was joined by Mr. Edward Livingston, a counsellor also, whom Mr. Alexander had requested to assist him. After a short argument the writ issued; that writ which has seldom issued in vain within the territories of the American Union, until it was addressed to General Wilkinson; that stern precept to which, even in nations less free, the yet unshathed sword of the conqueror resigns its captive without a pause; that august mandate of supreme law, to which even the crown of the British monarch, in all the pride of despotic insolence with which that crown has been of late so much reproached, has ever bowed in submission; that long generated writ to which in a free country, oppression never yet dared to refuse its victim, until the General commanding the army of the United States first gave a signal example of disobedience and defiance!

The General's return to that writ has been already published, and without doubt read throughout the United States with alarm. No apology however is necessary for inserting it here again. It is in itself a volume of disgusting self importance, ignorance, falsehood, contempt of the law and its ministers, insolence, vanity and bombast, such as perhaps never before was, nor ever again can be comprised in so lim-

* The schooner Amelia, captain Brookes.

ited a compass. In this short and sententious essay of the military genius of that country it is but too easy to read the meditated destiny of its liberties. When the constitution is entombed, this return will serve for the inscription, recording at once the best evidence and most accurate date of its mortality.

On Thursday, the 18th of Dec. about noon, the superior court of the territory being then in session, General Wilkinson, who consented to attend that day to deliver in his return in person to the writ of habeas corpus in the case of Bollman, entered the court room in full uniform with his suite. The General and the officers of his family were all dressed as on a field day; with their side arms, *a la mode de Paris*, in metal scabbards rattling a long the floor, and all the other usual insignia of military pomp. Even the spurs were not forgotten. The ordinary business of the day was quickly set aside to receive communications of this distinguished visitor. He commenced with a speech of nearly the same nature and import as that which he before delivered at the government house; his decyphered letter, *parts* of affidavits that had been privately taken, and *extracts* from other documents, to which he now added what he conceived to be evidence of Bollman's guilt, and then proceeded to read the return in the following memorable words:

"The undersigned, commanding the army of the United States, takes on himself all RESPONSIBILITY for the arrest of Erick Bollman, on a charge of *misprision* of treason against the government and laws of the United States, and has adopted measures for his safe delivery to the executive of the United States. It was after several *conversations* with the Governor and two of the Judges of this territory, that the undersigned has hazarded this step for the national safety, menaced to its base by a lawless band of traitors, associated under Aaron Burr, whose accomplices are extended from New York to this city. No man holds in *higher reverence* the civil institutions of his country, than the undersigned; and it is to maintain and *perpetuate* the holy attributes of the constitution against the uplifted arm of violence, that he has interposed the force of arms, in a moment of extreme peril, to *seize upon* Bollman; as he will upon all others, without regard to standing or station, against whom satisfactory proof may arise of a participation in the lawless combination.*"

* This is the return at first handed in, but not exactly as it now stands on the record. After the General had left the court, or possibly the next day, the Judges suggested to Mr. Duncan, the General's counsel, the propriety of amending the return, so as to give it some appearance of regularity, by the insertion of an avowment that at the time of the service of the writ the prisoner was not in the possession or power of the person addressed in the writ. Something of the kind was accordingly added; and the menace with which the first return concluded, and which could not be otherwise than accordingly offensive to the court, was probably left out in the amended return. The General indeed does not explicitly say in the amended return, what the law requires, that at the time of the service of the writ, the prisoner was not in his possession or power; but in bold defiance of both law and truth, he stated an unnecessary falsehood, that on the day of the date of the return, the 17th of December, the prisoner was not in his possession or power; when, in fact, the vessel

This being signed by the General and handed to the bench to be recorded, he proceeded to declare that the traitors in the city of New Orleans were numerous; and even among the counsellors of that court there were two, namely, the two gentlemen who had applied for the writ in favor of Bollman. These he denounced; and Mr. Alexander not being in court, the General desired that he might be sent for, as he had a charge of treason to exhibit against him. Mr. Livingston, who was present, urged strenuously that the General should proceed on the spot to substantiate his accusation. In an animated and forcible address to the court he entreated that the General should not leave the bar until he produced the evidence at least of his own oath in support of the charge. But the General was not prepared to make any affidavit. The Judges offered to put it in form for him, to write it for him, and invited him to take a seat on the bench, where they might more conveniently receive his instructions. But the General declined all their polite offers. And the court having expressed their regret that so much of "his Excellency's" valuable time had, at such a momentous period, been divested from his military vocations, they apologised for the trouble which the writ had given him, and promised, in order to prevent "his Excellency's" being again put to so much inconvenience, that one of the Judges would wait upon him at his quarters, to receive his affidavits and such other communications as he might wish to make to the judiciary of the territory.

Will it be credited, that within the territories of the American Union, in a court of justice of the highest order, before judges who were citizens of the United States, that a scene so humiliating to every sentiment of freedom and civic pride has really been acted! The writer is well aware that he in an eminent degree hazards all character of veracity in the relation. But at least one hundred astonished spectators of the event can testify to its truth in all its particulars.

That the General had no evidence against either Livingston or Alexander is now clear, or it would long since have made its appearance in public, having been so often loudly called for, but in vain, by these gentlemen themselves. That his sole motive for the accusation must have been a vindictive one, was at the time equally clear; and has been since put out of doubt, by the similarity of conduct pursued against all those who afterwards dared in like manner to offend against mock-majesty of lawless usurpation, by any effort to enforce the laws of the country.

But this extraordinary return of the General's is worthy of something more than mere insertion. It first sets forth that he arrested Bollman on a charge of "misprision of treason." Who exhibited

in which Bollman was confined, was then actually detained by the General's orders, about twenty five miles below the town, awaiting his final instructions to sail; which he did not send down, as will hereafter appear, until the 19th, he having by that time ascertained that the court would not give him any further trouble.

* General Wilkinson was the Governor of Upper Louisiana.

the charge? The General himself, thus declaring himself at once the accuser, the magistrate deciding on the merits of the accusation, and the ministerial officer making the arrest. And least the reader should mistake the character in which he assumed these several powers, his military rank is announced at the head of the return; giving the world far notice that he had acted in the threefold capacity of prosecutor, judge and jailor, in virtue of his being the officer "commanding the army of the U. States." What idea the General had of the technical expression "misprision of treason," is not easy to conjecture. But this is certain, that he could not have understood it, or he would not have used it in that place; particularly as it amounts to an acknowledgment that the highest crime of which he conceived the prisoner to be guilty was already well known to the laws; and instead of being one which calls for any unusual modes of prevention or punishment, that it was constitutionally provided for, as a bailable offence; and for which no man consequently can be justly imprisoned or otherwise punished, until after trial or conviction. "Treason against the government" is perfect nonsense. And as to "treason against the laws," few perhaps are qualified to stand a competition with the General himself for celebrity in the commission of that offence. He then informs the court that he had adopted measures for the safe delivery of his prisoner, not to the ministerial officer of that or any other court, nor to any of those judicial authorities which alone can or ought to judge of the character or grade of crimes, or exercise a legal jurisdiction over the offender, but to "the executive of the U. States," who could not receive the prisoner, except through the hands of the judiciary, without a gross and dangerous violation of the first principles of the constitution. He next hints that his measures had received the sanction of the Governor and of two of the Judges; and thus insinuates, as respects the Judges, an impudent falsehood, which the Judges have contradicted. The lie however is only insinuated. His words taken strictly, say no more than that, before he arrested Bollman, he had "several conversations" with the Governor and Judges; but, in his wondrous cunning, avoids committing himself as to the subject or express result of those conversations. With two of the Judges, Judge Hall and Judge Matthews, he had one conversation, and but one that has been yet heard of, on the subject of military arrests. The substance of that conversation is, after ascertaining that he had no evidence against Bollman, on which the Judges would commit him, or even hold him to bail, the General boldly told them that he would make the arrest himself on his own responsibility. On leaving the room, he in a jocular manner asked if they did not think him right, or something to that effect; but they refused to sanction his intentions even in jest. "Well," said he, facetiously, "you woult hang me for it:" to which Judge Matthews answered, in the same strain, "it would not amount to a hanging matter." Thus ended the conversation with the Judges. Not satisfied with the allusion in the return, the General had also the courage to urge the same point in his speech to the court, and thus compelled Judge Matthews, who was then on the bench, to declare

publicly, that the statement was untrue. This produced an explanation, in which the above conversation was mentioned; and to the great amusement of all present, it appeared that the jocular chat in which that conversation concluded, was the only ground which the General had for his endeavour to implicate the Judges seriously in the guilt of his own illegal proceedings.

"The civil institutions of his country" are of course much indebted to General Wilkinson, for his politeness in saying, that he "holds" them in high "reverence." He has served them however as certain savages are said to serve their idol; those whose devotion consists in torturing the God which they worship. How the General discovered that the constitution had "holy attributes," is an inquiry which in all probability will long be made in vain. The absurdity of this inflated expression is exceedingly offensive; for nonsense may be indecent and even profane.

