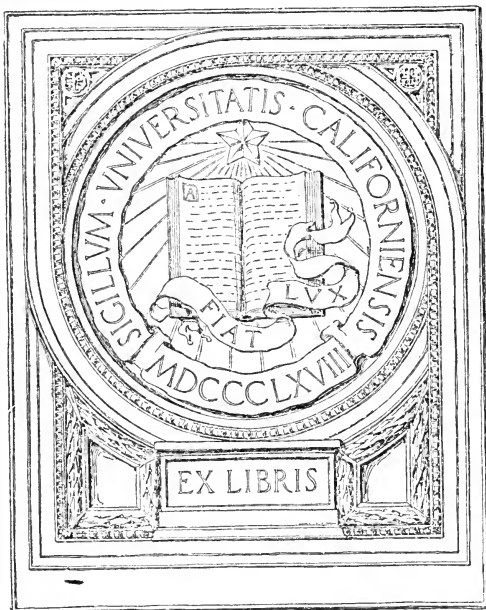


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Debate in House of Rep-
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General Wilkinson
N. Orleans 1807



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Orleans (Terr.) Legislative
House

DEBATE

IN THE

House of Representatives

OF THE

Territory of Orleans,

ON A

MEMORIAL TO CONGRESS,

RESPECTING THE ILLEGAL CONDUCT OF

General Wilkinson.

NEW-ORLEANS :

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DEBATE, &c.

ORLEANS LEGISLATURE.

HOUSE OF REPRESENTATIVES.

Monday, March 16, 1807.

House in committee of the whole, on a memorial to congress, relative to the conduct of Gen. Wilkinson—Dr. Cooley in the chair.

Col. Fulton moved that the memorial be rejected

Mr. Parrot said that he could not conceive upon what grounds the gentleman made such a motion. The memorial contained solid facts, grievances of which we complain; and they ought to be forwarded to government.

Col. Fulton replied that his motive for wishing to suppress it, was, because he thought it disgraceful to the house to read it.

Mr. Parrot thought the subject before the house one of the most important that ever came before it; and hoped, for the sake of his country, that such a one would never again come before it. He observed, there are members of this house, determined to go through thick and thin, to justify the measures we so much complain of; men who stand in awe of a Punic Tyrant, "dressed in a little brief authority," who has been preying upon the very vitals of our country.

Col. Fulton begged leave to reply to the gentleman—when he spoke of *puny* or *petty* tyrants, he supposed he alluded to him—he was under no awe of any one; he said every one who knew him, knew he was inde-

pendent. If gentlemen wish to argue the point fairly, let them without intimidating.

Mr. Donaldson observed that the memorial was so fulsome to the ears of many in the house, that he wished to dispense with the reading of it.

Mr. Hughes hoped the gentleman from Acadia did not wish to have this memorial dismissed without being read; he could not give his consent to it; he did not wish to have a thing thrown away without knowing what it contained. If it contained truth, which he believed was the fact, it merited a better fate than the gentleman seemed willing to assign it—if, on the contrary, it contained falsehoods, it would meet the indignation of the house. He claimed as a right, the privilege of expressing his opinion on the memorial, let its fate be what it would.

The question was taken on the reading of the memorial, and resolved in the affirmative. The clerk then proceeded to read the following

MEMORIAL:

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled.

EXTRAORDINARY and alarming events, oblige the legislative council and house of representatives of the territory of Orleans, to appear in the character of complainants, at the bar of your honorable body.

Among the privileges secured to us by the treaty of cession, were some which congress thought of so much importance, that they hastened to bestow them as an earnest of the further

benefits we were taught to expect.— We knew how to appreciate them ; and read with satisfaction in the first law passed for our government, the provision, that “ The inhabitants of the said territory, shall be entitled to the benefits of the writ of *habeas corpus*. They shall be bailable, unless for capital offences, where the proof is evident or the presumption great, and no cruel or unusual punishment shall be inflicted.”

Whenever we have been tempted to complain that other privileges, deemed by us *essential* were withheld, we have been reminded of former periods in our history, when *Liberty* was only a *tenancy* at the will of our superiors, and told to be grateful for the extension of a remedy against every species of illegal, personal violence ; we examined the nature of this provision, and saw in its theory an admirable contrivance to secure the liberty of the citizen ; we enquired into its operation, and found that its practice had produced the correspondent effect ; and we considered this assurance of personal, as the first step to political independence.

Secured from the dread of legal punishment by a determination not to merit it, and safe in the protecting power of the law against all attacks on our reputation or property, we assumed the plain but lofty port of *Freedom*, and looked forward to the period when 60,000 citizens, who had by enjoying, learned to appreciate their rights, should unite in assuming an equal rank in the great *Federal Family*—a station to which “ nature and nature’s God,” has destined them. Under these anticipations, our government experienced another change. And here again we rejoiced to find the invaluable privileges of personal security, re-assured with other provisions equally important. In the second article of the ordinance, it is declared that “ the inhabitants of said territory

“ shall always be entitled to the benefits of the writ of *habeas corpus* and of a trial by jury—that all persons shall be bailable, unless for capital offences, when the proof is evident or the presumption great, and that no man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land.” We view with admiration, and as children of the great *American Family*, claim a participation in the benefits of the constitutional provisions contained in the 7th and 8th articles of the amendments to the Constitution, and fear not the disapprobation of congress, when we contend that within this territory “ no person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war, or public danger.” And that in all criminal prosecutions the accused “ shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature & cause of the accusation—to be confronted with the witnesses against him—to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence.”

We feel a grateful pleasure in referring to these constitutional bulwarks erected for our protection—an honest pride in the consciousness that we have not rendered ourselves unworthy of the blessing—and an indignant grief which we are sure your honorable body will participate, in the reflection that the noblest plan ever devised for the protection of personal liberty—the finest theory ever imagined for the restraint of arbitrary power, should,

before we had well seen its operation be rendered abortive—that the best gift offered by the United States should be violently torn from our grasp, and that, while its constitutional guardians looked tamely on, the holy temple of justice should be sacrilegiously rifled of this revered palladium of our rights.

The annexed documents support the following statement of facts, to which we entreat the immediate and efficient attention of the proper branches of government.

The return of the regular forces to this city in _____ last, announced to us the settlement of our differences with Spain upon our frontiers, and we felt grateful to those who had been instrumental in tranquillizing the country. But our tranquillity was of short duration. Measures were soon put into operation which filled the city with alarm, and every thinking mind with the apprehension of the most sinister events. Very active preparations were made for defence, but the utmost mystery observed as to the cause—rumors were put into circulation of an intent to proclaim martial law—and the old forts which command the city were repaired. At length, when a sufficient degree of alarm had been created, the merchants of the city were invited to convene at the government house on the _____ day of December last, and many of them attended. They were met by the Governor of this Territory, and Brigadier General Wilkinson. The latter communicated to them that the preparations then making were to oppose col. Burr, who had formed a plan to sever western from the Atlantic states, and to invade the province of Mexico. That in the prosecution of these objects, he would himself be at Natchez, with two thousand men, by the 20th of December, and would soon after be joined by a body of six thousand men. That with this force he would march

down to this city, take possession of it, plunder the banks, and seize the shipping to transport his army, under convoy of a British fleet, to La Vera Cruz.

This information, he said, he had received, partly by a letter from Mr. Burr addressed to him, (the General) written in cypher, and dated the

_____ last, and received by him, at Natchitoches, on the 16th of October last—which letter, or a decyphered copy, he produced; *and which, among other things, acknowledged the receipt of one from the General of the 6th of the preceding month, & asked his advice as to the propriety of taking Baton Rouge on his way down.* Other parts of the plan, not contained in the letter, he stated had been communicated by a messenger from Mr. Burr, who had been sent to him at Natchitoches.

The Governor supported the General in a speech, in which he stated his belief in the existence of the danger, and read a letter, which he said was anonymous, but the hand writing of which he knew to be that of a respectable gentleman in Tennessee. The parts of this letter which were read, advised him to beware of traitors, to beware of the month of December—to beware of the Ides of March—to *beware of the General*—and gave hints of some design against the city; it has since been discovered that this letter was actually signed *A. Jackson*, and advised the Governor to beware of the General. Both the General and the Governor united in recommending an embargo on the shipping, as a measure essential to the general safety—the merchants who were present acquiesced in the necessity, and the embargo was laid. A ship of war was immediately stationed below the city to prevent the departure of any vessel without the General's passport, and some which had sailed without this document, were brought back and detained until it was procured, although the necessary

clearances from the custom house had been given ; and we believe that altho' the collector has not since the

refused the papers required by law, no vessel is suffered to pass the fort at Plaquemine, without the General's permission.

Upon the illegality of this embargo, we need not offer a single argument. The legislative power of congress alone could legally enforce a measure of this nature. Upon its expediency, many considerations occur. Gen Wilkinson was the only witness of mr. Burr's treasonable designs ; he stated his plan to embrace the attack of this place, the plunder of its wealth and seizure of its shipping ; and in order to counteract these projects, it was determined to keep all the shipping in the harbor, to deprive them, by enlisting their seamen, of all hopes of escape, to detain the treasures of the banks, and by withdrawing all the outposts, and collecting the military force at New-Orleans, to leave all the territory open to the invasion of the enemy.

We do not pretend to be judges of military operations, but on a point so essential to our safety as the defence of our territory, and so important to the union as the maintenance of its tranquility, we can but advert to the impropriety of keeping the regular forces isolated in this city, and withdrawing the garrisons from Fort Adams and Natchitoches, when the obvious policy, if invasion were apprehended, would have been to have met it in the defiles of the upper country, aided by a numerous militia, instead of waiting an attack in a town incapable of defence—or if the attack of the Spanish dominions were meditated, to have occupied the garrisons situated on their frontier.

