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CIRCUIT COURT OF THE UNITED STATES.

On the MOTION *to commit Messrs. Burr, Blannerhassett, and Smith.*

TUESDAY, SEPTEMBER 29.

The following are the documents referred to in general Wilkinson's testimony.

(K)

ST. LOUIS, MAY 6TH, 1807.

SIR—You are to embark to-morrow, and will sail early the next morning with Lockwood's and Strong's Co's. for Fort Adams, and on arriving there, you are to add Campbell's company to your detachment, and must proceed without a moment's unnecessary delay, up Red River to Natchitoches where you are to take the command.

The point of your destination being deemed at present a critical one, it is desirable your companies should be kept compleat to the establishment, and for this purpose you are to make such disposition of the recruits ordered from Tennessee or elsewhere as may be found necessary.

Your remote position from the post East of the Mississippi, renders it convenient and necessary that they should, as heretofore, report directly to and receive orders from head-quarters, but the commandants are to report to you monthly, and will be liable to your orders as senior officer of the district, whenever the public service may require the interposition of your authority, which should be made with due caution to avoid clashing with the arrangements which may issue from head-quarters.

The Posts West of the Mississippi are subject to your immediate command, and are to be governed accordingly—You are to appoint general courts martial within the limits of your district, are to decide on all sentences which may not affect a commissioned officer, agreeable to the rules and articles of war.

At the distance which separates us, it would be vain and presumptuous to prescribe precise rules for your conduct in command, where the occurrence of incidents and change of circumstances may be so unexpected and variable as to baffle anticipation and to render positive orders destructive to the interests of the country. You are therefore to meet the public service with a sound discretion and will be held responsible for events.—The trust is a high and important one; but it is with singular pleasure I can observe that my long experience of your judgment and capacity leaves no doubts on my mind, that the result will justify the public confidence, and prove honorable to your name and profession.

I will therefore submit one observation only to your consideration: It is that you should not fail to employ the force confided to your command, wherever it may be found most necessary to protect or defend the rights and interests of our country within the sphere of your authority.

With the warmest wishes for your fame and happiness,

I am sir, your faithful friend,
And obedient servant,
JAMES WILKINSON.

Col. Thomas Cushing, 2nd Reg. Infantry.

(N)

Copy of a letter from Gen. Wilkinson to the Secretary at War.

Head Quarters, Natchitoches, October 4, 1806.

SIR—I yesterday morning received Gov. Cordera's answer to my address of the 24th ultimo, copies of which you have under cover.

The varied style of this letter, when contrasted with those of Gov. Herrara to col. Cushing and Gov. Claiborne, combined to the circumstance of the Spanish troops having recrossed the Sabine to a man, has induced me on the ground of economy and of expediency also, to discharge the militia who had reached this place and to countermand those under march, excepting about one hundred dragoons and mounted infantry, whom I shall retain in service, (until I am apprized of the determination of the captain-general Salcedo) to watch the movements of our neighbors, to prevent their sinister intrigues with our disaffected citizens, and should they re-enter our territory, to aid the established troops in expelling them.

The Spaniard raised his camp at the Bayou Pierre on the 27th ultimo, traversed the country to the highway leading from this place to Nacogdoches, which he intersected on the 29th about twenty-six miles in my front, and on the 30th crossed the Sabine and took post on the right bank, where col. Cushing left him on the 1st inst.

But notwithstanding I have been determined to diminish my force, as the pretensions of gov. Herrara have not been retracted, nor our jurisdiction acknowledged, and as the position taken on the right bank of the Sabine, is a material departure from the state of things at the surrender of the province to us, and exposes our territory to immediate invasion, I shall continue my preparations for defence and offence; and to wipe off the species of stigma, which cavillers may attach to the Spanish repossession of the ground, from whence we had driven them; to give confidence to our friends—to confirm the wavering, and the disaffected; and above all to assert unequivocally the pretensions of the government, I have taken post within the limits claimed by the officers of Spain, and in a few days shall move forward, to the east bank of the Sabine, where I shall wait the answer of the captain general Salcedo.