As a soldier perhaps, the General may set up a claim to exemption from mere criticism. But as he is one of those soldiers who wields the pen perhaps as dexterously as the sword, and in his style generally aims at something more than plain perspicuity, his pretensions give the critic lawful jurisdiction over his writings. No further apology therefore is necessary for the remark, that to "perpetuate the holy attributes of the constitution against the uplifted arm of violence" is an expression that presents to the mind only a confusion of stately words forced together, the reader can scarcely conceive with what intention. To *seize upon* Bollman" is happily expressed. To *take or arrest* might suit any ordinary occurrence of civil life; but under a government of bayonets, the term *seize* is aptly applied. It suggests to the mind the idea of an arrest, not unlike that employed by a tiger springing on his prey, or a kite pouncing on its quarry. The threat with which the return concluded, and the professed disregard of the author for "standing or station," afford a melancholy proof of the abject degree to which the judiciary of the country must have been humbled. An offender standing at the bar of justice, avowed a gross violation of law and of the personal liberty of a fellow citizen, and without reprimand, or even interruption, was suffered to threaten an unlimited repetition of the same offence, whatever might be "the standing or station" of those who should incur his displeasure; evidently hinting that even the judges of the court were not themselves secure.

On the 15th of December, it was reported in the city, that there were two other prisoners on board of the United States' vessels in the river, Mr. Swartwout and Peter V. Ogden, who had been arrested in the vicinity of Fort Adams, in the Mississippi territory, by order of captain John Shaw, of the United States' navy, who in this instance acted in obedience to an order to that effect from General Wilkinson. These gentlemen, at the time of their arrest, were on board of one of the gun boats on a visit, and were brought down to New-Orleans, by an officer's guard. This arrest occasioned much surprise, and not a little curiosity. These were young men of the most respectable families in America; and it was but a short time since

Swartwout had been one of General Wilkinson's family at the Sabine, and treated as a distinguished favorite. This had been observed by the whole army and all the citizens in camp; the General and Swartwout were inseparable. After such proofs of familiarity and favoritism, Swartwout's arrest could not but excite in the public mind some extraordinary sensations. It was not for some time known in what vessel or vessels these prisoners were confined. But on the evening of the 16th, it was ascertained that Ogden was on board of the bomb ketch *Aëta*, then lying in the stream opposite the town. The necessary affidavits being made, Mr. Lewis Kerr, a counsellor at law, applied to Judge Workman to allow a writ of habeas corpus in favor of Ogden. The writ was immediately granted, and as soon as possible afterwards served. And the officers of the navy being as yet unprepared for open hostilities with the civil authority, and not then legitimately under the command of Wilkinson, Ogden was the next day taken by Lieutenant Jones of the navy, to the Judge's chambers, and there dismissed; no proof of any offence having been offered against the prisoner, or any lawful authority shewn for his detention.

How far the Governor approved of these proceedings on the part of the General was unknown; he however took no avowed measures in opposition to them. He indeed acknowledged, that he had assented to Bollman's arrest; but it was said that he at first denied all participation in that of Swartwout and Ogden. He for some time played casuist on the occasion; endeavouring to shelter himself from the responsibility of the latter arrests by disclaiming all knowledge of them, as they never had been officially communicated to him. It is however well known, and can be proved if necessary, that he received from Swartwout, while in confinement, a letter claiming the protection of the civil authority; of which letter the governor never took any notice.*

* As this letter has never yet been published, the following copy of it is given.
"To his Excellency Governor Claiborne.

"New-Orleans, on board the ketch *Aëta*, Dec. 16th. 1806.

"SIR—The singular manner in which I was taken and have been since confined by order of Commodore Shaw, has induced me to make this appeal to the executive and civil authorities of my country.—On Friday, the 24th inst. while peacefully descending the Mississippi, on my way to New-Orleans, on board gun-boat No. 12, commandant lieut. B. F. Reid, he informed me that he had received orders to detain me a prisoner. I demanded his authority; he replied, Commodore Shaw. I told Mr. Reid I did not know that gentleman as a civil officer of the government of the U. States, and could not of course obey his orders. Mr. Reid observed, that expostulation or resistance were fruitless; that his orders were peremptory; and that force, if necessary, must be resorted to. Expressing still farther a desire to know whence this singular conduct arose, Mr. Reid could not or would not satisfy me in any other manner than by saying, that Com. Shaw was his authority; but that immediately on my arrival in New-Orleans, the cause and nature of my detention should be explained.—I have been here now four days without any arrest from the civil authority, without permission to make myself known, or to receive the advice and visits of my friends. Mr. Shaw informs me that General Wilkinson has given orders for my imprisonment, without any other authority than that of his own name. I demand therefore of the executive that

The courts however submitted with great reluctance to the usurpations of the General, and began to feel, with some indignation, the degraded situation to which he had reduced them. The Governor also, probably from an uncertainty of the light in which these novel measures would be viewed at the Federal City, took as yet no open or decided part with the General. The latter therefore began to think of it, if not necessary to his personal safety, at least prudent, under existing circumstances, to weaken as much as possible the hands of the civil authority, and at the same time strengthen his own. With this view, he made a demand of so much of the city militia as were in readiness for service; that is, the battalion of Orleans volunteers, consisting of about three hundred men, well armed and appointed; in fact the only part of the militia that had been really organized in that quarter. To this demand the Governor submitted with more than usual readiness; and without even paying the battalion the compliment of consulting them on the occasion. The Governor's conduct would perhaps have been more correct had it been less hasty. A moment's reflection ought to have convinced him, that in this act he exercised a dangerous power, for which he had neither authority or precedent, and one which nothing short of the greatest and most pressing extremity of public danger could in any degree palliate or excuse. On a former occasion, in pursuance of an act of Congress, authorizing the government to accept the services of volunteers throughout the Union, in contemplation of a Spanish war, the Governor solicited them by companies to join the army at Nachitoches. This, as has been already seen, they refused to do; and their refusal was acquiesced in, as it should be without complaint. But now, merely on the rumor of the approach of an insurgent army that never had an existence, the Governor ordered three hundred citizens into the field, to serve with the army of the United States, under martial law, without the least regard to the will of the individuals thus dealt with—and without any limitation of the time for which they were to serve. It has been generally understood, that these volunteers made a previous offer of their services; but this is untrue. The first notice they had of their being transferred to the command of Gen. Wilkinson, was given to them in general orders, about the middle of December.

he cause me instantly to be released; or, if any charges have been preferred against me, that my arrest proceed from proper authority, and in due course of law. I am a citizen of the United States, and claim a right to the protection of its laws.—Wherefore am I detained? If I have offended any individual or the laws, let me be placed in the hands of the proper authority, and there confronted by my accusers. I claim it as a right secured to me by the constitution of my country, if my character has been assailed, that I be permitted to clear it of any stain that may have been cast upon it.—Has the executive relinquished his prerogative? Has the civil authority been overawed, and rendered subservient to the lawless tyranny of military power? If not, where are its administrators? To them I look and appeal for protection from tyranny and oppression.—beg your excellency will pardon the intrusion of this letter.—Your obedient servant,
SAMUEL SWARTWOUT."

This letter was delivered at the Governor's office on the day of its date, by Lieut. Hunt, of the 8th.

On the 22d of that month they were mustered and inspected on the *place d'Armer*, by Col. Cushing, inspector of the army; and on the 8th of January, they took the oaths usually administered to persons entering the military service of the United States, and from that day drew pay and rations as regular troops.

Let not, however, the acquiescence of the volunteers in these measures, be considered as a proof that they either assented to them or approved of them. At a moment of great public agitation and alarm, they suddenly found themselves in the service of the United States, they scarcely knew how; and they were perfectly sensible that any dissatisfaction shewn on their part would be instantly branded with the imputation of cowardice or disaffection. They also saw, that to incur the displeasure of the ruling powers was immediately followed by denunciation, imprisonment, no one knew where, and transportation, none could tell whither. As soon as seized upon, the prisoner disappeared; and his subsequent fate was involved in mystery and darkness: he was seen or heard of no more. In vain the friends of the sufferers call upon the constituted authorities of the country for their relief. Justice was awed into worse than sepulchral stillness; and the spell struck arm of the law in stretching forth to snatch the victim from the oppressor, only grasped at shadows, or was insultingly eluded by the unreal mockery of submission. Therefore it was, that this daring act of Gov. Claiborne's was submitted to so generally in the battalion. But in the first instance it was not submitted to universally. And the proceedings against those who were hardy enough to dissent, shews unequivocally, that this transfer of the battalion to Wilkinson, was a more oppressive and arbitrary imprisonment than ever was exhibited on Tower hill, or the warves of Wapping.

When the book was handed to the companies to be sworn, nine individuals refused to take the oath; alleging that they had not volunteered, and would not enlist. This occurrence took place on public parade, in the presence of the whole city. These nine individuals were accordingly arrested; and a court martial was ordered by General Wilkinson, who had certainly as yet acquired no lawful jurisdiction over the prisoners, to try the recusants on a charge of mutiny and disobedience to his orders. If the proceedings of this court martial are not here detailed with exactness, it is to be recollected, that the record of those proceedings is not within the reach of the writer. The facts, however, are substantially as follows:

Whether the recusants had counsel on their trial is not known. The arguments in their favor, however, were obvious. The battalion of volunteers were not governed by laws different from those of the militia generally, except that they had some peculiar privileges, such as choosing their own officers, framing their own by-laws, and the like. As members of that battalion, they were not divested of any rights enjoyed by other citizens subject to militia duty. They were liable to be drafted, or wholly ordered into the field, as other corps of militia, when called upon by any legislative act of the general or territorial government, and not otherwise. That no such act

was in existence was admitted. It was therefore clear, that the Governor could no more force any member of that battalion into the service of the United States, than he could impress every citizen in the community subject to militia duty. It was therefore the opinion of the court martial that the recusants only exercised a right of which they had not divested themselves, and they were accordingly acquitted.