The embargo was a serious evil to our country—its immediate operation is already severely felt in the injury of private credit. The extent of its con-

sequences cannot be easily calculated. In a government subject to events like this, commercial operations must be always uncertain, confidence must be destroyed, and the price of insurance and uncertainty of returns, will always damp the spirit of enterprize, enhance the price of imports, and lessen that of staple commodities. These evils are already felt. The capitals about to be invested in our lands, in our public institutions, and in loans to our inhabitants, are suddenly withdrawn, and the spirit of emigration to our territory is destroyed ; *and a fall of at least twenty-five per cent. in the price of real estates, attests the misfortune of our country.* Measures more deeply to be deprecated, because they struck at the root of all a freeman ought to value in life—Measures fortunately unknown in the history of the American people, and which, we devoutly pray, may be only cited hereafter to shew the exemplary punishment that followed their adoption.

On Sunday the 13th of December, Doctor Erick Bollman, a resident and house-holder of this city, was arrested by two military officers, under the command of Brigadier General Wilkinson—his papers were seized—he was denied the privilege of consulting counsel—and was immediately hurried out of the territory. Two other persons, (citizens of the United States,) were arrested by a similar order and confined on board a Bomb-Ketch, opposite the city. For some days neither the arrest of these last persons, nor the place of their imprisonment, were sufficiently known to justify any judicial steps for their release. At length one of them, (Mr. Ogden) remarkable for his height, was discovered from the shore—a proper affidavit was made, and a *habeas corpus* obtained, in obedience to which, and contrary to the express order of General Wilkinson, the officer of the Navy in whose custody he was, brought him before

the judge, and he was released. The other, Mr. Swartwout, was immediately removed to more close confinement, and measures were taken, by frequently changing the officer of his guard, to avoid any proper return to the writ issued for his release.

An affidavit of the arrest of Bollman was presented to one of the judges of the superior court, on the afternoon of the 14th of December, together with the writ of *habeas corpus*, for his allowance; and it was urged by the gentleman who presented it, that the case was an urgent one—that the prisoner would probably be removed out of the reach of process by the next day. The allowance of the writ was at that time refused by the honorable Wm. Sprigg, senior judge of the superior court, in order, as he alleged, that he might consult his colleague, and he not being at home, the motion for the *habeas corpus* was directed to be made in open court. On following day, this motion appears to have been made by Mr. Alexander, supported by Mr. Livingston, both counsellors of the superior court—the writ was allowed. On Thursday the 18th of December, Gen. Wilkinson, to whom the writ was directed, made his return, in which he set forth:—

[Here follows the return in the case of Bollman.]

After thus avowing his breach of the constitution and laws of his country, and declaring to the judges, sitting in their official capacity, that he would persevere in the same lawless course, he proceeded to denounce the two counsellors who had dared to question his proceedings—He demanded their immediate arrest—but though repeatedly urged, by the one who was present, to substantiate his charge, and though every effort since that period has been made by the gentleman accused to provoke enquiry into his conduct, we do not find that any proof whatever has been produced to crimi-

nate him—and we are therefore constrained to believe that this denunciation was intended to overawe those who might be inclined to extend their professional aid to the General's victims.

This deduction derives additional force from the proceedings afterwards pursued with respect to Mr. Alexander. On the following day he was, by virtue of a military order signed by general Wilkinson, arrested in his house, and conveyed thro' the streets at noon-day under a strong escort of Dragoons—he was paraded through the principal streets in the city, exposed to the pitying gaze of hundreds of the astonished inhabitants, and committed to close confinement at head-quarters. From thence, with Mr. Ogden, who was a second time arrested, he was conveyed to some place then unknown. There is however, unquestionable proof that on the 22d of January they were in confinement at Plaquemine.

The Habeas Corpus in the case of Bollman is the only one which was issued from the superior court in these cases of military arrest—the effect of that was rendered abortive by the alleged removal of the prisoner.

The other cases were prosecuted in the county court, where James Workman esquire presided—The history of those cases and the reasons why they were rendered ineffectual are contained in a report made by that officer to this house—That document demands the serious attention of the national legislature; and the tacit refusal of the governor of this territory, to give effective energy to the civil authority, will no doubt be examined by the executive of the Union

The picture however of our sufferings, degradations and injuries, is

not yet complete. We have seen the citizen imprisoned, and his advocates dragged from the bar, denounced, imprisoned and banished—the violation of the sacred seat of justice itself was still wanting to give a finish and coloring, a glow of intense guilt to the group. This it received, for Mr. Workman a few days after his communication was made to this House, was himself arrested, dragged to the guard house and imprisoned with Mr. Kerr (another gentleman of the bar, who had taken out the habeas corpus for Ogden,) until they were released by the prompt interposition of the district judge of the United States. We do not mean to be understood as vouching for the innocence or guilt of the several persons whom the commander in chief of the American army has arrested. It is however somewhat unfortunate that the guilt of none of the victims he has chosen from the bar or the bench was ever discovered until they had distinguished themselves by doing their duty in opposition to his tyrannical designs.

In order to prevent all escape from scenes so full of horror, so degrading to an American, so ruinous in their consequences, and so disgraceful to those whose duty it was to protect us against them, guards were placed above, and forts and garrisons below the town—all travellers were stopped, searched, imprisoned unless provided with passports, and the citizens of this territory in passing quietly through their neighborhood were not only stopped, but fired upon, by order of General Wilkinson. Innocent travellers from a remote part of the country have been forced to return one hundred miles to procure this license to travel in their own country.

This order has been enforced even

against a member of this house, whose person was imprisoned until he had suffered an illegal examination of his private papers.

Though nothing can justify, yet circumstances of extreme danger in the moment of invasion during the suspension of the civil authority, might excuse some of these violent measures—But here no foreign enemy or open domestic foe was then, or has yet been proved to have been within any perilous distance of this city, or that treason lurked within our walls—Nay, there yet exists, within our knowledge, no proofs of any treasonable designs sufficiently organized and matured to give us any reasonable cause to fear for our safety. The courts were open to punish, juries to try, and officers ready to enforce the civil authority in all cases of conviction. If reasonable doubts could be entertained of any want of energy in the civil authority, the military was at hand to aid its operations—but this ancillary process did not suit the views of the commander—his ardent zeal could not brook “the laws delay,” his promptitude to support “the holy attributes of the constitution” would admit of no stay to his uplifted arm; and though by an union of mockery with violence, in many of the cases he began by an application to the courts and to juries, yet his impatience always snatched his victims before they had time to deliberate on the accusations he pretended to make.

Again we repeat to your honorable body, that we do not forget our department so far as to pronounce on the alledged guilt or presumable innocence of the victims of his violence. But we must be permitted to remark that in either case the proceedings are illegal, oppressive, and inhuman.

Thus we have briefly stated, with as few reflections as the nature of the case would admit, the acts of high handed military power to which we have been and are yet exposed—acts too notorious to be denied, too illegal to be justified, too wanton to be excused—We have alluded to, but cannot fully describe the humiliating situation to which they have reduced us. Never would we have submitted to it, if the aid had been afforded by those branches of government whose duty it was to have protected our rights, to have resisted oppression, and to have rallied us around them on the first assumption of illegal power—at the head of these branches are men not appointed by us—over whom we have no controul, and who are amenable only to congress for their conduct. We pray that that conduct may be strictly examined into, and that nothing connected with this extraordinary state of things may be concealed—We annex to this memorial a message from our governor, by which we are invited to a temporary suspension of the writ of Habeas Corpus—a compliance with which we conceive would involve the violation of our oaths, the ordinance and constitution of our country, and without the semblance of necessity lend our authority to cover the unconstitutional proceedings of which we complain.

Our great distance from the seat of government, renders oppression more bold by the hope of impunity—our scattered population takes away all fear of resistance—the ease with which men in office can procure testimony, or influence opinion in their favor, makes conviction more difficult—and the necessity of keeping up a large military force, will long expose us to a repetition of the evil—But

all these considerations will, we are convinced, have the effect of rendering the proper branches of our government more watchful over the conduct of their officers, and we rely with confidence on the energy of the Executive to remove, on the vigilance of the Representatives to accuse, and the justice of the Senate to punish the officers who shall be found to have disregarded their duty.

The memorial being read,

Mr. *Donaldson* moved that the memorial be recommitted to a committee: he said that the memorial before the house, from the language and stile of it, went to defeat itself: It was not confined to facts, and was vindictive.

Mr. *Parrot* sincerely hoped the gentleman's motion would not prevail—he observed that the gentleman himself had been one appointed on a committee to draw up a memorial—that after dilly dallying forty days, and making a number of apologies to the house, &c. the chairman expressed his opinion that they never would agree, and another committee was nominated, who have brought forward this memorial; and the gentleman has the good conscience to rise and move that it be recommitted, for what purpose he best knows—But I fear, should it be, we shall never have it again before us, by which we might be enabled to discharge that duty we owe our constituents and country. The gentleman says he is one of those who wish that this memorial should be forwarded to government; but I cannot think him serious, or why move for its recommitment? Can it not as well undergo any amendments before the house? It was the unanimous voice of this house about ten weeks ago, that a memorial should be forwarded to government, containing facts of which we complained. Any member at that time who would have come forward to oppose it, would have met

the honest indignation of the house—but time has elapsed, and some of the members have had an opportunity to cool, and the cause of their grievances with them. It has been asserted that the measures adopted have been for our good—but I never can believe that means so arbitrary and illegal—of so prominent and commanding a nature, could have been for our good; and I will go further, and say I do not believe they proceed from upright motives.

Mr. Gurley observed that he would support the motion of *Mr. Donaldson* for a recommitment of the memorial, upon the ground of having the unanimous consent of the committee—that things were inserted as facts, upon which the house were to act, that contained no truth—that in the present state of the memorial, it was not possible to act upon it. It would require to be so altered, amended and new-moulded, in order to make it meet the ideas of the house, that it could not now be done—that it had been suggested that a committee of the whole should make such amendments as were tho't proper. He observed that there was such a connection of sentences, and the thing so blended and interwoven, that it would be an endless task, and would waste time without effect. He did not wish it to be thought that he was inimical to the measure of forwarding a memorial to government; but he wished the propriety to be fairly argued first, as it was of serious consequence, particularly as it would reflect on the dignity of the legislature.