Were I required to justify this step, I should reply, that the United States having forced a Spanish guard to retire from a position within their acquired territory, that power protested against the act, denied their pretensions, and armed for the avowed purpose of recovering the ground from which they had been driven—That a Spanish commander of respectable rank, at the head of a considerable force in military array, did not only recover that ground, but took a position much nearer to our barrier and far within our limits—That this officer claimed the jurisdiction of the country east of the Sabine to the Arroyo Hondo, in behalf of his master the King of Spain, and declared his determination to protect and defend it as such; were we to suffer such outrage upon the National Sovereignty to pass over without notice, injurious interpretations might be levelled at our military character, and our forbearance might be construed into a tacit diriliction of our claims.

Under these circumstances and to do away the shadow of right, which the Spaniards may endeavor to found on their posterior occupancy, I feel it incumbent on me to take possession of the controverted tract to its utmost verge; where my conduct will be regulated by that of my neighbor, who the last evening occupied the spot where col. Cushing left him on the 1st instant, with his advanced guard, mounted immediately on the bank of the river; but you may rest assured nothing shall be done on my part to excite unreasonable jealousies or to provoke hostilities; and therefore to prevent misinterpretation of my movements, I have taken the precaution to write Gov. Cordera this day, warning him of my intentions, and the motives by which I am actuated, agreeably to the copy now transmitted you.

Of the militia from this territory about four hundred have turned out, which was more than I expected. From the Mississippi territory I have not yet heard, and therefore cannot say in what force they are advancing.

I have hopes from the aspect of Mr. Cordera's letter and the actual state of their military at this moment, of which I have acquired the most clear and particular knowledge, that our differences here may be adjusted on honorable terms and without bloodshed. I shall however be prepared for events, and will keep you regularly advised of every material occurrence.

With great consideration & respect,

I am, Sir,
Your obedient servant,
JAMES WIKINSON.

The Hon.
HENRY DEARBORN, *Sec. of war.*

(M.)

Extract of a letter from Gen. Wilkinson to the Secretary at War.

"*NATCHEZ, Sept. 8th, 1806.*

"*Sir,*

"I arrived at this place last evening at six o'clock, and addressed a note to the secretary of the territory, (Gov. Williams being absent,) of which you have a copy under cover with his answer; this morning I waited on him and have seen the plan adopted by gov. Claiborne and himself, the first article of which appears to be in direct opposition to your order, respecting the removal of the Spaniards from Bayou Pierre, to which place I understand they have fallen back, from the vicinity of the Adayes; and I hope they may continue there until my arrival at Natchitoches, for which place I shall commence my journey the moment after I have arranged with the secretary of the territory, for such auxiliary force of militia, as may eventually become necessary from his jurisdiction; Gov. Claiborne has, I understand, arrayed the militia, in the western countries of the territory of Orleans, but I shall discourage their march, until I have penetrated the designs of the Spaniards, and may find him deaf to the solemn appeal which I shall make to his understanding, his interests and duty.

"Let the President be assured, sir, I shall drain the cup of conciliation, to maintain the peace of our country, and that the sword shall not be drawn, but in the last extremity, after reason and remonstrance have failed to preserve inviolate our territory east of the Sabine; but at the same time that an awful responsibility restrains the inclinations and ambition of the soldier, to this temperate course of conduct, in opposition to the ardor which I think I discern in the executive officers of these territories. I will pledge my life to him, that no act shall be suffered within my knowledge, to tarnish the national honor or affect the lustre of his administration.

"If the strong precautions embraced by my instructions to col. Cushing, of which I transmitted you a copy from St. Louis, have prevented the effusion of blood, I must believe I have done some good to the state, because the retrogression of the Spaniards have rendered the ultimate resort unnecessary at least for the present, and as nothing can be lost and every thing may be gained by a little delay, it seems better that the opportunity for extinguishing hostilities should have escaped, than that it should have been seized on to let slip the dogs of war, before the effect of conciliatory measures had been duly tested.