How will the encrimined blush of indignation burn on the cheek of honour and of patriotism when the result of these proceedings is unfolded! The proceedings and sentence of the court martial were transmitted to General Wilkinson, who in a rage reversed the sentence, ordered the prisoners into close confinement and threatened them with cat-o-nine-tails, should they not atone for their obstinacy by a timely apology, and immediately take the oaths required of them. The dread of infamous punishment prevailed. The young men submitted and were sworn into the service.

Such facts require no comment. This resembles not the imprisonment of British sailors, for that falls generally on characters who scarcely feel it as an oppression, persons bred to the sea and vagabonds. It seems rather intended as an humble imitation of French conscription, from the hardships of which, it is said, no class of society is exempt. But in the French service corporeal punishment is unknown. It is not in France, as it was at New-Orleans, that the backs of freemen and of men of honor can be menaced with the lash at the capricious nod of every petty tyrant that "struts his hour upon the stage."—Language is too feeble to express the indignant, melancholy and mortifying pang of reflection which such tyrannical wantonness necessarily suggests to liberal minds, to those who love their country, and really venerate its sacred institutions. It is enough to harrow up the soul of a freeman with the keenest of resentments, to see young men of genteel parentage and decent education, who are about entering life with characters unsullied, and in sanguine youthful hope of honor and independence, cruelly incarcerated for no other crime than a manly assertion of their indisputable rights, harassed by an unwarranted and irregular prosecution before a tribunal to which they were not amenable, denied the benefit of an acquittal, which nevertheless could not be refused to their innocence, and finally menaced with indelible disgrace at a common whipping post, and all this, rarely that a little ephemeral despot should have nine men more for a few weeks in his train!

The assumption of the command of this battalion proved also of singular use to the terrorists from a cause at first possibly not calculated on. Every American printer in New-Orleans belonged to some company of that battalion. In this one neck the Caligula of Louisiana, found the vitality of a host of enemies at his mercy; and of this he triumphantly availed himself to lay violent hands upon the freedom of the press, that which has ever been justly considered, and emphatically styled the palladium of liberty, and to prostrate it in the dust before the bayonets of military despotism. The Post Office he had before secured; so that little or nothing could reach the citi-

Candour requires acknowledgment that no positive evidence has yet appear-

zens from without that was not in perfect conformity with the views and wishes of the new Oligarchy. And to complete the "calm of despotism" within, the printers were put under martial law. It was indeed at first expected, that the soldier and the printer would be considered as distinct characters; that when a printer was serving his country in arms, his press should not, on that account, be shackled with any unusual restrictions. But in this hope the public were deceived. The printers were plainly told that the soldier's back should smart for the printer's insolence; and they were particularly warned of that article of war which protects superior officers from the calumnies of those under their command. Mr. James M. Bradford, one of the editors of the Orleans Gazette, and a member of the Orleans troop of horse, attached to the battalion of volunteers, was more than once in confinement in a contest for the privileges of a citizen. From these coinciding causes, the command of the Post Office and of the Press the ruling party at New-Orleans kept the people of the United States generally in the dark as to the real and disgraceful situation of that city, and the complaints of the citizens. While on the other hand, every tale of falsehood and misrepresentation invented for purposes of personal malignity against those opposed to the existing usurpations, or in justification of the usurpers, readily found its way to the states, and solicited the public eye in every quarter of the union. The Gazettes of New Orleans, not daring even to complain of the fetters that galled them, travelled along the dull routine of regular publication, recording scarcely a single important event of the many that daily passed in fearful review before the eyes of the public.

If the Orleans volunteers have not addressed the government or appealed to their fellow citizens publicly in the language of complaint, their conduct since their discharge from the public service has rendered it unnecessary; it speaks loudly the indignant sentiments of the whole. Wearied with the fatigues of services unnecessarily imposed on them, disgusted with many of the duties required of them, and discontented with the conduct throughout of the government towards them, they laid down their arms with public demonstrations of joy; and for three months afterwards not a man of that battalion appeared in arms; or probably has yet appeared. Even on the 30th of

ed of the complete subversion of the post office to the law *desconvoit* at New Orleans. One or more grand juries have applied themselves with some assiduity but in vain, to penetrate the mystery. A strong impression however still remains on the public mind, confirmed by a variety of collateral facts, that the post office became a pander to the General's lust for secret information. It is even stated that to satisfy the post-master's *scruples of conscience*, General Wilkinson offered him a bond of indemnity with sureties that the General consulted his council on the occasion, who is said to have drawn up the bond; but that the bond was not made use of, as during the negotiation, it occurred to the contracting parties, that it would be difficult either in point of law or fact to indemnify a man against the penalties of a felony. How the conscience of the post-master was quieted is unknown. But it is now admitted that some letters to Swarzwout and Bollman were intercepted by the General at the post office. But were Swarzwout and Bollman the only persons in New-Orleans whom the General suspected? And upon what *principle* did he make distinctions between one conspirator and another.

April, the anniversary of the treaty of Paris, of 1805, which had always before been celebrated with public rejoicings and a parade and review of the volunteers, the day passed unnoticed. All the weekly and monthly meetings of the companies were discontinued. Not a single uniform was seen in the streets on any occasion. In short the battalion was considered as dead, and so probably will remain, unless important changes are shortly made in the territorial administration.

But among all the proceedings of the new government, that which excited most particular disgust and abhorrence was the vile system of *espionage* avowedly adopted for the discovery of disaffected persons. As perhaps upwards of a dozen depositions, privately taken at New-Orleans, and transmitted by General Wilkinson to the federal government, have already appeared in the public prints, the fact is of course unquestionable. The depositions published however, make but a small part of those taken. No man however unknown, or of little consideration, was refused as an informer. Many indeed who were publicly lost to reputation, and actually infamous, were received and even sought for to swell the torrent of information which poured from all quarters, in multiplied proof of the supposititious disaffection of the country, and magnifying the imaginary dangers of the moment. The expedient of taking information secretly, to be used secretly, without any notice to the individual whose reputation is affected by it, however pure the motive or patriotic the intentions of those who resort to it, is at best unjust, dangerous and cruel; an expedient not worthy of a free government and subversive of the first principles of civil liberty and equal justice, but one to which none but the most determined tyrannies have ever resorted. In many European countries which are far from being free, such means of information would be spurned at; means perhaps almost exclusively reserved for the gloomy chambers of the inquisition, and the Dyonsian closet of General Wilkinson. How often may a story be even conscientiously related, implicating an innocent man in crimes for which he could with ease exculpate himself by a satisfactory explanation of deceitful appearances? But as the officers of the government proceeded at New Orleans, a man was frequently accused there, thence denounced at the city of Washington, and published throughout the United States as a convicted traitor, six weeks, or even two months, for the mails are extremely irregular, before he knew himself to be even suspected. With such cautious secrecy was information collected, that the magistrate sometimes administered an oath, and certified that the deposition was sworn to, without having been permitted to read it.* When power stoops to such mean and disgraceful methods of obtaining its ends, there are but too many among the weak and the wicked, who embrace that opportunity of raising themselves to fancied importance for the moment, by embellished disclosures of pretended secrets; and what is still more to be execrated, indulging their private resentments, or a natural malignity of temper in fabricating tales of detrac-

* George Pollock, Esq. a justice of peace at New-Orleans, is named as one of the magistrates who thus humbly aided in the cause of his new masters.

tion. Thus slander, like the mole, cut reputation at the root unseen. Most of the persons injured were first openly attacked at a great distance, and in a quarter where they were for the most part unknown; where, consequently all advantage of previous character was unavailable to them, and they had no means to meet the blow with the promptitude necessary to repel it.

The effect of these measures on society was such as they naturally tended to. No man in New-Orleans felt himself safe; and, in truth, few escaped suspicion. It was well known, that even loose, unguarded expressions, sportively uttered in public or in private, were instantly carried to head quarters, and there officiously dressed up in the solemn garb of sedition. Neighbours avoided each other reciprocally as spies and traitors, neither could tell why. Private friendship was every where poisoned, and sick with mutual distrust. The temper of society generally was soured; there were but few however who dared to murmur aloud. In short such a gloomy scene of abject dismay and fearful silence, had never before been witnessed in that city, since the sanguinary administration of General O'Reilly* whose memory is to this day, and ever will be there preserved in the archives of public abhorrence; and who would still perhaps have stood single in the distinguished detestation of Louisiana, had not General Wilkinson so eminently entitled himself to a participation in his immortality.

But to return to Swartwout and Ogden. Immediately on the release of the latter, when he could testify to the imprisonment of his companion, for Swartwout was on board of the same vessel, a writ was taken out for his release also. But it could not be served in time to prevent his removal to a place of confinement under the immediate orders of the General, and consequently out of the reach of the law.

Even Ogden's release was of little service to him. On the 19th of December he was again arrested, while sitting at dinner in a public boarding house, and carried into confinement. Mr. Alexander at the same time shared the same fate. And, as if the General took a delight in making the citizens feel how effectually he had humbled them under his feet, the Orleans troop of horse were selected for the odious and painful duty of arresting those gentlemen. Throughout the winter indeed, this troop consisting of the most respectable citizens, were constantly employed in the most scandalous and degrading duties; hunting down their fellow citizens, impressing negroes and cattle, searching boats, and, in short, as a kind of *gendarmes* to the General, acting in the loathsome capacity of mere bailiffs and runners.