Dr. Watkins rose in order to express his astonishment at the extraordinary manner in which the house had been treated on this subject. He observed that it had been unanimously voted that a memorial should be forwarded to government. He wished to know whether that vote should be complied with? He would oppose the motion for a re-commitment, upon

two or three grounds—the necessity there was for communicating with the Executive on this occasion; that from the conduct of one of the committees which had been first appointed to draw up this memorial, (which he could not refrain from saying did not act the part due to its country,) he should never consent to the re-commitment. Were gentlemen afraid of the memorial? Should it be infamous, where will it lodge? He observed that the memorial was of more consequence, than all the laws which have occupied the attention of the house the whole session—it contained matter of more connection with our fundamental laws, and more consonant to our doctrines of government, than any or all the laws passed in this house.

Mr. Hughes.—The motion proposed by the gentleman from Acadia, is certainly one that shall have my most hearty disapprobation. I am astonished sir, that the gentleman from Acadia, or indeed any other in this house, could have the boldness to rise and support a motion for the recommitment of the memorial now under the consideration of this house; when I reflect sir, that the same memorial has been handed about from one committee to another, one of which committees the gentleman himself was a member for at least forty days; that committee was discharged, and another appointed in its stead, and now upwards of twenty days have elapsed, the memorial is brought forward for consideration, and the gentleman has the good conscience to propose the postponement of its consideration. I am in hopes the proposition will have no effect, and meet the opposition it justly merits. And now I am up, if I am in order, I will make some general remarks on the extraordinary occurrences which produced the memorial. They will be such I believe as no person in this house will find easy to refute.

Instead of hearing the memorial submitted by your committee, termed a libel, I expected to have heard it applauded for the temperance and mildness of its language ; instead of hearing it asserted that it contained charges unfounded and malicious, I was myself prepared to accuse the committee of having overlooked many important causes of complaint, and I was even tempted to offer proofs of some, to be added by way of amendment to the report. I confess, mr. Chairman, that I look around me with astonishment—that I doubt the evidence of my senses, when I hear conduct, such as that of which we complain, palliated or excused ; and I would rather bear the idea that a temporary insanity had assailed me, than be forced to the mortifying certainty, that these palliations, these excuses, the mean, humbling, half justifications, of arbitrary power, have been asserted by Americans, in a free deliberative assembly ;—*Free Assembly!* pardon me, mr. Chairman, the unguarded expression ; it is the bitterest irony in our situation. Are you safe, sir, in your chair ? Are either of us in our seats free from the fear of actual violence ? The sword of power is waved over our heads—the bayonets of military despotism are at your door, and the adoption of that memorial may be the signal for your immediate seizure, banishment or death ? And pray sir, to what quarter will you look for protection ? To the executive of the territory ? It is worse than palsied—it is actually enlisted in the service of your oppressor ! To your constituents ? Your tame submission to these outrages—your wretched time-serving delays—the want of character and energy we have for two long months displayed,—has destroyed all confidence in us, or sympathy for our sufferings. But there is no danger ; the storm has blown over ; the clouds are dispersed, and we are

now to enjoy the full sunshine of liberty and peace.

But what security have we that the momentary calm will last ? It is true that for two or three weeks past, we have not seen any of our constituents dragged from their families or friends ; that the guard which insulted even members of this house, and violated its privileges, is withdrawn ; that a citizen may now ride a few miles out of the city without having his pockets searched, and the secrets of his friends and family exposed to the insulting scrutiny of a subaltern ; that defenceless women and children are no longer made prisoners of state ; and that the business of the court is no longer confined to the nugatory writs of *habeas corpus*, or the reception of insulting returns.

But sir, these scenes attended with a thousand aggravating circumstances, which have but just passed before our eyes ;—and what security have you, I repeat, that they will not be renewed ? The same force that was employed ; the same tyranny that directed it, are yet in your city. An eye is kept over all your proceedings : every word uttered here is, I most religiously believe, carried to your oppressor ; and upon his will alone depends our future fate. We know this ; we feel it, and yet we do not blush to say we are *Free!* No sir, we are not free ; and our constituents will, I hope, ascribe to fear, and nothing but fear, the event which I anticipate with mortification and horror, when a majority of the members of this house shall reject that memorial ; and when that same majority shall adopt in its stead, an address, excusing, palliating or even justifying the conduct that has wantonly destroyed your constitution, and impudently violated your laws ; when we shall crawl in the dust beneath the feet of our oppressor, and shew the weakness, but surpass the forbearance

of the poor reptile that turns when trodden on.

Sir, will it, can it be said, that real or apparent danger rendered this conduct necessary? If I am answered in the affirmative, I say the assertion is a *li bel* on our constituents; I will never sanction it by my voice. What sir! was the political body so contaminated here, that justice could not be administered? Where were the traitors? Have they fled from justice? Have they made their escape from this city? Why are they not now dragged to justice? Why are their names concealed from an indignant public? Because neither treason nor traitors existed in the country thus calumniated! because the idea originated only in the mind of a man, who wanted by the excess of a new born zeal, to cover the suspicions of guilt, and who hoped to stop the investigation of his own conduct, by magnifying the danger from which he wished to have us believe his services had delivered us!!

The letters, the papers, and the persons, nay even the private conversations of the inhabitants of this territory, have for three months been under the absolute controul of the public officers. If treason had existed in this territory, it would in vain have endeavored to escape detection—If the people were so disaffected, that they were ready to snatch the culprit from the hands of justice—if the judges could not be trusted to commit, nor juries to pronounce on the guilt of the delinquents, surely with such means, and so inquisitorially exercised, some evidence of the fact would have been produced; some document, some declaration; some bottle conversation;—some confidential communication would have been drawn forth from the secrecy in which friendship and honor had buried them, to bear testimony of guilt, or at least to justify suspicion.

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I therefore repeat, and so long as my feeble voice can be heard, I will continue to proclaim, that our constituents have been vilely calumniated, as well as cruelly oppressed; that insult has been added to injury; and that their imaginary disaffection has been slanderously alledged as an excuse for their real oppression. Away then sir, with the degrading excuse derived from domestic treason or disaffection. It is one that will surely find no favor with the executive of the United States, who has borne honorable testimony to the readiness with which the force of the territory was, in a moment of danger, offered to support the Union; nor will it be believed here, when we have seen our most respectable citizens performing the drudgery of garrison duty, and condescending, even on the mere allegation of the general, to undertake the task of executing orders odious in themselves, and which I am sure must have been doubly disagreeable to them, both as free citizens, and men of respectability in society.

If there was no danger from domestic insurrection, did any pressing peril from without, threaten us with such immediate destruction, that no time was given to deliberate, or consult the constitutional organs of accusation? From whence did it arise? We have been told but of one quarter from whence any was expected! yet it is extremely difficult to reconcile the existence of any such danger, with the measures pursued to avoid it. If the commander in chief of the American forces was really in earnest, when he told us Burr was expected at Natchez on the 20th December, with 2000 men, would he have dismantled Fort Adams? would he have endeavored to weaken the Mississippi Territory, by demanding 500 men from thence, to be brought to this place? would he have thrown his whole force into a defenceless town, and left the whole up-

per country open to invasion? and would he, I ask it seriously, & pray his advocates in this house to give a satisfactory answer—would he have concealed his knowledge of the danger from the governor of the country which was to be the first invaded? of that in which the force was to have been collected? Would he not instantly have requested gov. Meade to put himself on his defence? would he not instead of endeavoring to weaken that territory, by a requisition of militia have marched there with his regular force, and thus checked the first effort of rebellion? or would he not have nipped it in its bud, by sending a copy of his cypher letter to the governor of Kentucky, before any force could possibly have been embodied, or while the juries of the upper states and territories were groping in the dark, and for want of proof pronouncing the mighty culprit innocent? Would he not have furnished that evidence which he had in his possession, and which would have exposed the traitor & his schemes himself to detestation and ruin.

If the object of Mr. Burr was to plunder this place of its wealth, and to seize on its shipping, would he, I ask have laid an embargo to keep both within his reach? If he had not had some other scheme than mere defence against this northern rebellion, would he have expended the treasure of the public, in erecting fortifications in the centre of your city, useless against a foreign foe—efficient only to overawe your citizens, and to ruin their properties in its suburbs? Would, in fine, the naval force have been stationed along the river in small detachments? or would they not have been collected so as to act with some advantage against the descending force?—It is notorious that at the moment when he announced the greatest danger, of the four gun boats in the river, only two were stationed as high up as Point Coupée, and the two others at long intervals on

the river, so that they might successively have been taken, if half the supposed force had descended with the hostile army; and is it possible to suppose, that if the object had been to interrupt the invasion of Mexico, that no part of the naval force should have been stationed above Red river, and that Nachitoches would have been left almost without a garrison?—it is plain therefore, from these acts, from these omissions, from these arrangements, that no serious danger was apprehended—but that for purposes best known to the General himself, and his coadjutors, it was deemed necessary to keep up the alarm; to divide and weaken the country; to curb the town; to keep all its wealth in his power; to scatter the naval, and render the military force useless; to magnify the force of the enemy, and to terrify the executive the legislature and the judiciary into a dereliction of their rights. With the first, unfortunately, he has succeeded; the last remain yet at their posts, and this day is to determine whether we are to partake the disgrace of the one, or share in the credit due to the other! For let us not deceive ourselves as to the effect which our approbation of these measures, or even our silence, will produce. A sacred trust has been committed to our keeping; personal honor, national dignity, and the solemn sanction of an oath, concur in pointing out our duty. Should we betray this trust; should we disregard what we owe to ourselves, our country, and our God; should we be bold enough to bear the reproaches of that internal Monitor, which no sophistry can refute, no pretended necessity silence, no power overawe; should we have the hardihood to do this, I ask, can the boldest of us meet his constituents with composure, before they appear at their tribunal? The effects of this vain terror, if it ever possessed their minds, will be dissipated. When