"The retrograde of the Spaniards is not accounted for, but may be ascribed to three causes, the unhealthiness of the troops, the want of forage for the immense cavalcade with which they are incumbered, or the failure of provisions; but as they would scarcely have made so formidable and bold an advance in the face of the prohibition uttered by maj. Porter, without positive orders from the competent authority, it is reasonable to presume, when the cause of their retrogression has been removed, they may resume their former position, for which event some preparatory arrangements must be commenced.

"The Spaniards who have approached Natchitoches being all mounted and without artillery, and each private being obliged to keep up four horses and a mule for service, out of his pay of an hundred dollars per month, it will be impossible for them to maintain a fortification, but the same circumstance will enable them to refuse or to give battle to our infantry, at their discretion; to remedy this disadvantage and enable me, should I be forced to appeal to arms, to drive them effectually beyond the Sabine or to cut them up, I shall endeavor to procure about four or five hundred dragoons and mounted militia, from the two territories, unless I should find them so incautious, as to enable me by a forced march of established troops, to surprize their camp under cover of the night; but this is scarcely to be expected if the commanding officer possesses a spark of military knowledge or experience.

"A blow once struck, it would appear expedient that we should make every advantage of it, and if men and means are furnished, I will soon plant our standards on the left bank of Grand River. But I must beg leave to remark to you, that for distant operations or the protection of our western frontier, against the predatory incursions of the Spanish cavalry, a body of mounted men is absolutely indispensible."

(O.)

Letter from Gen. Andrew Jackson, to his excellency wm. C. C. Claiborne.

SIR, Although it is a long time since I sat down to write to you, still that friendship that once existed, remains bright on my part, and although since I had the pleasure of seeing you, I have waded through difficult and disagreeable scenes, still, I have all that fondness for my old and former friends that I ever had, and their memory has been more endeared to me, by the treachery I have experienced since I sawyou, by some newly acquiredones. Indeed I fear treachery is become the order of the day: this induces me to write to you. Put your town in a state of defence—organize your militias & defend your city as well against internal enemies as external, my knowledge does not extend so far as to authorise me to go into detail, but I fear you will meet with an attack from quarters you do not at present expect. Be upon the alert—keep a watchful eye on our general, and beware of an attack, as well from your own country as Spain. I fear there is something rotten in the state of Denmark. You have enemies within your own city, that may try to subvert your government, and try to separate it from the union—you know I never hazard ideas without good grounds, you will keep these hints to yourself. But I say again be upon the alert—your government I fear is in danger—I fear there are plans on foot inimical to the union—whether they will be attempted to be carried into effect or not, I cannot say, but rest assured, they are in operation, or I calculate boldly. Beware of the month of December—I love my country and government; I hate the Dons—I could delight to see Mexico reduced, but I will die in the last ditch before I would yield a foot to the Dons, or see the union disunited. This I write for your own eye, and for your own safety—profit by it, and the Ides of March remember.

With sincere respect,
I am as usual,
Your sincere friend,
(Signed) ANDREW JACKSON.

November 12th, 1806.

Mrs. Jackson desires her best wishes to you.

(P.)

Deposition of Commodore Shaw.

Be it known, that on or about the seventh day of January, anno domini, 1807, Mr. Bradford, printer of the N. Orleans Gazette, waited on the deponent, capt. Shaw, of the U. States Navy, and after delivering a letter from a correspondent, he observed that he had spent some time at the city of Washington and Philadelphia, & from Philadelphia he had travelled to Pittsburg, and from thence proceeded towards Orleans; that the country thro' which he passed, was filled with commotion, and that there were a great number of the friends and followers of Burr. Mr. Bradford also mentioned, that he had seen at the mouth of the Cumberland river some of the public gun boats, and a number of men employed in fitting them out, and that they were to join B.—that the men at work on board the gun boats told him (Bradford) that col. Lyon had given up the gun boats to col. B. and that he, col. Lyon, was one of col. B's partizans. Bradford further observed that he saw a number of small arms, which he supposes were carried on board the gun boats, and the men at work on board the boats informed him (Bradford) that col B. had issued arms and ammunition to 12,000 men, that B's flotilla consisted of seven gun boats and a brig of 10 guns, and that capt. Talbot was commander of the flotilla—Bradford also observed, that he was suspected, and in order to show his innocence, he would wait on gen. Wilkinson and disclose to him all he knew concerning B. and his plots, & further this deponent saith not.