A detachment of the troop was stationed at Manshaw, about a hundred miles above the city, to intercept and search boats descending the river, seize upon all suspicious persons, some of whom were

* When Louisiana was formerly ceded by France to Spain, the colony were much dissatisfied with the change. And Gen. O'Reilly, the first Spanish Governor, arrested all those suspected of spreading dissatisfaction. Some he transported, and others he caused to be shot in the public square in the city of New-Orleans.

particularly named,* and give notice of the approach of the enemy. A company of regulars was also stationed, with like orders, a short distance above the town, at a place called the Willow Point, where accordingly, many boats were stopped, and several men and women and even children were occasionally detained as prisoners of state.

Once more on the behalf of Ogden, and also of Alexander, two writs of habeas corpus were allowed by Judge Workman and served upon the General. Not yet wearied with the reiteration of unsuccessful experiment to re-establish the ascendancy of the prostrate laws, nor to be deterred from the strict line of his sacred duties by the menaces of lawless power, or the denunciations of corrupt slander, this Judge kept with a firm step along the path which the law had marked out for him, the only path that leads to justice. The General's returns to these writs were as usual insufficient. A rule of the court accordingly directed the General to amend his return. In affected compliance with this rule the returns were altered, but still continued insufficient; † and an attachment against the person of General Wilkinson was applied for.

Matters having been thus pushed to extremity between General Wilkinson and the laws of the country, it only remained now to be finally determined which should prevail. At this interesting crisis the court paused. General Wilkinson was at the head of about a thousand troops; the strength of the country was also in his hands, the volunteers being the flower and only efficient part of the militia.

* Among those named in the General's orders was John Mariand Pintard, Esq. who in descending the river with his family was accordingly arrested. He has since published a most amiable correspondence between himself and the General on the occasion, in which the latter expresses his regret at the mistake under which Mr. P. was arrested, assuring him that it was the unintentional consequence of a general regulation, restricting persons descending the river, and not intended for him.

† Gen. Wilkinson's first return.—General Wilkinson requests the Honorable Judge Workman may have the goodness to receive the General's answer in the Superior Court of the territory in the case of the traitor Bollman, as applicable to the traitors who are the subjects of this writ.

[Signed.] J. A. WILKINSON.

On motion of Mr. Livingston, ordered, that James Wilkinson, to whom a writ of habeas corpus was directed, commanding him to bring up the bodies of James Alexander and Peter V. Ogden, make a further and more explicit return thereto, or shew cause on Monday next, at the opening of the Court, why an attachment should not issue against him.

Further return of General Wilkinson, in case of Peter V. Ogden.—The undersigned, commanding the armies of the United States, has taken upon himself the responsibility of arresting Peter V. Ogden, on a charge of misprision of treason against the government and laws of the United States, and has the honor to inform the Hon. James Workman, Judge of the County of Orleans, that the body of the said Peter V. Ogden, is not in his power, possession, or custody.

[Signed.] J. A. WILKINSON.

New-Orleans, Dec. 26, 1806.

On this return Mr. Livingston moved, that an attachment do issue against Brigadier Gen. J. Wilkinson. [The same return, and the same motion were made in the case of Mr. Alexander.]

Even the sheriff of the court was a captain in that battalion.* As to any energy in the civil administration of the country, it would be in vain to look for it perhaps at any time while Claiborne was chief magistrate, and still more hopeless at such a season. Judge Workman, therefore plainly saw, that without some better prospect of support, he would only expose himself and his court to further indignity by any attempt to enforce process against the General. On the fifth of January, he accordingly addressed a letter to the Governor, representing the difficulties of his situation in plain and manly terms. "I deem it my duty," said he in the letter, "before any decisive measures are pursued against a man who has all the regular force, and in pursuance of your public orders, a great part of that of the territory at his disposal, to ask your excellency whether you have the ability to enforce the decrees of the court in which I preside, and if you have, whether you will deem it expedient to do it in the present instance.†"

To this letter the Judge received no answer. On the 12th of the same month, he again wrote and enlarged on the same subject.—The second letter commenced with saying, "Not having received any answer to my letter to your excellency of the 5th inst. and considering your silence on the subject of it as a proof, in addition to those that previously existed, that your excellency not only declines the performance of your duties of chief magistrate of the territory, but actually supports the lawless measures of its oppressor, I have adjourned the court of the county of Orleans, *sine die*." To this letter the Governor paid no more attention than to the first. And on the next day, the Judge addressed the Speaker of the House of Representatives, then in session, on the subject; and transmitted copies of his letters to the Governor, together with the necessary documents relating to General Wilkinson's contempt to his court, and the adjournment of it *sine die*, without having issued the attachment against the General. The Judge's letters and representations were now becoming troublesome; and accordingly on the evening of the day afterwards, the 14th of January, he was arrested and confined by Wilkinson's orders. Being shortly afterwards liberated, he wrote two more letters to the Governor, one of the 25th of January, and the other of the 11th of February, urging him, but still in vain, to restore the powers of the civil authority. But at length, as he observed, "finding that he could not either by solicitation, remonstrance or just reproach, induce Governor Claiborne to support him in bringing General Wilkinson to condign punishment;" Judge Workman, on the 23d of February, resigned his office. The Judge's letters have been given to the public at length in a pamphlet printed at New-Orleans last spring, and contain many just and severe strictures on the conduct of General Wilkinson, expressed with elegance and force.

Some short time after the arrest of Ogden and Alexander, assurances were publicly given through the friends of Governor Clai-

* George T. Ross, Esq. who last saw office on account of the independence of his conduct at that time.

borne, that no more arrests of that nature should take place. And the public attention was again wholly engrossed by the preparations then in forwardness, to oppose the army of Colonel Burr, whose advance guard consisting of two thousand men, was confidently reported by the General to have been at the mouth of the Cumberland, under the command of General John Adair, who was represented as a hard and intrepid soldier, of high military character and distinguished talents. By this time it was supposed that he must have reached Natchez at least; and many with anxiety looked out daily for him and his host; when lo! this redoubtable chieftain actually arrived in town, he had just crossed at West-Florida unattended, and not a little astonished at the high command with which rumor had honored him in Kentucky, where in fact he had not been for a great length of time. He took lodgings in a public boarding house, and appeared to be in weak health. Adair's arrival, which happened on the 14th of January, excited some sensation in town, but one different from that of alarm. His presence at that moment, and in such a manner, at once dissipated a few remaining fears of the city; and placed the parade of Wilkinson's military preparations, his warlike speeches, and important intelligence from the upper country, in so ridiculous a point of view, that the citizens every where laughed heartily at the absurdity of the late alarms. It is easy to believe that such an unlucky incident, and the consequent change of public impression, were to Wilkinson insupportable. The gibes and jests that rung through the city were not to be endured. Few feel the stings of ridicule more poignantly than the solemn buffoon, who after a short lived reign of imposition, is suddenly stripped of his importance, and stands exposed to public contempt in all the majesty of falsehood, emptiness and folly. Wilkinson, however, was not prepared to strike his flag; and accordingly determined on one more struggle to maintain his ascendancy, and if possible make the people look serious again. Accordingly, about four o'clock in the afternoon, two or three companies of regulars, under the command of Lieut. Col. Kingsbury of the United States' infantry, besieged General Adair in his boarding house and arrested him while at dinner,* by orders of General Wilkinson.

At the same time the drum beat to arms. The troops secured the streets. The volunteer companies hurried to their respective places of rendezvous. And three other citizens were arrested by parties of the Orleans troop of horse; namely, Judge Workman, whose arrest has been already spoken of; Mr. Bradford, editor of the Orleans Gazette; and Mr. Kerr, who has been already mentioned as taking out the writ of habeas corpus for the release of Ogden. Judge Workman at the time of his arrest, was dining in company with Judge Matthews of the superior court, and Judge Hall of the United States' district court, who warmly remonstrated against the arrest, and in vain warned those who executed it of the consequences. Kerr's arrest occasioned some surprise. This gentleman had

* It is remarkable that all the military arrests at New-Orleans, took place in the afternoon, about dinner time. Whether the *felix god* was accessory to any of these outrages is unknown.

been for several years in the habits of intimate friendship with Governor Claiborne, and was generally believed to have been high in his confidence, and very serviceable to his government. He was then a colonel in the militia; and it was scarcely a week before, that the important duty of arming the regular militia of the city was entrusted to him, and for that purpose nearly a thousand stand of arms were delivered to him from the public stores. It is well known however, that his opinions were unfavourable to the measures of Wilkinson; and that he had strenuously urged the Governor to oppose them. It was even said he made a proposition to the Governor, to authorise him to place himself at the head of a party of the militia, and arrest General Wilkinson, *on his own responsibility*, and ship him for the City of Washington. As this disposition in Kerr could not have been altogether unknown at head quarters, it is only surprising that he should have so long remained unmolested. A few days before, the Governor informed him that some secret representations had been made, injurious to his reputation as a citizen and a soldier; and Kerr having every reason to believe that the charges came from the General, demanded his arrest as a militia officer, that he might be confronted with his accusers, and meet their accusations openly before a court martial. He afterwards demanded an exhibition of these charges; but they never made their appearance, at least in that shape, and the arrest was taken off without trial.