we render an account of this winter's transactions, will they, I say, be satisfied with our list of divorces? with our militia arrangements? or even with our grand reforms in the judiciary, if they should be effected? No sir, they will enquire of us about events which more nearly concern them; they will enquire of their violated rights; they will ask about their constitution, committed to our care; and in a stern accent, in which the *voice of the People must appear to us the voice of God*, they will demand whether we did not, in his awful presence, swear that we would preserve that constitution inviolable forever?—They will then point to the open, avowed, undisguised infractions it has received in our presence; before our eyes; in our own persons; in the very sanctuary of our legislature; and ask us what measure we took to preserve the constitution? what steps to avenge the injuries it received?—What answers shall we, can we give to those enquiries? shall we reply, “It is true we have sworn to preserve your constitution and rights; it is true we have seen them openly violated and despised; we saw the commerce of your country endangered; its citizens dragged disgracefully through the streets, first to a military dungeon, then to banishment and ruin; it is equally true we saw the peaceful traveller stopped on the high way, searched like a felon, and forced by violence to ask protection in passports, unknown and unauthorized by our laws; that private papers have been seized, private letters examined; that women and children have suffered imprisonment, exposed to cold and hunger; that our own privileges have been infringed; that our own dignity has been destroyed; that our country has been *slandered*; that your known loyalty has been questioned; and that your representatives have been insulted by a solemn proposition to violate

their oaths, and join in the unholy work of destruction!!” All this we must proceed to say we beheld with tame submission, all this; some of it countenanced and admitted; and when solemnly called by the indignant voice of our country, to express in our legislative capacity, the feelings which ought to glow in the breasts of freemen, we excused these illegal acts; we palliated these enormities; we threw the mantle of legislation upon the nakedness, the folly, the vice of executive acts. Though we could not lessen the horror so considerably felt, we meanly undertook to divide the odium:—we humbled ourselves in the presence of a petty officer, and terrified by the bayonets of a single regiment, we kissed the rod, and justified the reproach of your enemies, by our mean submission and flattery, that “*you are not fit to be free!*”

Shall we be obliged to make this humiliating confession? No sir, it is yet in our power to retrieve the credit we have lost—to assume the character that befits us—to address the legislature of our country in the language of manly freedom—to shew to the executive how much he has been deceived and betrayed, by the civil and military chiefs; and to give him an opportunity of dismissing the weakness that degrades, and the tyranny that ruins his service in this territory. And yet sir, it is principally for our own credit, that we ought to seize this occasion of shewing that we are not the unworthy representatives of a patriotic people. For, whatever ideas we may have of our duty, the representatives of the United States will know theirs; though we may be silent, they will speak; they are fearless, though we may tremble; and should we flatter, they will never cringe;—and next to the consolation of having done my own duty, I find one in the certainty that there are at least *one hundred and thirteen* independent men in our coun-

cils, who have remembered their oaths and will punish the betrayers of their country.

DR. WATKINS.—*Sir*; I oppose the gentleman's (mr. Donaldson) motion. I consider it a subterfuge to get rid of the memorial altogether; and I think I am warranted in saying, from the conduct of that gentleman, & his friends, that if you consent to his wish, the memorial will never more make its appearance in this house.—The gentleman says it contains errors. If so, and he or any other member will give himself the trouble to point them out, they can be corrected in a committee of the whole house, as well and at least as expeditiously as in any other way. I am disposed to believe that there may be some few errors, but they are of a trifling nature, and not calculated to effect the body of the memorial in any material or important point. I have too great a respect for the constituted authorities of my country, too much regard for the character of this house, and too high a reverence for the dignity of that tribunal to whose justice we are about to appeal, ever to consent that your memorial shall be disgraced by one doubtful fact, or one disrespectful expression; and I have too much regard for my own reputation, to suffer myself to be guided by any other principle than that of truth; by any other motives than those whose object are the public welfare. If sir, the gentleman's motion should fail, and I flatter myself it will, I shall propose such alterations as in my opinion ought to be made in the memorial, when it comes to be discussed by paragraphs. But when I take a view of the conduct of this house; when I advert to the extraordinary and unprecedented proceedings which took place this morning of attempting to thrust the memorial out of doors, without even suffering it to be read, I am compelled to believe it is the object of that gentle-

man and his friends, not only to reject it, but to avoid if possible, any discussion on the subject. Under these circumstances I shall avail myself of the present opportunity to make some observations on the memorial itself.

It will be recollected sir, that I suggested the propriety of such a measure at the beginning of your session. I thought it proper to transmit to the general government, a faithful narrative of the principal events in the political history of our country a few weeks previous to that time. The same opinion seemed then unanimously to prevail in this house; and a committee was accordingly appointed to draw up a memorial to congress. I was solicitous for the memorial to go on at that time for several reasons. In the first place it would have found congress in session, and as all communication between the individuals of this country and the Atlantic states, had been intercepted by your rulers, who seemed desirous of usurping the empire of thought as well as that of law, I deemed it expedient that the representatives of the people should endeavor to defend the honor and interests of their country, by presenting to the general government, a faithful picture of their situation. It cannot be denied but at that time it was dangerous for a private citizen to express any sentiment in opposition to the measures of the day. It will not be denied but that even upon this floor, (except when your doors were closed) no member had courage enough to condemn the conduct of General Wilkinson. However conscious he might be of his own innocence; however high his bosom might glow with patriotism, and however great his indignation at the wanton violation of the laws and constitution of his country,—not one of you dared in those dangerous times, publicly to avow your real opinions. The bold and independent conduct of the representatives of a free people, would

probably have been rewarded by a military arrest—a violent separation from his family and friends, and an ignominious transportation to—God knows where—to a Spanish dungeon, or at least to a distant part of the United States, to the utter ruin of his fortune, and the eternal injury of his honor and reputation. Again sir—if at that period of your session, I could have succeeded in sending forward a proper memorial, I would after having voted the necessary supplies for the support of the government, and providing by all the means in our power for the protection and safety of the country, have proposed to this house to adjourn, because it was insulting to exhibit to a people just admitted to the enjoyment of the boasted principles of *Republicanism*, the deplorable spectacle of a military chief in the very presence of their legislature, violating not only the laws and constitution of their own territory, but trampling under foot that sacred charter of freedom, which had been erected at the expence of the blood and treasure of so many of our ancestors. What was the language of every native Louisianian on that occasion? Formerly, (said they) such conduct would not have surprised us; we were then at the mercy of arbitrary power. But we had been told that our situation was changed; that we were governed by laws, and not by the caprice of men; that the rights of the private citizen were as sacred as those of the highest in authority; that the humblest cultivator of your soil and the chief magistrate of your country, were bound by the same laws, and subject for their violation to the same penalties. What has become of this boasted liberty, this government of laws?—It has fled, like a vision, before the accursed influence of military despotism. While you on the one hand are making laws at an enormous expence to your country; the commander in chief is violating them on

the other, setting your authority at defiance, trampling upon the sovereignty of the people, and prostrating every principle of liberty, which you had taught us to revere.”—For reasons best known to your committee, they never made a report. And here I cannot forbear remarking that they did not in my opinion, discharge the duty which they owed to their country, or to the dignity of this house.—After having amused you for upwards of forty days, you were obliged to discharge them and name another committee in their place, who have reported the memorial now under consideration. I am a friend to this memorial with the alterations I have suggested, because in territorial governments, where the principal officers are appointed by the president of the United states, to whom and to the senate alone they are responsible for their conduct, it becomes the duty of the representatives of the people, whenever their rights are infringed, to lay their complaints before congress, the legal guardians of the liberties of the people.—For wise purposes it has been thought proper to establish this kind of government in remote parts of the union, where the number of inhabitants did not justify the formation of an independent state. It is a kind of probationary state, (many of you, gentlemen, may think it a purgatory) thro’ which it is deemed necessary that we should pass, before we are admitted to the full enjoyment of that glorious inheritance which is the birth-right of every native born American. For myself, I am no great admirer of this form of government: my objections to it are various: it may, however, be the best which could have been devised for us. In a country like ours, just emerging from despotism, composed of the inhabitants of various nations & languages, unacquainted with political concerns, because they had not before been allowed to take any share in the

administration of government ; it was perhaps good policy to regulate their admission as an independent member of the great American Union, by gradual and progressive steps. But it never for this purpose was intended that we should be oppressed. Congress did not set over us men who were to rule us according to their own arbitrary will. On the contrary, they extended to us by express, written and clearly defined laws, the chief of those fundamental principles of liberty, recognized and secured by the Federal Constitution.

I am not one of those who are disposed on slight grounds to censure the conduct of public men. I am well aware of the folly of attempting, nay of the impossibility of satisfying every body. I hope however I have discernment enough to see, & courage enough to expose any wanton inroads upon our rights, under whatever name, or by whatever specious pretexts they may be sanctioned. We are removed at a great distance from the seat of the general government. Until very lately we have had no Delegate upon the floor of congress ; and as it relates to the subjects of which we are now speaking, he must be totally ignorant. We have been formerly calumniated, and we were silent. We have been recently denounced, insulted and accused of treason—it is therefore high time to vindicate ourselves.