JOHN SHAW.

Sworn and subscribed before me, this 12th day of May, 1807.

B. CENAS,
Justice of the Peace.

(Q.)

Deposition of commodore Shaw and Wm. Tharp.

Be it remembered, that this day, to wit, the sixteenth day of April, anno domini, 1807, personally appeared before me the subscriber, one of the justices of the peace for the city and parish of New Orleans, John Shaw, Esq. captain in the United States navy, and William Tharp, Esq. who being first duly sworn on the Holy Evangelist of Almighty God, declare and say, that on or about the 15th of January last, 1807, passing from the coffee-house about the hour of twelve o'clock at noon, they were accosted opposite the Principal by judge Prevost of this place, who observed that he was happy to inform these deponents, that gen. Adair, the second in command to col. B. had arrived in town and was then at Madam Nowrage's, that he had just waited on him, or had seen the man who had created so much stir, who said col. B. would be in town in three days after him, that it would soon be discovered if the constitution and justice would prevail, or that of the usurpation of the power and tyranny, manifested in the measures at present adopted; other remarks were made by the judge in tone and gesture discovering evident marks of irritation and opposition to the measures of the officers of the government, and impressed one of these deponents with an idea, that the judge's object was to be personal with capt. John Shaw, and extorted a reply, that he (capt. Shaw) knew no private character, he obeyed and executed his order without partiality, and should always be alert to meet and apprehend the disturbers of the peace and harmony of his government—these deponents remained but a few minutes with judge Prevost, & went to the lodging of the captain, where deponents considered it correct to inform gen. Wilkinson, that gen. Adair was then in town, which captain Shaw did by sending his servant with a note to general Wilkinson.

JOHN SHAW,
WILLIAM THARP.

Sworn and subscribed before me, the day and year within written.

B. CENAS,
Justice of the Peace.

(R)

Copy of a letter from Wm. White to Col. Andrew Burk, of New Orleans.

Middleton, December the 22d, 1806.

DEAR SIR,

Expect a large military force to take possession of your city ....Should it not happen before this reaches you, you may look out with hourly expectation of seeing it headed by Col. Burr.

This is intended should you see it in time, to apprise in order that you be in readiness to make your advantages of the times....A number of persons from this neighborhood is engaged on this expedition; amongst the number is your old acquaintance Mr. A. Ralston.

Believe me to be, though much disappointed, still respectfully your's,

(Signed) WM. WHITE.

Col. Andrew Burk, New-Orleans.

(S)

Instructions to lieutenant Pike.

St. Louis, June 24th, 1806.

SIR,

You are to proceed without delay to the cantonment on the Missouri, where you are to embark the late Osage Captives, and the deputation recently returned from Washington, with their presents and baggage, and are to transport the whole up the Missouri and Osage Rivers, to the town of the Grand Osage.

The safe delivery of this charge at the point of destination, constitutes the primary object of your expedition, and therefore you are to move with such caution as may prevent surprize from any hostile band, and are to repel with your utmost force, any outrage which may be attempted.

Having safely deposited your passengers and their property, you are to turn your attention to the accomplishment of a permanent peace between the Canzes and Osage nations, for which purpose you must effect a meeting between the Head Chiefs of those nations, and are to employ such arguments, deduced from their own obvious interests, as well as the inclinations, desires and commands of the President of the United States, as may facilitate your purpose and accomplish the end.

A third object of considerable magnitude will then claim your consideration. It is to effect an interview and establish a good understanding with the La i-tans, I-etans, or Commanchees....For this purpose you must interest White Hair of the Grand Osage, whom with a suitable deputation you will visit the Panis Republique, where you may find interpreters, and inform yourself of the most feasible plan, by which to bring the Commanchees to conference. Should you succeed in this attempt, and no pains must be spared to effect it, you will