To Kerr's arrest by Wilkinson, it is certain that the Governor had not assented; as immediately on hearing of it, he interceded for his release; claiming him as his own prisoner already under military arrest by him, as commander in chief of the militia. And on the General's hesitation to comply, the Governor remonstrated with much spirit against his conduct. It would have been inconvenient to Wilkinson to break openly with the Governor. He therefore yielded to him in this instance. And Col. Kerr and Judge Workman were next morning taken before Judge Hall, on a writ of habeas corpus, which but for the Governor's interposition would probably have been but of little avail.

But as the lords of the forest, when forced to relinquish their prey, generally indulge their savage temper in at least one more vengeful gripe before they quit their hold, so the General on this occasion surrendered his prisoners, but not without bringing for the first time into the light, what he conceived had justified their arrest, namely, two secret affidavits which he had for some time before extorted from the young officers, calculated, as he hoped, to convince the public that Kerr and Workman were engaged in the conspiracy of Burr. In his returns to the writ also, he mentioned, as his reason for arresting these persons, an apprehension that they would have attempted the rescue of General Adair; without however offering any other proof of that intention, than his own bare suspicions.

These returns and affidavits produced at the Judge's chambers a general investigation of the political views of these gentlemen for several years back. And it now appeared that they had been members of one of the private associations which were formed during the first

Spanish aggressions, and which had for its object more than the mere defence of the country ; in fact, that this association had contemplated, should their views be approved and supported as they expected, to separate several of the Spanish provinces from that crown. But it further appeared that this association had been for a very considerable time dissolved ; they having even previous to the late aggressions, abandoned in disgust their project altogether. And it was in particular shewn, to the satisfaction of all present, whatever the plans of Colonel Burr might have been, that this association could not have had any matter of concern in them, or connection with their author. The affidavits transmitted by the General, when stripped of mysterious aspect, and viewed in open day, contained only some conversations, in which Kerr and Workman had often indulged themselves at table with their friends, respecting the invasion of the Spanish provinces ; and the declaration of Lieutenant Francis Small, that Mr. Kerr, more than a twelvemonth before, had engaged him in an expedition against Baton Rouge.

But though the association had not been in existence for a great length of time, and there was no ground to believe that either of the gentlemen accused were connected with the expedition then expected from the upper country, the partizans of Wilkinson insisted on giving him the credit of having sagaciously discovered a terrible plot ; and it was urged, even though these gentlemen were unconnected with Colonel Burr or his late treasons, that they had, sometime before, committed a distinct and heinous offence, in " setting on foot " an unauthorized expedition of their own, in the course of a former year, against the Spanish possessions. And thus what a few months back would have been universally respected as a patriotic enterprize, highly honorable to all concerned in it, was now not only denied any kind of merit, but actually sunk into a crime. A prosecution accordingly was instituted ; but denied in the acquittal of the accused. It is unnecessary to give any detail of the trial, as it has been already reported and published.

This trial gave occasion to a discussion on which many took opposite sides, and doubtless with equal sincerity. Private associations, such as that of which Kerr and Workman were members, were considered by some as combinations of a dangerous tendency ; for that with whatever purity of motive many might enter into them, such societies were too easily led by artful and dishonest men, to transcend their original purpose, and hurry into improper excesses. It was urged that even in case of an actual war, to direct any portion of the force or resources of the country to any other objects than those designated by the government, would be a misapplication of that force and those resources, injurious to the natural strength, and committing the character of the country in schemes, for which the country ought not to be answerable. It was said that the duty of a good citizen was to follow his government to the field, and not to run before it. The secrecy observed in the particular association now spoken of, was also considered as peculiarly objectionable, and even a justification of the suspicions entertained ; for that something must have been wrong where every thing was concealed.

It would not be denied that some of those arguments were entitled to weight. But in opposition to them it was urged, that to condemn associations of this kind because designing men might use them for improper purposes, was arguing unfairly from the abuse against the use ; that the same objection existed against and government of every description ; that no humane institution was exempt from the frailty here complained of. It was further insisted, that expeditions by individuals, either by sea or land, in time of war, rather strengthened the national arm, by promoting a disposition to military enterprize, and inuring many to the hardships of service who would otherwise remain inactive ; and that the force and resources which such occasions commonly call into action, are for the most part those which, except when employed in such expeditions, usually lie idle.— The principle that the citizen should move only with his government was perhaps at least mechanically true ; but it seemed clear, as long as private adventures are admitted by the rules and usages of war, and not forbidden by municipal regulations, and that there can be no crime in them ; or even in preparing them in time of peace, if war be immediately expected. The strictures incurred by this association in particular, on account of the secrecy of their proceedings, was complained of as unjust and illiberal ; and generated only in the vulgar jealousy of some who were piqued at not having been themselves let into the secret. It was obvious that an association having in view the invasion of a neighboring territory, would, by publishing its object or its proceedings, defeat itself. The countries to be invaded were little known. And such a knowledge of them as would be necessary to the invader, could be required only by visiting the countries themselves, or establishing an extensive correspondence with them.— In the prosecution of such a project, therefore, the strictest secrecy was indispensable ; not only, least all means of information should be cut off, but more particularly to prevent those who should be there engaged in the undertaking, from being exposed to the resentment of the government. This argument, it was admitted, could not account equally well for not communicating the project to the government of the union. It appeared, however, that this was faithfully intended. But it would have been perfectly useless to make that communication until the war should have actually begun ; and until the plans of the association were better matured, and more nearly in readiness for operation, than those of this association appeared to have ever been. To prepare an expedition by land, in expectation of a war, without consulting the executive, in the first instance, is as allowable as to fit out in like manner a privateer, under the same circumstances ; than which is nothing more common. The expedition here contemplated, also had assumed a character eminently elevated above all schemes of petty warfare and pillage. The object was not to steal upon and plunder the unarmed merchant. It was to raise the standard of natural rights, political liberty and free trade, in the face of opposing armies ; and deliver one of the fairest portions of the globe

from a most odious system of colonial bondage, conceived in tyranny, and nursed in fear, ignorance and weakness. The project may have been visionary, or be considered as impracticable. But it does credit at least to the hearts that warmed in the cause; and only required, like the American revolution, the sanction of success, to reflect immortal honor on all engaged in it. Gen. Wilkinson therefore utterly failed in his malicious attempt to confound this project with the wretched plans of plunder and treason, with which he had terrified the too credulous inhabitants of New-Orleans; and the accused were both acquitted, much to the satisfaction of their fellow citizens generally.

About this time, or rather earlier, Gen. Wilkinson wishing to try how far even the laws themselves might be made an additional instrument of terror in his hands, and by no means discouraged by this first essay in the superior court, though somewhat embarrassed there by the necessity of specific affidavits, he applied to the United States judge of the district, to hold a special court, and summon a jury, as he had some important accusation to lay before them. He expected, probably, that closeted with a jury, who were not lawyers, and no longer under the eye, or immediate controul of the court, he could perform his evolutions with less restraint, and more easily impose on credulity with testimony of an illegal or equivocal nature. But he was unable to convince the judge that the measure was at that time either necessary or proper.

He then applied to the superior court of the territory, to summon an extraordinary grand jury for the same purpose; though from the want of jurisdiction in this court over offences against the United States, it was obvious that in this step he had some other view than that of legally convicting any of the delinquents whom he had to accuse. The judges of this court proved more obliging than the United States judge. And a grand jury being summoned and impanelled, they were charged by the court to inquire of all offences against the United States, as well as those against the territory. It was acknowledged that the court had no ultimate jurisdiction over the former; but it was suggested that possibly the grand jury had; and that after bills or presentments of that nature had been found, it would be time enough for the court to determine what ought to be done with them.

The grand jury having retired, the General, on a day fixed for the purpose, presenting himself to them with a speech as usual, his decyphered letter which he before read to the court, his intercepted correspondence, some of it in cypher still undecyphered, his file of affidavits and other documents. The particulars of what passed in the grand jury room must of course be unknown elsewhere. The result however was, that on the 24th of January, the grand jury presented Brigadier General Wilkinson, his adherents and advisers in the following words:

"In addition to the bills of indictment now preferred by the grand jury, for the city and county of Orleans, they feel themselves

imperiously called upon to present as a most dangerous and alarming evil, the late unprecedented exercise of military power in this city. They have seen with no less astonishment than grief the laws and the civil authority prostrated before a military force. They have seen the citizens of the United States and of this territory seized upon and imprisoned by that force, and deprived of the benefit of that great bulwark of civil liberty, the writ of habeas corpus. Nay more, they have seen the general commanding the American army, come before this honorable court, and openly avow such illegal acts, and declare he would persevere in them. And to this grand jury the same general has acknowledged the commission of such acts, and sought to justify them, by alleging that they were previously advised or approved by the Governor and two of the Judges of this territory. Whoever his advisers were, we hold such advice, under existing circumstances, as a total dereliction of all regard to the constitution and laws of the United States, and as striking at the foundation of liberty. We enter not into the question, how far it is allowable to do evil that good may result from it; for we are no casuists. Many specious reasons are urged in justification of those arrests. We leave to those who urge them to shew their validity, and this honorable court to form a judgement thereon."