One word mr. chairman, as relates to the general state and situation of our country. We have a population of nearly 60,000 souls, scattered over a territory of six hundred miles in length, and nearly the same breadth. Of this population, about one half are slaves, one-tenth free persons of color, and the remainder free white persons. The whole of our militia, thinly distributed over this extreme region, if you except the battalion of colored

people, do not amount to more than six thousand men. During the existence of the Spanish government here, in addition to this militia, it was tho't necessary for the safety of the country, to keep up a considerable military force, and accordingly the King of Spain maintained a standing army in the different parts of the then province to the amount of from two to three thousand men ; and that too at a time when he was sole proprietor of the whole country, and free from the menaces of any enemy. Since the taking possession of this country by the United States, we have frequently been under serious apprehensions of an attack on the part of the Spaniards. They have more than once invaded our territory : they have constantly kept up an armed force on our frontiers ; and they are masters of the country not only on the east and west of our settlements, but are in possession of Baton Rouge, a fort which could be easily made to command the navigation of the Mississippi from above, and enable them at any time to lay waste the lower country, and seize upon this city. Notwithstanding this exposed, defenceless situation ; notwithstanding the importance of this country to the American Union ; we never have had at any time, (if my information be correct,) for two or three years past, more than from 150 to 300 troops fit for actual service in this city or its vicinity. But where, it will be asked, are your 6000 militia ? It has already been seen over what an extensive country they are spread, exposed in all directions to a jealous and restless neighbor. But this is not all. When the number of our slaves is taken into view, any man in his senses will see that instead of marching our militia from their homes to fight foreign battles, it will be always necessary in times of war, to strengthen them

on their own plantations, for the purpose of protecting their families, and enabling them to keep up a proper subordination among their slaves. Our militia are moreover peculiarly situated. They have never been as yet, owing to various circumstances, properly organised ; and this country has changed masters so often in the course of a few years, and its political relations so frequently varied, that it would be unnatural to expect from its inhabitants in the course of a few months, during which time they have experienced many vexations and disappointments, any very ardent affection, either to our nation or our government. I do not insinuate by these observations that the people of Louisiana are not brave, and possessed of all the qualifications which adorn the character of man, and render him a good citizen : I believe them attached to the principles of our government, and willing to sacrifice their lives and their fortunes in defence of their country : nor have I taken this view of our situation for the purpose of censuring our local or general government. *I will not pretend to say where the blame lies.* I know not whether our real situation has ever been known, or whether if known, it would have been better provided for. All I contend for is, that we have been left in a defenceless, unprotected state ;—and that at the arrival of gen. Wilkinson upon the Sabine, we were at the mercy of the Spaniards or of any enemy that might have chosen to make war upon us. Judge then sir, of the gratitude and affection with which that general was received, when after having settled the difficulties in the west, which had occasioned great uneasiness and alarm, he came with his army to take up winter quarters in this city. He was hailed with joy by every lover of his country. We had heard with some anxiety, it is true, of

his having demanded of the acting governor of the Mississippi territory, 500 militia, and of his having given orders for the dismantling Fort Adams and for the transporting to this city all the artillery and military stores of that post. But we flattered ourselves that it was for the better defence of the country, and the protection of its inhabitants. Shortly after his arrival, every thing was put in motion, and great preparations were made for repairing the old fortifications. In addition to the soldiers, a number of negroes were hired at enormous expence.—large contracts for lumber and pickets were made—and we were informed that the whole city was to be immediately put in a state of defence—Military guards were posted in various parts of the town—one of our principal streets which had cost the corporation many hundred dollars, was blocked up, and public curiosity was excited to an alarming pitch—the most profound mystery was observed on the part of the general and the governor, as to the cause of these warlike preparations—conjecture was on tip-toe ; and as it is impossible to stifle enquiry in the busy minds of freemen, every one made war with the nation he liked the least, and by turns the batteries of st. Charles and st. Louis were made to play against Spain, France, England and even against our own country. The most rational part of the community were lost in astonishment. “ If we are preparing, (said they) to fight a foreign foe, why desert our frontiers, entrench ourselves in New-Orleans, place our safety in her imperfect walls ; and leave the Balize, Fort St. John’s, Fort Adams and the Walnut Hills, unprotected by a single cannon or a single man.”

While the public mind was in this state of agitation and alarm, an assembly of the merchants was called at government house. To these gentle-

men the general stated that *Aaron Burr*, in combination with a number of wealthy and influential characters, from various parts of the United States, were engaged in a desperate and lawless enterprize to invade Mexico, to sever the Atlantic from the Western states, to make himself master of this city, plunder the banks, seize upon the shipping, and under convoy of a British fleet, to transport his army to La Vera Cruz. In the prosecution of these objects, to use the language of your memorial, Burr himself was to be at Natchez by the 15th or 20th of December, with 2,000 men, and was soon afterwards to be joined by a body of six thousand more. This information the general said he had received partly by a letter in cypher, addressed to him from mr. Burr, and partly by a letter from mr. Dayton, also in cypher, received on the 10th of October last, while at Natchitoches. The other parts of the plan had been communicated to him by accredited agents of Burr, sent for that express purpose.

The governor confirmed the account which had been given by the general, and read some parts of a letter, which he had received from a gentleman of high respectability in Tennessee, advising him to beware of traitors—to beware of the 20th of December—to beware of the ides of March—and both him and the general united in recommending an embargo to be laid on the shipping, which was accordingly done.

It is, mr. Chairmain, difficult to conceive, but much more so to describe the consternation which this disclosure produced upon the public mind; but great as it was, it was equalled if not surpassed by the honest indignation which burst forth against the authors of this infernal plot, from the bosoms of every citizen of our country. It is impossible to deter-

mine what description of men were most ardent to meet the traitorous foe—and I solemnly declare my belief that there is not a respectable citizen of the territory who would not have risked his life in defence of his country. One or two new volunteer companies were formed, the old ones were augmented, and the battalion of *Orleans Volunteers* gallantly offered their services to the executive for the defence of their country. The officers of the militia were extremely active; great exertions were made to complete their organization, and every demonstration of zeal in the common cause given on their part. There seemed to be but one object and but one mind—resistance and death to the traitors. While we were engaged in reflecting upon these things, it was rumored that the general intended to declare martial law, and that the governor meant to suspend the writ of *habeas corpus*. The former part of this threat was in effect immediately put partially into execution, and the latter part was suspended only for the want of power and from a representation of the folly and danger of such a measure. On the 13th of December Doctor Bollman was arrested in the public streets by a military guard, under the orders of general Wilkinson, which was soon afterwards followed by the arrest of Swartwout and Ogden.—These gentlemen had been but a short time in the country, and were known but to few of its inhabitants. The extraordinary nature, however, of their arrest and confinement, in open violation of the best privileges of an American citizen, excited some interest in the public opinion, and induced their friends to sue out writs of *habeas corpus* in their favor. The first of these writs was issued by the superior court in favor of Bollman, who had already been hurried out of the country, or at least was so alledged by the gener-

al, out of the reach of civil process.—The return to this writ was perhaps the most singular in manner and stile of any ever before made to a court of justice. The general's approach to the court was announced by his aid de camp, Mr. Duncan. He appeared at the bar, with all the pomp, and was clothed with all the insignia of military power. He informed their honors, that he took upon himself all responsibility for the arrest of Errick Bollman, and that he had adopted measures for his safe delivery to the executive of the United States, as he would do with all others, without regard to standing or station, against whom satisfactory proof of guilt might arise in his mind. He enlarged considerably upon the extent of the conspiracy; the great and imminent danger to which we were immediately exposed; the wealth, the talents and number of Burr's associates; and, casting his eyes around upon an appalled multitude, declared, that even within this city, there were many enemies to their country; that treason not only lurked in your hiding places, but stalked proudly through your streets at mid day! The several documents in support of these allegations, particularly Burr's and Dayton's letters in cypher, and parts of the letter which the governor had received from Tennessee, suppressing as the governor had done before him, the name of its author, and whatever related to the general himself! He further said that it was after several consultations with the Governor and two of the judges of the Territory, viz. Hall and Mathews, that he had hazarded this step, but being contradicted by the honorable Judge Mathews, the general replied, that he had understood him to that effect, and then looking down upon the bar, he called out for two of its members, and denounced them as traitors to their country. The disgraceful

scene that followed, should be buried in eternal oblivion. Great God! shall the sacred temple of justice be converted (by an American officer) into a club of revolutionary tumult, and military denunciation? and shall the citizens of freedom look tamely on? Shall the insulted ministers of the law return thanks to its violator, applaud his conduct, bow before him, and kneel at his feet? The General retired, not to the place which he deserved, but in triumph, and the friends of the constitution departed with grief and indignation and despair, to bewail the misfortunes of their country. The effects of this disastrous day were soon every where discovered. Suspicion became identified with treason. Every one conscious of his own innocence and believing the declaration of the general to be true, concluded that others were guilty—public as well as private confidence was lost—individual friendship was destroyed—all the bonds of society were torn asunder—and public tranquility as well as domestic happiness were banished from our shores:—Broils and party spirit succeeded in their places; and the contention was between the friends of the law, and the advocates for arbitrary power.—The people however were still united upon one point—resistance to Burr.—A similar return was, in the last resort made to the *habeas corpus* in the case of Ogden, who after having been once set at liberty by the civil authority, was a second time arrested and confined along with Mr. Alexander, by the orders of the general.

In the mean time guards were placed above the city to arrest and examine all travellers, to stop all boats, examine their passengers, and to fire upon the boats which refused to come to!—a detachment of dragoons was sent to Manchac, with the same, and additional orders to break open and examine all letters and other papers

found in the possession of travellers.

A second regulation was established making it necessary for vessels and citizens of this territory, as well as other persons, to furnish themselves with passports; and those who neglected to do so, were compelled to return to the city of New-Orleans, in search of a document, the necessity of which had never been publicly notified.

While these things were going on, at the Balize and in the country, your post-office was erected into an inquisition; private letters were broken open; the secrets of individuals were disclosed; and the reputation of every honest man exposed to the mercy of every malicious scribbler. The private as well as public conduct of individuals, was watched; and they were alarmed, menaced or intreated, according to the timidity or firmness of their dispositions: secret depositions were taken, without the knowledge of those they were intended to criminate: and characters were to be tried, for acquittal or infamy, before a judge whose own fidelity had long been suspected. The information, however, from Kentucky, the pretended seat of the conspiracy, did not altogether comport with the fears as to the dreadful situation into which the public conduct of our rulers had reduced this unfortunate city. Boats were constantly descending the river; private communications were daily received, and it did not appear that they were under any great apprehension there, either for their own, or our safety. Burr it is true was wandering through that and the neighboring states in a suspicious manner; some apprehension had been excited in the public mind, and he had been twice arraigned before the district court of Kentucky, for hostile intentions against the peace of the union, but was acquitted on both

occasions. Such was the situation of affairs, when in the afternoon of the 14th of January, General Adair arrived among us. This gentleman it had been reported was to hold a distinguished command in Burr's army. He made his entry into this city about one o'clock alone and unarmed. He took up his lodging at a public boarding house, and being indisposed sent a messenger to the governor to inform him of his arrival, and requesting that information might be sent to General Wilkinson to the same effect. He mentioned that he had left Nashville on the 22d of December, and that Burr was then there with only two flat boats, destined for this city. He had never been in New-Orleans but once before, in 1800, when he remained only a few days; and could not, therefore, have any extensive acquaintance with its inhabitants. He had very recently occupied a distinguished place in the councils of the government, and was held high in the estimation of his country, as a man of talents and bravery. About four o'clock on the same day of his arrival, whilst at dinner, a detachment of the regular troops, consisting of one hundred and twenty men commanded by colonel Kingsbury, accompanied by one of the general's aids, posted themselves before the door of the hotel: Adair was violently dragged from the table; paraded through the streets, exposed to the pitying gaze of hundreds of his astonished fellow citizens, and indisposed as he was, committed to close confinement in a cold, uncomfortable room at the barracks. They beat to arms through the different streets of the city; all the inhabitants were in commotion; the battalion of volunteers and a number of the regular troops were ordered under arms; and three other gentlemen, inhabitants of the city, and all of them holding offices under the territorial government, were arrested

and conveyed to Head-Quarters. Two of these gentlemen were liberated by writs of *habeas corpus*, and the other was voluntarily released by the general himself some time after. A few days subsequent to this period, certain information was received of the arrival of Burr in the neighborhood of Natchez, with thirteen flat boats, loaded principally with provisions, and with only a sufficient number of men to conduct them down the river: no guns, ammunition or other military stores were found on board, more than is commonly met with in Kentucky boats. And from that time to his surrendering himself to the civil authority, it does not appear that he was joined by any additional force.

Notwithstanding Burr's surrender, however; notwithstanding the most unequivocal evidence of the feebleness of his force and the failure of his plans; notwithstanding the conviction in the mind of every man of reflection of the want of legal power in territorial governments, to suspend the writ of *habeas corpus*; he governor of the territory addressed to this house on the 10th of February, a message recommending that measure, and assigning as his reason for so doing, that he had been "recently advised of the approach to this city of an agent of the conspirators, of his name, the route he had taken, and the object of his mission; but that he had it not in his power to adduce such proof as would justify a civil magistrate to commit him to prison." An American citizen against whom suspicion was entertained, but of whose guilt no proof could be adduced, was expected in your city, and it was probable that he would be rescued from that suspicion by the application of the writ of *habeas corpus*, and placed upon a footing which the laws of your country entitled him to, and you are called upon by the executive of this territory to take away not

only from him, but from every other citizen, the great constitutional bulwark of the liberties of the American people. The fate of this message is well known. But sir, to the shame of this house, let me ask, what would have been its fate had not the minority resorted to the measure of consulting the judiciary of our country. During the time of three days of secret debate which this important question occupied, it was evidently seen that a large majority of this house, was determined at all hazards (I will not question their motives) to second the views of the executive. Some of your members were bold enough to say, that the governor had recommended the measure; and that it must therefore be proper. I am however both for myself and my country grateful to them, for yielding their opinions to superior wisdom; and leave it to the world to decide how far the governor was justifiable (or ignorant of your powers) in recommending, for the apprehension of one suspected individual, the suspension of the dearest privilege of an American citizen.

From the view I have taken of this subject, mr. Chairman, you will not be induced to believe that I have any doubt of the existence of a plan to subvert our government, and to invade the dominions of Spain. On the contrary, sir, I most firmly believe it; I believe that such a plan has been long in agitation, that it has taken deep root and spread through a great portion of the United States. But sir, I am persuaded from the facts I have detailed, that I can convince you, this honorable house and the whole world, that its origin is not to be found in Burr's cyphered letters, in Dayton's communications, or in Burr's agents to Wilkinson; and that its defeat is not to be ascribed to the affected patriotism either of gen. Wilkinson or gov. Claiborne. The officiously lopping off limbs to

preserve the body may answer the ambitious, avaricious purposes of an ignorant quack, but will never meet the sanction of a sound intelligent physician, who upon taking a view of the whole distemper, clearly sees that such mutilations can have no other effect than to weaken the body, and hurry his patient to death. I have no idea that your constitution is to be preserved by trampling it under foot—that your laws are to be maintained by setting them at defiance. No man will doubt that Burr was a conspirator, and if we believe Wilkinson, that Dayton and many others were concerned with him. Let us look at his conduct. If I am not mistaken the last time he met the general at the Federal City, he accosted him nearly in the following words: (my authority is governor Claiborne)—General what are you about—What has become of your ambition—Your love of glory and dangerous enterprise? I possess these qualities, replied the general, in the same degree I ever did. Then what are you doing here, said Burr? Point out to me a field said the general and I am your man. Burr pointed to Mexico—and the remainder of the conversation was in secret, and is still unknown to us. The general is appointed to the government of Louisiana, and we shortly afterwards find Burr on his way to that country. Why this visit? Was it for the pleasure of traversing a wilderness of several hundred miles in extent? Was it to examine the dreary plains of the Indiana territory? To take a view of the wretched villages of Kaskaskias or Kahokia? or was it to see gen. Wilkinson? From St. Louis he descends to New-Orleans, not as an ordinary traveller, but in an elegant barge, manned by the troops of the United States, soldiers under the generals command. To whom is he introduced, and in what style? To the old friends of the general, and in terms of the highest recommendation, both

as to his talents and probity. He spends a few days here—returns to St. Louis—talks over with the general the plan of invading Mexico (ridicules a foolish club he had heard of at New-Orleans, established upon patriotic principles) and departs for the Atlantic states. The next news we hear of him is at Philadelphia, in the month of August, from whence he writes to the general, not as you or I would write, but a letter in cypher, a language unknown to any one but themselves, in which he states that he had obtained funds, and actually commenced the enterprise—An enterprise in which Wilkinson was to be second to Burr only? in which Wilkinson was to dictate the rank and promotion of his officers. Examine this communication sir, and compare its contents with your knowledge of the human heart.—What internal evidence does it contain? Put your judgment under the controul of that evidence, and follow me from Natchitoches to New-Orleans, and the honorable gentleman from Acadia will lose his motion.—What did the general do on the receipt of Burr's letter? He writes to the president of the United States, giving him some account of the scheme. This was proper. But what ought he to have done further? He knew that Burr was in Kentucky, and that the *enterprize* had not yet made much progress. We knew that the documents in his possession, if forwarded in legal form, to the governor's of Kentucky, Tennessee and Ohio, would be sufficient to enable the constituted authorities of those states to seize the traitor and stifle at once the whole nefarious plan. He knew from Gen. Wilkinson's correspondence with Burr that these documents might have been sent in time to meet him there, to surprise his army, if he had one, and capture its chief. Did he do this? No sir; whilst the honest state of Kentucky was groping in the dark for testimony

—while she was endeavoring to get some clue for the discovery of Burr's guilt, General Wilkinson, in possession of damning proofs against him, was not only silent upon the subject, but wrapped himself up in mystery & suspicion; and took such a stand as placed his conduct, and the whole of his operations in the most equivocal point of view. What would have been the fate of Burr and his accomplices, had the courier Mr. Smith, on his way to Washington, left a copy of Wilkinson's testimony with the governors of Tennessee, Kentucky and Ohio?—He passed through Nashville about the middle of November, previous to Burr's trials in Kentucky, and thirty or forty days previous to his departure from Tennessee. What was the general about? We find him at Natchez on the tenth of November soliciting the acting governor of the Mississippi territory for 500 of his militia. But the governor it seems had the astonishing insolence to demand for what purpose these men were wanted? The general refused to satisfy his curiosity, and the men were not granted. Why this demand on the part of the general? Burr was expected at Natchez in a few days with 2000 troops, and therefore the governor of that territory must send 500 of his militia to New-Orleans—he must disarm himself, deprive his country of its only force, and leave its inhabitants unprotected—a prey to their own slaves, or the neighboring savages—and for what? Because in a short time a powerful enemy was to be at his gates. Further sir—why did the general conceal from governor Meade the projects of Burr? Was it to put him on his guard, to enable him to make a stand against the invader? or was it to lull him to sleep, that his country might be found open and defenceless, and the road to New-Orleans free from obstructions? I call upon the gentlemen sir, to an-

swer these questions. I will now proceed to New-Orleans. A few days after the general's arrival in this city, governor Claiborne did me the honor, under the most solemn injunction of secrecy, to disclose to me all the particulars of Burr's projects, and to consult me as to the best measures that could be adopted for the safety of the country. He seemed to be confounded with fear & *astonishment*, and observed that from the general's account, Burr had many powerful friends in this city. He asked me whether I had any knowledge upon that subject; and intreated me if I had to communicate it to him with that candor and love of my country which he did me the honor to say he knew I possessed. I replied that I never had heard of such a scheme, and that I firmly believed there was not a man in the territory, (the agents and officers of foreign governments excepted) who would not risk his life for its defence—That upon the integrity of the union depended the liberties not only of this territory, but of the whole American empire, and that I was warranted in saying from a knowledge of the public sentiment and the character of the people at large, that Burr nor no other man either had, or would ever be able to find among the people of Louisiana, friends to a scheme pregnant with so much ruin and marked with infamy. I further observed that he himself must have heard much conversation upon the subject of a war with Spain, and an invasion of Mexico in case of that event. That this was a favorite topic with all the true Americans in this country, as well as with many of the native Louisianians—That some time since, when from the political relations between the United States and Spain, every man of sense was apprehensive that war would be the result, a club was formed in this city, called the Mexican society—That it had for its object collecting

That it had for its object collecting information relative to the population and force of the internal provinces of Spain, which in the event of war, might be useful to the United States—That I was a member of that club, and that the principal members of it were men of great talents and high standing in society, and distinguished for their zeal in support of our government. But I assured him upon the honor of a gentleman, that the society had ceased to exist for many months—that we never had heard of Burr's plans, and that neither directly or indirectly did I ever hear from him or any other man upon earth, any propositions hostile to the interests of the United States, or any other nation with which we were at peace. His excellency told me that he had not himself seen the original documents upon which the general founded his calculations—but that he had received verbally from him a full and satisfactory account of them. I suggested the propriety of his obtaining certified copies of all the important facts; and of his immediately transmitting them to the governors of the upper states and territories, as well as to the president of the United States. I advised him immediately to dispatch couriers for that purpose, and offered my services, to set out the next day, if necessary, to Kentucky. I told him that I had confidence in the patriotism and integrity of the upper country; and as the general had neglected to give them information of their danger, it might be yet time; and that at all events it was his duty to do so. I suggested the propriety of his taking a strong ground; calling out and putting into actual service several hundred of his militia, and of his retaining them

under his own command. I opposed the declaring martial law, or the suspension of the writ of *habeas corpus*. I considered such measures unnecessary, illegal & calculated to excite alarm, destroy all confidence in the civil authority, & throw the whole government into the hands of the military chief. I took a view of the general conduct of that officer, & although I hoped, & was willing to believe that he might be actuated by the best of motives, yet I thought his conduct not calculated to inspire that confidence which the public safety so urgently required.