This presentment was signed by Mr. Evan Jones, the foreman, and hauced to the court. The allusion to the disgraceful scene a short time before exhibited in open court, and the hint respecting those who possibly might have advised the measures of the General, were evidently felt and with some sensibility by the court. They on the spot, impatiently dismissed the grand jury, without even the usual expression of thanks, in return for the patience and industry with which they had for some weeks pursued their inquiries. The people in the United States may perhaps be curious to know why indictments were not framed on this presentment, and the offenders called upon to answer them. But it will be recollected, that the business was now properly in the hands of the attorney general,* an officer of the government, and one who was too well acquainted with the value of that office and other offices which he holds, to do otherwise than consign all such impertinent presentments to oblivion.

On the 19th of January, the session of the legislature commenced at New-Orleans. And the General, as if determined that no branch of the government should remain unassailed, was admitted, at his own request, to the bar of the house of representatives; where, the doors being closed, he again delivered his speech, and once more produced his decyphered letter, his intercepted correspondence, his budget of affidavits and other papers. If this stale scene was thus acted over again with a view of legislative indemnification from the penalties of the law, for offences which he had committed against the territory, he was disappointed; no such bill was proposed. On the first day of the session, Judge Workman, as has been already mentioned,

* John Ward Gurly, attorney general of the territory, register of the land office of the United States, &c. &c. &c.

had handed to the speaker of the house of representatives an intimation of the adjournment of his court *sine die*, with his reason, and documents in support of them. And one of the members from a distant country, Mr. Hughes, arrived with a complaint of his having been arrested on the road by one of the General's parties, and detained until his papers underwent a shameful and illegal search. Legislative bodies are in general, and with great propriety, tenacious of their privileges.—Such an outrageous violation of them as occurred in this instance therefore was not very tamely brooked. The General accordingly found the assembly not altogether in a temper to pay much regard to his communications; and though they heard them with patience, they never took any further notice of them.—Even Claiborne's speech at the opening of the legislature, full of affidavits, regard and parental concern for the country, remained unanswered until late in the session. And the answer at last was but a cold recapitulation of the speech. All approbation of public measures was studiously avoided; and not even one poor compliment was paid to the talents or virtues of the orator. The communications from the House to the Governor, continued in the same strain throughout the session. And at length the legislature was prorogued *without a speech from the executive*; the first instance of forbearance in this respect ever known under the administration of Gov. Claiborne; whose love of trite displays of political elocution is exceeded only by his inordinate appetite for the aromatic offerings of panegyric, to which, he only conceives, such patriotism, and such talents so eminently entitle him in return.

Against the officers of government and their measures, however, were the legislature were by no means prepared to take any decided steps. There were certainly some men of independence perhaps in both houses; but there also were some few who had not got over their prepossessions respecting the threatened insurrection, and were not perfectly assured that the danger was yet over; those in fact who had from the first credited Wilkinson, without consulting their understandings, and still persisted to believe in him rather as a matter of faith than of reason. Many also were deterred from avowed opposition to Wilkinson, by an apprehension justified by experience, that however pure their motives, they might be subjected to a suspicion of being friendly to the designs attributed to Burr. And these causes co-operating with the influence which the executive necessarily derived from its patronage,* a decided opposition to the government could not be expected. In pursuance of the resolution of the lower house, a memorial to congress was prepared by a select committee, respecting the situation of the country; but with so much boldness of design and

* The attorney general was a member of the lower house, not to mention several clerks of the courts, sheriffs, country judges, &c. The mayor of the city also, doctor John Warkins, was the speaker of that house; but as a warning to all others in similar situations, he in the course of the session lost his office in consequence of the independence of his conduct; and Mr. Mather, a member of the upper house was appointed in his room. By a late law, persons holding lucrative offices under government will be for the future ineligible.

warmth of coloring, that it by no means suited the prevailing taste or disposition of the majority. The memorial was rejected by a majority of seven; and the idea of making any representation to Congress was abandoned.

The reign of terror however was now nearly at an end. The arrival of Colonel Burr in the Mississippi territory, with a few common family boats, and about forty men, unprepared for any military expedition, set the public mind at ease. Whatever his designs might have been, it was evident, if they had been hostile, that they were now abandoned. While the fantastic proceedings of the acting Governor of that territory on the occasion, his march of three hundred men, under the noisy command of the pompous Colonel Claiborne, his truce and his treaty with Burr, and his fawning association of Wilkinsonian diction in his speeches and state papers, by thus winding up the alarms of the winter perfectly in character, cast a shade of unavoidable ridicule on the whole.

With what reluctance weak men part with power! Though now relieved from all apprehension of instruction or invasion, Governor Claiborne, who probably had by this time received his cue from the Federal City how to act,* now openly defended the measures of Wilkinson, and even acknowledged a participation in them, as was believed, far beyond the truth. Though rather late in the season, he now manifested a decided disposition, before the opportunity should be altogether lost, to surprise the world with an energy of character which he was not generally suspected of, by playing the tyrant a little himself; his first effort was to prevail on the legislature, while in session, to suspend by law the operation of the writ of habeas corpus; preparatory no doubt to some bold measures he was determined the public exigency should require; although, as has been since proved, the country could be saved without them. The communication to the legislature on the subject was a curiosity. It was received and read with closed doors, but has since been published. He informs the assembly that he had certain information of the approach of one of Burr's adherents against whom however, there was not sufficient evidence to authorise his arrest by the civil authority; and that unless some more summary mode of proceeding were adopted against him, he might continue without interruption to perform "the reasonable duties, with which he was charged."

That the government after having already arrested more than a score of citizens at different times, without any legal process; and without ceremony transported five of them to the United States, should become suddenly so squeamish about the seizure of one solitary conspirator more, exhibited a truly ludicrous picture of their insincerity and weakness; insincerity in alleging that such alone was the object

* The President's proclamation against Burr had reached N. Orleans about the 6th of January, but produced no extraordinary sensation there. So far as Burr's designs were conceived against Mexico, they excited no manner of uneasiness. It indeed surprised the good people of Louisiana, not a little to find the government so extremely sollicitous about the territories nearest their neighbours after having shown so much indifference as to the protection of their own.

of the proposal, and weakness in indulging a hope that any one could be for a moment deceived by it.

The truth is, that the persons to be arrested were numerous and well known in the city, as men marked for destruction. But the government had secured a majority in both houses in favor of the bill; and it was expected to pass without delay. Even the day when it was to be finally approved of and become a law, was calculated with confidence. Orders were already issued to the troop of horse to assemble on the evening of the day "after dusk" at the General's quarters; and the rest of the militia were ordered to be under arms early on the following morning. It is not easy to conjecture the numbers which in the course of that night were doomed with 'one fell swoop' to be hurried into dungeons.

All prospect of arresting the bill in its progress through the legislature seemed hopeless. The letter and spirit of the constitution and of the ordinance of the territory, were in vain urged against it. Though there was no invasion, no insurrection visible, or even any longer apprehended, and the only evidence produced to shew that the public safety required so strong a measure, was private information to the Governor, that one man was expected in the territory with dangerous designs, yet the bill had the majority in its favor, and even the attorney general defended its propriety and constitutionality. To protect the government against one stranger, the liberty of thousands was to be exposed to the mercy of as weak, vindictive, capricious and haughty a pair of tyrants as ever stalked upon stilts of brief authority!

Fortunately even for these who were thus forging fetters for their fellow citizens, fortunately perhaps for the internal peace of the Union, a doubt occurred to the house of representatives, whether a territorial legislature had authority to pass such a bill; and the reasonings of the attorney general did not satisfy them on that point. The case was accordingly referred to the Judges and the United States' attorney for the district,* who gave a unanimous opinion in the negative; and the bill was withdrawn. The orders to the troop of horse were countermanded: and the citizens once more slept in peace.

It is perhaps not very important to relate what as a fact that occurred however ought to be noticed, that the government at N. Orleans or more probably the General alone, desirous of extending the alarm as wide as possible, wrote to the Spanish Governors, Folch at Pensacola, and Grandpre² at Baton Rouge, to put them on their guard against Burr. These gentlemen were no doubt much indebted to the General for his communication, as it furnished them with the excuse for making a bloodless campaign, at the expense of the king; a campaign in which Spanish officers take great delight. Grandpre, unluckily had but few or no troops; but following the example of more illustrious personages, he opened the campaign with a proclamation, in which he warned his militia to hold themselves in readiness for service; but at the same time candidly acknowledged that he was not satisfied of the existence of the danger. Folch took more vigorous

measures. Conceivd himself invited, tho' on what grounds is unknown, to join the Americans against the common enemy, he presented himself at the mouth of the bayou St. John, about five miles from the city of New-Orleans, with an army of three hundred men, and modestly proposed to march them into town, on their way back to Baton Rouge, through the American territory. The sentiments of Wilkinson on this proposition are known. Claiborne, however, would not permit the Spanish troops to land; and Folch proceeded to Baton Rouge, by the way of the lakes.*

As the publication proposed only a detail of events that occurred in the city of New-Orleans, little else of importance now remains to be related. The impending outrages and follies that were at the same time exhibited in other places, have for the same reason been for