In giving these opinions I discharged my duty—but the Executive thought proper to take a different course. We see him immediately afterwards consenting to, and approving of unlawful military arrests, and the transportation of your fellow citizens—You see him advising an illegal embargo upon your shipping, transferring to the General the command of the Battalion of Orleans Volunteers without their consent or knowledge, and you see this respectable corps converted into constables and catchpoles—You see them employed in dragging their former friends and companions from their houses, parading them through the streets to their places of confinement. You see them posted on the road engaged in the odious task of hunting down their fellow citizens, searching their pockets, breaking open their letters and acting as spies upon their conduct. Could you sir approve of such measures as these, and will you now withhold a knowledge of them from the General Government? I ventured from the beginning to refuse them my approbation, and when acting under the obligations of Executive favor and in spite of threats and intreaties I dared upon this floor

to stand up in defence of the violated rights of my constituents. I flatter myself that I shall now, having got rid of those obligations, be entitled to your indulgence for the time I shall take up, and your candid examination of such arguments as my feeble talents may enable me to make use of. We have seen sir, that suspicion alone was sufficient in those times to insure your arrest. If you dared assert from your knowledge of the patriotism of the western states, that Burr would not succeed—that he never would find in Kentucky a sufficient number of men to put his plans into execution,—you were accused of wishing to lull the people into a state of dangerous security; to stifle the vigilance of government; and were therefore denounced as a friend to Burr.—If you, on the other hand, gave implicit confidence to all the general's information; if you believed that Burr could easily raise 6 or 10,000 men, and that such was his character and talents that with that force nothing could stop him, you were equally his friend, and a traitor to your country.

If you admitted that danger existed, but avowed the opinion that the laws of your country were adequate to its suppression, and that your courts of justice were open; you were told that it was necessary “to anticipate the tardy process of the law”—that such old-fangled opinions were not applicable to the present times; and advised to conceal them within your own bosom, lest you might expose yourself to the vengeance of the new and merciless despotism. For my own part sir, I never could adopt this doctrine. I have from my infancy adored the principles upon which the American Constitution is founded, and under that Constitution

I doubt the possibility of a case in which any officer of the government however high his station, however pure his character, can be justified in a departure from the written laws of his country; much less from a flagrant, and what appears to me, a wanton and unnecessary violation of them. If you once admit such a principle as this, you lay the foundation for despotism; and may bid adieu to liberty and the reign of law—you put it in the power of any ambitious man, of any idol of the people, of any powerful military chief, to suppose such a case, to *imagine public danger*, make it a pretext to trample your laws under foot—seize upon your government, administer it a while according to his own fancy, and finally erect upon its ruins just such a system as Caesar did in Rome; as Bonaparte has done in France. In this way all the governments in the world have been overturned; and in this way, if you countenance such doctrines, the liberties of America will be lost. What does it matter to me, Mr. Chairman, if this be effected by Aaron Burr or James Wilkinson. For the sake of argument, however, I will admit the position—I will suppose that a case may happen where “the tardy process of the law,” may be “anticipated”—when a governor may abandon, and a general of your army may and ought to usurp all power! Was that our case? To what real danger has our country been exposed? Look at Mr. Burr in Kentucky—follow him down to Natchez! How many men had he ever collected together? What quantity of arms or other military stores do you find him or his associates in possession of? You have heard of 13 boats being seized near Marietta, loaded with provisions and

presumed to belong to Burr's party. Admit the fact. But how many men were on board these boats? and what arms had they? No arms at all, and not more men than were necessary to row these boats to Natchez.—On the 22d of December he leaves Nashville with 2 boats; at the mouth of Cumberland he is joined by 11 more; and with this formidable force he arrives about the 10th of January at Bayou Pierre—13 boats then loaded with provisions, having on board from 50 to 100 men, and about 40 stand of arms, which appear to have been brought along with them for the purpose of killing turkies & wild geese for this mighty army—to oppose which you are called upon, (and many of you have already pledged yourselves) to justify General Wilkinson and Governor Claiborne in the secret as well as open violation of every thing that is dear to the liberties of man. Many of you have already hailed the General as the saviour of his country, have bound yourselves down to approve his conduct, and call upon us in the face of offended Heaven and the prostituted rights of your country, to go along with you by rejecting the memorial. Permit me to ask sir, (allowing every thing that has been said about the nature and extent of Burr's plans to be true) who is entitled to that sacred epithet? Who has really been the Saviour of our country? Who has defeated the schemes of Burr? *Have the operations of general Wilkinson and governor Claiborne extended beyond the limits of this territory? Have the dreadful effects of the wounds which have been inflicted upon your Constitution penetrated into the enemy's camp?—was Burr's progress arrested? Was the severance of the Union, or the invasion of Mexico prevented by concealing*

his plans, embargoing your shipping, withdrawing your troops from the upper country, demanding governor Meade's militia, insulting your courts of justice, denouncing your fellow citizens as traitors, arresting and transporting them without even the form of a trial, filling the public mind with constant alarms, destroying the civil authority, or finally by trampling under foot every principle of justice and of right? No Sir! You owe your salvation not to general Wilkinson or governor Claiborne, but to the patriotism and integrity of the people of Kentucky; and to them should your altars be erected. You owe it to that love of liberty and independence; to that attachment to their country; to that confidence in the honest administration of the the general government, which glows in the minds of our western brethren. You owe it to their love of those sacred principles which you have not only seen torn from you without a murmur, but for the loss of which you have kissed in humiliation the ravisher's feet, and wish to place upon his head a crown of immortal honors. If Burr had had to contend with such sentiments in Kentucky; if he could there have usurped with impunity the powers which your superiors have done here, what would then have been your situation? Who in that case would have been your Savior? If Gen. Wilkinson had been upon the Sabine; if him and his whole army, however brave and loyal they may be, had been in the remotest corner of the globe, Burr never could have succeeded.—His lawless schemes would have been defeated as they have already been.—But had he even succeeded in passing Natchez with his miserable force, what would have been his fate here? Ask your boys and your women in the streets. They would have been sufficient to have given a good account of him. But sir, it has been asked, with some triumph, suppose General

Wilkinson instead of opposing him, had acted as Burr expected, and as the general says he had a right to expect, in concert with him; what would have been the result?—I leave this question to be answered by the General's advocates themselves; and I yield either to him or to them, all the advantages they can draw from it.

To the Editors of the Orleans Gazette.

GENTLEMEN,

I will thank you to insert the following in your next number.

HAVING on a late occasion in the house of representatives, observed that General Wilkinson had, in his communications to the Merchants of this city, and also the superior court, mentioned the name of Gen. Dayton as an accomplice of Aaron Burr; I think it due to candor to state that I was under a mistake. The name of General Dayton was not I believe, upon reflection, publicly mentioned by General Wilkinson, as concerned with Burr. But at the same time I render homage to truth, in correcting with pleasure, an accidental error,—I reserve to myself the right of stating to the public the circumstances and impressions under which that error was committed—This shall appear in your next paper.

I have the honor to be very respectfully,

Your ob'dt. humb. servt.

JOHN WATKINS.

New-Orleans, April 5, 1807.

To the Editors of the Orleans Gazette.

IN compliance with my promise I now relate to you the circumstances which induced me to state that Gen. Wilkinson had publicly mentioned the receipt of a letter from Gen. Dayton

on the subject of Burr's conspiracy.

At the time Governor Claiborne communicated to me all that he had learnt from General Wilkinson, he mentioned among other things that Gen. Wilkinson had received a letter from Gen. Dayton, in which was these remarkable words "*Louisiana & Mexico—Burr & Wilkinson.*" When a public disclosure of this plot was afterwards made, this letter of General Dayton's was every where spoken of, and seemed to form a part of it.—Several of my friends, persons of the highest respectability, informed me that they had heard of the same letter, and repeated to me such parts of its contents as to convince me it was the same letter the Governor had mentioned to me. I was not present at the assembly of the merchants; but I had understood that this letter was read there as well as before the superior court. In short, General Dayton's letter had in my mind become so identified with Burr's, that they always presented themselves together.

In the house of representatives, Gen. Wilkinson read this same letter, and it was translated into French by the clerk. This letter was partly in cypher, and partly in common character. It began by predicting to the general the loss of the government of Louisiana, and hinted in very strong terms that he was sinking in the confidence of his country—that Mr. Jefferson might affect to serve him, but that he would finally yield to public opinion, and after talking about troops, concluded with "*Louisiana & Mexico—Burr & Wilkinson.*" I will not pretend to say that Gen. Dayton is the author of this letter; but I positively affirm that such a letter existed;—and pledge myself to prove whenever it may be necessary, that Wilkinson gave Dayton as the author, if not publicly, at least in private conversations.

I am very respectfully, &c. &c.

JOHN WATKINS.

Mr. Donaldson observed, that he should now renew his motion of yesterday, that the memorial be recommended to a committee appointed for that purpose, he had no objection to any member of the committee who framed the memorial which was then before the house, but that he wished a new committee to be appointed that they might bring forward such a one as the house could act upon or would meet the ideas of a majority of the house.