* About the latter end of February, Captain Walter Burling, a respectable planter, who resided near Natchez, arrived at New Orleans from La Vera Cruz. This gentleman had been one of General Wilkinson's aide-de-camps extraordinary at the Sabine. Immediately after Wilkinson's negotiations there with the Spaniards, Burling suddenly returned to his plantation in the Mississippi territory, and shortly afterwards set out by land for Mexico; having obtained as he avowed, at the Sabine, the necessary passports for that purpose. At the city of Mexico he had an audience of the Viceroy, the object of which is unknown. Burling however, immediately afterwards was desired to quit the province without delay; which he accordingly did, by going to La Vera Cruz and embarking for New-Orleans. Thus far the facts are well known and acknowledged to be true. But the object of this mysterious and truly extraordinary expedition has never been satisfactorily explained by Burling or his friends. If the object was an innocent one, or one in which Wilkinson was not connected, his friendship for Wilkinson ought to induce him to declare it. Burling's reputation as a man of honor stands too high to admit of his statement's being disbelieved, should he have thought proper to make one. When individuals refuse to disclose secrets, rumor will always at least endeavor to do so. Burling's trip of course gave occasion to a variety of strange surmises. But the report which seems most entitled to credit is that one which followed Burling from La Vera Cruz, on the authority of one of the principal officers of the government at that place. By this it appears that Wilkinson having persuaded the Spaniards at the Sabine, that Burr was on the point of making a descent on the Spanish possessions with a powerful force lamented the impossibility of stopping him with so small an army as he, Wilkinson, had under his command, and complained of the penurious disposition of his government which had not furnished him with men or arms; or with money enough to raise or equip a respectable force; but that if the Spaniards would furnish the funds, he would put New Orleans, Loftus's Heights, and other places in such a state of defence as would completely disconcert the plans of Colonel Burr. . . . The Governor of Texas, as was said, struck with the excellence of Wilkinson's schemes closed with him immediately; and the sum to be furnished by the Spaniards was fixed at three hundred thousand dollars. Of this, however, the Spanish government could not then advance more than from twenty to twenty-five thousand dollars; there being but little specie in that province. But that advance being made, Burling was stated to have been sent to Mexico for the balance. This report however, goes on to say that the Viceroy disapproved of the weak conduct of the Governor of Texas, and refused to ratify the bargain; and having told Burling that he could protect his master's territories without General Wilkinson's assistance, he ordered him to quit the city in twenty-four hours, and the province as soon as possible afterwards.

* Mr. James Brown.

the most part unnoticed here. The result of Wilkinson's transportations however, are too nearly connected with the subject of these pages to be passed over altogether in silence. It is true that whether the persons transported were guilty or not of any crime, is perhaps immaterial; even their guilt would be insufficient to justify the unnecessary, illegal, unconstitutional and tyrannical hardships of the measures with which they were pursued. Even had the General really been in possession of satisfactory evidence against these men, his conduct towards them was wanton and oppressive. But to deprive him even of the puny semblance of justification, which he might seek in the crimes of the persecuted, or in the evidence which he had of these crimes, it has been the fate of all his arrests to terminate in the release of his prisoners; those who were transported in particular, having been all discharged without trial, and even without bail, when the charges against them underwent a legal investigation.

Bollman descended the river Mississippi, under the guard of Lieutenant Wilson, of the United States' artillery, and four men. About twenty-five miles below the city they remained at anchor until the 19th of December, awaiting the decision of the court on the habeas corpus, and the orders of the General, which were that day received by the hands of an officer who arrived from the City on horseback. On the 14th of January, the prisoner arrived at fort Johnston, near Charlestown in South-Carolina, where he was delivered into the custody of Captain Kalteison, commanding at that fort. The situation of the prisoner being made known in town, a writ of habeas corpus was allowed by Judge Bee, and served on Captain Kalteison. After some hesitation, this officer consulted the Governor of the State, who declined giving any opinion or advice.— It was finally determined however, not to surrender the prisoner; Captain Kalteison, justifying his refusal by saying, that he acted under the orders of his superior officer. Already this haughty spirit of contempt for the laws emanating from the commanding general, thus briskly circulated through even the most remote ramifications of the army, nourishing sentiments of military independence destructive of all social order, if not even intended to vibrate the arm of military force, in actual contemplation of a speedy and definitive struggle for pre-eminence with the civil institutions of the country; to such a struggle conduct like General Wilkinson's, if persisted in, or perhaps if ever again repeated, must necessarily lead, and possibly the General cares not how soon. A sincere disposition to peace on the part of the people, a conviction that condign punishment would before long overtake the offenders, in the ordinary course of justice have perhaps hitherto preserved the country from the horrors of a civil conflict. But should the friends of the country's freedom be disappointed in this just expectation, the next occasion of a similar nature presents itself, may not perhaps find them so unprepared for resistance. It is of little moment to a degraded people whether it be an hereditary monarch, or an elected president, that braves the law. Freemen know of no distinctions between tyrants; and Heaven sanctions resistance to oppression, whether the dungeons of the oppressed be in a harrack or a bastille.

The conduct of Captain Kalteison, without doubt, has its advocates; for what political crime can be committed, which some in the United States, have not at some time or other endeavoured to justify? That however, which in Wilkinson was an offence, cannot become a virtue in his subaltern. The officers at the fort, apprehending some difficulties with the civil authority, embarked Bollman privately in the middle of the night, on board of a revenue schooner, in which, on the 22d of January, he arrived at Annapolis, and was, on the same day, sent to the City of Washington, and there delivered into the custody of Colonel Wharton, and confined in the marine barracks.

On the next day, if not sooner, the executive appear to have had knowledge of Bollman's confinement; and that the confinement was a military and an illegal one. This is proved by a letter of that date from the Secretary at War to Colonel Wharton, directing him to surrender his prisoner, when demanded, by the marshal of the district; and thus obliquely instructing him to detain that prisoner without any legal authority, until it should please government to send the marshal for him; and Bollman accordingly remained in confinement until the 27th, when he was arrested by a bench warrant, from the circuit court of the District of Columbia. The reasons of his detention so long, and of the new measures at length pursued against him, are equally obvious. It will be recollected that the bill to suspend the operation of the writ of habeas corpus, had then passed the Senate of the United States; and that on the 26th, it was expected to pass in the House of Representatives also; and in that case, would without doubt have immediately received the executive sanction and become a law. Bollman was therefore in the mean time kept in rigorous, illegal and unconstitutional confinement four days, under the eyes of the very supreme executive of the Union, to the perfect knowledge of him who has particularly sworn "to preserve, protect and defend the constitution," and whose most especial constitutional duty is to "take care that the laws be faithfully executed." Nor did this happen through inadvertence or accident, but in deliberate design, and an expectation that the law which was about to pass would, by a kind of retrospective operation, sanction the crime,* and thus place the oppressed prisoner for a still longer period out of the protection of the law. But to the honor of the American people, this unnecessary, time-serving and unconstitutional bill was rejected by their representatives, a hundred and thirteen votes against nineteen! And government thus disappointed in their favourite scheme of oppression, had to drag their prisoner next day from his dungeon into court. Let it not be said that the President himself knew nothing of these proceedings. By his own previous permission, he had, during this interval of illegal confinement, namely, on the 24th of January, a personal interview with the prisoner; who was for that purpose conducted, in the custody of a military officer, to the President's own house; and after a long conference, at which the Secretary of State was present,

* The bill as passed in the Senate provided *ex post facto* to sanction arrests previously made.

reconducted by the same officer to his prison. And from the same prison he on the next day entered into a correspondence with the President at the President's own solicitation.* We should cease perhaps to exclaim against the enormities of Wilkinson, since even the threshold of supreme magistracy has been voluntarily polluted by the unhallowed footstep of lawless military violence in approved possession of an oppressed and unprotected citizen.

Swartwout, who arrived at Annapolis at the same time with Bollman, and in like manner sent to Washington, and confined in the marine barracks, after having been landed at New-Orleans, from the ketch *Etna*, he was sent down to fort Philip, on the Mississippi, about sixty miles below the city. Previous to setting out, he demanded to know whither he was to be carried; but the officer of the guard refused to satisfy him. And Swartwout conceiving, that he had the most to fear from a destination thus mysteriously concealed from him, pushed suddenly by the guard and attempted to effect his escape. The soldiers were immediately ordered to fire after him, and several pieces were accordingly levelled; but owing to the dampness of the weather, the guns either missed fire or flashed in the pan. One only, after hanging fire, went off, but fortunately without doing mischief.† Swartwout was then pursued and retaken. In the scuffle which ensued, one of the officers of the guard twice drew his dirk and endeavored to stab the prisoner; who continued to be treated with extreme rigour, and was even threatened with fetters. A pair of heavy irons indeed were actually brought to the guard room for the purpose, but were not used.—While Swartwout remained at the guard room in New-Orleans, Mr. Alexander served a writ of habeas corpus in his behalf on the officer, but without effect. The consequence of it only was that the guards received stricter orders not to admit strangers, and even to fire upon any civil officers, who should persist in a determination to see the prisoner. Swartwout remained at fort St. Philip, until the latter end of December, when he was shipped on board of the schooner *Nimrod*, Captain Catharel, for Baltimore, and arrived at Annapolis as has been already mentioned.

On the 27th of January, these two prisoners, Bollman and Swartwout, who had been confined separately at Washington, were taken before the Circuit Court of the district of Columbia, on a charge of treason. In this Court, consisting of three Judges, two concurred in admitting the President's proclamation of the preceding month, and his communications to Congress, on the subject of the supposed con-

* The object of this conference and subsequent correspondence was at the time much misunderstood, and perhaps willfully by many. It is now however known to have been honorable to Bollman, as the friend of Burr, unmixed with any personal views of his own.

† Had Swartwout been killed in a lawful effort to force his way from unauthorised confinement, there is little doubt but that Wilkinson might have been convicted of murder. And although an interposing providence would not permit the actual perpetration of the deed, the offence has been at least severally committed.

spiracy, as evidence of commission of certain *overt acts* of treason, by persons connected with the prisoners in some political scheme; in short, taking as *facts proved* what have since proved to be the *misrepresentations* of these instruments,* the Court committed the prisoners for treason. They accordingly remained separately confined in cold, narrow, uncomfortable and unwholesome cells, until the 21st of February when being brought before the Supreme Court of the United States, on a writ of habeas corpus, the evidence against them was held to be totally insufficient to charge them with any crime, and they were dismissed without bail.

Mr. Alexander has already given to the public, a spirited and well written appeal to his country, a full account of his arrest and transportation to Baltimore; where, it is now sufficient to add, he also was released by a habeas corpus, and discharged without bail.

General Adair, who was arrested at N. Orleans, on the 14th of January, was kept a close prisoner in the barracks, until a little after midnight, when he was taken down to fort St. Philip, and there detained until the following night about the same hour, when he was again removed to an uninhabited place in the swamps, about twenty miles lower down, and there concealed in the weeds. Weather more severely cold perhaps was never known in Louisiana than during the six days and nights that Adair lay there exposed to the inclemency of the season. About forty miles below his place of confinement an entire boat's crew in the pilot service were frozen to death. And similar accidents happened in the city on the same night. On the 22d of January, the prisoner was shipped on board of the schooner *Thacher*, captain Haw, for Baltimore; where he arrived on the 17th of February, and was the next day taken by a writ of habeas corpus, before Judge Nicholson, who dismissed him without bail. On the 22d of the same month, being at the city of Washington, he addressed a note to the attorney general of the United States, to apprise him of his arrival there; and of his readiness to meet any charges that could be exhibited against him; but none have since been heard of. Ogden was the fellow-citizen and fellow-passenger of Adair; and was in like manner discharged at the same time at Baltimore.

Thus, after outrages of a most unusual alarming nature had been resorted to in order to make these five persons answerable for some unknown offences of a heinous nature of which they were secretly accused, offences of such singular enormity that the laws were supposed insufficient for their prevention or their punishment; and after these gentlemen had, in consequence of this serious charge, been violently deprived of their liberty, denied all intercourse with their friends or the magistracy of their country, outlawed to all intents and purposes, and finally transported two thousand miles, on a dangerous voyage, at an inclement and tempestuous season of the year, in small, unsafe, and uncomfortable vessels, at the risk of health and even of life, to the private inconvenience incalculable, at a heavy expense to the nation, in subversion of the most sacred principles of the American constitution and laws, and to the utter disgrace of the civil authority; it at

* That several hundred men had been actually combined, armed, officered &c. in the western country.

length appeared, on legal and dispassionate inquiry, that there did not exist a particle of testimony proving even the probability of a crime against any one of these five persecuted individuals; who were accordingly discharged and suffered to proceed, each as he could, to their respective homes, without any manner of indemnity for their losses or sufferings, or any prospect of such indemnity, except such as the law may vainly award to them out of the gold laced pockets of a bankrupt in fortune as well as reputation; nay, instead of the satisfaction of knowing that the author of their persecutions would be brought to punishment, they have had the mortification to find even the government itself in a great degree accessory to his guilt.

But to return to New-Orleans. The extraordinary scenes there, were now drawing fast to a close. The visionary perils which so long enveloped that country in a darkness and chilling fear, had dispersed like a mist of the morning. The rebellion had been crushed, it was said, in the womb of speculation; the armies of Colonel Burr were defeated before they were raised; Colonel Burr himself was a prisoner; and the time was at hand when General Wilkinson had to prepare for his departure to the United States, in order to complete his victory over the rebels in due form of law.

Wilkinson, however, well knowing that in this new campaign he himself had something to fear, and accordingly made his propositions for a defensive as well as an offensive war. Sensible of the many heavy and perilous responsibilities to which he had subjected himself, and the necessity he would be under of defending positions heretofore universally considered as untenable, he determined to strengthen himself as well as possible on every side. In this situation of his affairs a project was suggested truly worthy of the desperate game which he had been playing; one that would have occurred to few so circumstanced, and in which the consummate effrontery and peculiar genius of this man alone perhaps could hope for success. Well aware of the influence of popular opinion with the present administration, and that it is admitted, not only as conclusive evidence of individual worth, but even as the test of abstract truth; and that the voice of the multitude not only supersedes the authority of all law, but furnishes also a fluctuating but never erring standard of moral propriety, to which all are expected to conform in defiance of every fixed principle: General Wilkinson took the bold ground that all his measures had been popular in the extreme, even in New-Orleans, among the well affected; and immediately set about, through his friends, to collect evidence of this almost incomprehensible paradox. And on a close view of this scheme, it was found by no means so extravagant or impracticable as it must have appeared. It is true, it could not be expected that the country could be really prevailed on to signify their approbation of measures which had for so many months kept them in painful and unnecessary alarm, suspending all manner of business and depreciating property of every kind. To raise even a semblance of the popularity of such measures in that country while the facts are yet fresh in the memory of all, and were publicly recorded in the presentment of a respectable grand jury, seemed a task of

more than common difficulty. This arduous and apparently absurd attempt however was decided on: the public addresses to the General were prepared for subscription. At first they were handed round privately among his own partizans and those whom they could influence, and afterwards left at the coffee-house, or hawked publicly about the country for signature. These addresses were in the usual stile of all such unhappy productions; tissues of fulsome compliment, imperfectly conceived and awkwardly expressed, stating in general terms the obligations of the country to the General for having discontinued the plans of Col. Burr, and admitting the propriety of the temporary suspension of the civil authority.

That the Governor should have no cause of offence, another address to him, in nearly the same strain of hollow panegyric, was circulated for signature in the same manner, and with perhaps more than equal success; exhibiting a ridiculous proof of the insincerity of the addressers, nearly the same names being signed to both; for whether the measures of the writer called for praise or censure, Wilkinson alone was entitled to the whole of it. Even when Claiborne did now and then assume a kindly mein, it was plain that Wilkinson was victorious over him. The Governor's agency in these measures was at no time much more than nominal, and at first not even so much as nominal; his merits, therefore, if he had any, were at best those of a negative nature. But the General, and of course the Governor, wanted a dish of praise; and to those disposed to serve it up to them, it was a matter of perfect indifference, whether these gentlemen had done every thing or nothing, or which of them had done every thing and which nothing, or whether any thing had been done at all to deserve praise. To say that the usual arts to obtain signatures were not neglected on this occasion would give but a faint picture of the activity, intrigue and perseverance exerted to enlist names under these gaudy banners. And many causes conspired to prevent the partizans of the General from meeting with the repulses which they merited.

The General's lady arrived in New-Orleans in the course of the winter, and after a long and painful sickness, died there. Domestic sensibilities are, or at least ought ever to be held sacred in the bitterest of political animosities. It is not therefore here intended to wound the private feelings of the widowed, by even hinting an unkind suspicion, that his sorrow at that melancholly event was insincere. But this may be said, it is hoped without violence to a single fibre of his heart, that at the time just spoken of, the General did not appear insensible of the value of those sympathies in society, which a misfortune so interesting was calculated to excite; and that at least his friends used it to the best advantage. The General's domestic loss gave to the addressers a handsome opportunity of being *pathetic* in at least one part of their address; and to the General, of being *pious* in his answer.

There were also many in society, who not only from the common inability of mankind to resist importunity, but from causes still more imperious, dared not to refuse their names to the list; those

who depended for subsistence on lucrative offices which they hold under the government.* These place-men are very numerous in New-Orleans. And as more than one had been lately removed from office avowedly for the opposition which they gave to General Wilkinson, few that remained in place were willing to hazard any measure at all calculated to excite a suspicion of their disaffection. If then to the list be added, as is ever the case on such occasions, a multitude of names little known or scarcely before heard of, the signature of that class of men who sign almost any thing under the influence of example they know not and they care not why, and of the many in the lower walks of life, who are proud of the opportunity of mingling for once with their betters, it will cease to be a matter of surprize that among a population of fifteen thousand souls,† consisting perhaps of the most heterogenous assemblage of various nations and complexions ever known, the arts of General Wilkinson, and the industry of his partizans were able to procure one hundred and fifty names to a paper which he conceived of such importance to his future fate in life. It is wonderful only that the number was so small.

That several gentlemen of wealth and character were among the addressers cannot be denied. The best of men are sometimes most easily imposed on. And most of that description on the list may perhaps be truly said to be indebted for their respectability to qualities of more sterling value than mere brilliancy of intellect. And it is a fact eminently beyond the possibility of question, that the men of propriety, independence, reputation and weight in society, who did not nor would not dishonestly lend their names to this miserable trick, outnumbered the actual signatures beyond all calculation.

Thus having been, during six busy months, an object successively of distrust, terror, hatred and ridicule, the General, with a strange and motley collection of witnesses against the conspirators, sailed about the 20th of May, for Norfolk, in the United States' schooner Revenge. His visit to New-Orleans was like that of a pestilence; at his departure every countenance brightened, as at a sure symptom of the returning health of society.

* It is remarkable however, that neither Mr. Brown, the district attorney, Mr. Gurly, the attorney general, or even Mr. Duncan, the General's counsel, signed these addresses.

† The population of the city of New-Orleans, suburbs and country immediately in the vicinity.