Doctor Watkins rose to explain the impossibility of ever bringing forward such a memorial as would accord with the ideas of all the members of this house. How in the name of God can we pretend to discuss the propriety of forwarding this memorial to congress when the very grievances that we complain of in the memorial have been made meritorious acts, and an address approbatory of the measures adopted by gen. Wilkinson in this city has been signed and presented to him, and the names of some of the members of the house are subscribed to it and that of the gentleman who now renews his motion for a recommitment, unless I have been grossly misinformed? What sort of a memorial is it contemplated that we should send forward to congress? one setting forth that it is true we have just emerged from a state of slavery and entered into the wide field of American liberty, but that we have not sufficiently recovered from the effects of slavery to enjoy that liberty? Our wounds must be again scarified before they can heal.

The question was then taken on the recommitment of the memorial, and lost.

Mr. Gurley rose and moved for the rejection of the report of the committee. He observed that he had flattered himself when the motion was made yesterday to recommit this report that it would have succeeded. But from the observations which have fallen from

gentlemen this morning, he was perfectly convinced of the object of the advocates of this memorial, and that not the slightest ground existed to hope for any coincidence of opinion between them and those who wished it substantially changed, while its authors confess it replete with erroneous and false statements, and of necessity with unjust, because unfounded criminations. We are still teased to go into an immediate consideration of it, and to adopt it with the few alterations which they themselves propose, and which only prove to my mind that no substantial alterations of any nature are intended by them or can be expected by us. Indeed the idea of amending this report in a committee of the whole house is ridiculous, we might as well resolve ourselves into a committee of the whole, to write the history of Louisiana. In making the motion which he had done to reject the memorial, he did not deem it necessary to go into a consideration of its contents, he was ready, however, to do it when necessary. But in the mean time believing it to be evident to every member of the house, that essential alterations in it were necessary, he conceived that the house had virtually decided in favor of his motion by refusing to adopt the only measure by which those alterations could possibly be made.

Mr. Collins rose to second the motion of the gentleman from Orleans: that the memorial contained statements not true, and ought not to come before this house, and that his vote would be to reject it

Mr. Hughes wished the gentleman who spoke last would inform him before what house or place this memorial ought to come, as he had declared it ought not to come before this. One thing the gentleman has not neglected to inform us, which is that he will vote against it, but what of that, I will tell him that I will vote for it and

that it shall have my most hearty approbation. The facts can be proven.

Mr. Gurley rose to explain that it was on the ground that the majority of the house was against a recommitment of the memorial that he moved for its rejection in toto.

Doctor Watkins observed he wished to debate on this subject as is common on all debates before this house : he believed that our government had been threatened to its foundations, but that the nefarious plot was defeated long before it ever reached this city—that the authors of its defeat are not here, not to be found among the *trampsters upon our laws*—he rose to oppose this motion and would move to take up the memorial article by article and consider it.

Mr. Parrot, said he was just about rising when the gentleman who spoke last did to the same effect : he observed that the mode pointed out of discussing the memorial article by article, was certainly the proper and usual one—but it appeared to him to be the determination to strangle this memorial in its birth, to bring it to a premature fate, but he would ask the gentleman if his bow-strings were ready, & if he had his mutes at hand. This said he is a Turkish mode of execution, which I must confess I do not like—however we shall have one consolation that at least it will meet with an honorable death, so far as it relates to its executioner.

Mr. Donaldson observed that it had been said that no danger ever existed to warrant the measures that had been adopted in this city, and that it was never sufficiently nigh ; it is true said he it was never at our gates, but is it the mode of a good general to wait until danger is so nigh ? No, the best way is to be guarded against it and we should never despise danger, and too many states and citizens have fallen from the very circumstance of despising danger ; he declared that he be-

lieved our present safety was owing to the prompt measures which had been adopted in this city. The gentleman from Opelousas tells us of a Turkish mode ; I have heard of cramming Turkeys, and the gentleman wishes to cram this memorial down our throats.

Mr. Gurley observed that in moving as he had done for the rejection of the memorial, he thought that he had been so explicit in the declaration of the motives by which he was governed, as to have left no room for charges which have been heard in your committee, of want of liberality & candor. Gentlemen affect to believe that the exercise of those virtues in *their* favor can have no limitations. With what propriety (continued *Mr. G.*) can gentlemen call on us for the exercise of generosity, after having refused the proffer of accommodation which was holden out yesterday, by the motion which I had the honor to support, for a recommitment of this memorial to the same committee which had reported it. This motion I thought so reasonable that it was with astonishment I had found it negatived. When members of that committee had conceded that they had made a report to this house which was incorrect in point of act, and which required great and material alterations to meet even *their* ideas of propriety, we are still compelled to act upon it, and to take the chance of such partial alterations as may be made in a committee of the whole house. But after what I have witnessed, I feel perfectly satisfied that as no material alterations can be hoped for even on a recommitment, the sooner the better we disburthen ourselves of all consideration of the subject. Not that I am disposed, *mr. Chairman*, as has been stated, to strangle this measure in its birth ; much less shall I ever be induced to give a vote in this house for which I fear to assign the reasons which go-

vern me. With regard to the first imputation, my conduct has been a complete refutation of it. I have been willing to do every thing which could have brought before this house such a representation to the national government as I thought worthy of this legislature. I mean by this a fair representation of facts, and a temperate expression of opinions resulting from those facts. Such a representation I shall forever contend, is the only one calculated to have any effect, or to answer any one object which I have a right to presume that this legislature has in view.

In examining the memorial which I have done with attention only the preceding night, I am confirmed in the impression which I had formed on hearing it read in the house, that it contained the most exaggerated and unfounded statements and such as I trust will never be given to the world under the solemnity of legislative sanction.

I shall as briefly as possible, Mr. Chairman, examine some of those statements in order to justify the opinions which I have expressed and the vote which I shall give. In doing this gentlemen who have advocated this memorial will excuse me if I do not choose to follow them in the circuit which they have taken, and for which every man must perceive the object to be wholly foreign to any possible question which can arise from the subject under our consideration. Indeed from what we have heard in support of this memorial, more than from the memorial itself, we are led to the real motives in which it originated. From what we have heard one would suppose that this house had abandoned its legislative functions, that it had erected itself into a judicial tribunal to decide not on the recent events of which this memorial professes to treat, but on the character and conduct through life of the individuals implicated in it. Mr. Chairman, I stand not here the advocate of any individual; but I will

never cease to reprobate an attempt like to prostitute the dignity of the legislature by making it subservient to a party and by engaging it to become a mad partizan in the quarrels and contests of individuals.

It is therefore that I shall leave the conjectures, suspicions and denunciations against the commander of the army of the United States and which have been made to embrace the history of his whole life, not because they are unsusceptible of refutation, for many of them refute themselves, but because they are entirely foreign to the subject at present before the house.— That subject so far as I know any thing of it, extends only to a consideration of the question, whether this memorial contains a fair representation of the public measures which we have witnessed in this territory for the last three or four months. In reference to this single subject, I shall call the attention of the house to some parts of this memorial. The first part of it consists of a declaration of the rights conferred on the people of this territory by the different acts of congress establishing our government. So far I must confess, although I fear but very little farther, the authors of this memorial seem to have proceeded with some regard to truth. We then have an account of the arrival of our troops from the Sabine in this city, and the measures which were shortly after adopted for its defence. And here commences the first charge against the commander in chief of his having excited unnecessary alarm by holding out the idea that martial law was to be proclaimed. From what quarter the authors of this memorial obtained their information, I know not — But this I know, that this is the first moment that I ever heard that any idea of this sort was ever suggested in the country by any one, much less was I ever informed of any attempt to excite unfounded alarm among the people.

That the citizens of this territory were alarmed; that every man who loved his country, felt during a period of danger some doubt and uncertainty, an extreme degree of solicitude, cannot be denied. A conspiracy the most atrocious & desperate that ever disgraced human nature was developed to us. We saw it directed against the union of our country and that constitution of government to which we had been accustomed to look for the protection of every thing dear and valuable. At the head of this desperate project we saw a man of talents unquestionable, and who once possessed the confidence of his country. The knowledge we had was sufficient to induce the apprehension of great danger; and our ignorance of particulars not only strengthened these apprehensions, but was a new source of real danger in itself. Such was our situation, and such were our feelings, when this systematized scheme of rebellion, rapine and murder, was first unfolded to us. It was at this time that the merchants of this city with a patriotism which will do them eternal honor, came forward and offered the delay of their vessels in your port, in order to enable the government to procure seamen to man the public ships destined to ascend the river. Little did they then think that the acceptance of this voluntary and patriotic offer, would in the course of three short months, be denounced as a crime which called for the most signal punishment. For such, Mr. Chairman, is the simple history of what is denominated in this memorial an embargo, and which is said to have been established by an unpardonable usurpation of power and violation of our rights; and to which, continued as it did only six or seven days, have been ascribed effects which if they had any existence, would prove that the country had been utterly ruined. The fact is that nothing like an embargo has ever

existed, and I defy any man to prove that a single vessel has been prevented from going to sea by any of the measures to which we refer. It is thus that this affair termed an embargo has been brought forward to swell the long catalogue of exaggerations and falsehoods with which this memorial abounds.

Mr. G. here read that part of the memorial relating to the embargo, & concluded by demanding of every member of the house whether there was even the shadow of truth in a single statement on that subject.

We next come to a most able and learned criticism on the military movements of the commander in chief,—which in a most decisive style you have heard declared, have been calculated not for the defence of the country, but for its surrender to the man with whom he is represented by the advocates of this memorial as a confederate in treason. Mr. Chairman, I cannot but feel for the honor of this house when I consider the insidious attempt which is now made to induce us to pronounce a solemn mock judgment in the face of the world, on a subject of which it is not in the nature of things possible that we should be able to form a correct opinion. For sir, we must not forget that with regard to these military arrangements, the question is not singly whether they have been good or bad; much less whether they have been the best that possibly could have been devised; but whether they prove that this territory was actually abandoned by the commander in chief to the inroads of the expected invader, and whether the measures adopted by him were calculated, as we are called upon gravely to assert upon our honor and our oaths to the government of the nation, to deliver over our citizens, their fortunes and their lives into the hands of a desperate band of traitors and assassins.

