

CHAPTER XXII
THE MAN HUNT STARTS

1. ACCUSATIONS IN KENTUCKY

THE "Conspiracy" was now developing on three different stages, flung far over the uttermost stretches of the United States. New Orleans — and Wilkinson; Washington — and Jefferson; Kentucky — and Burr.

Of what was happening in New Orleans and Washington, Burr was blissfully ignorant. Just at the moment, he was having troubles of his own in Kentucky. Blennerhassett's loose talk, his silly series of articles on the philosophy of Western disunion, the rumors started by Stephen Minor, and, above all, the publications of the *Western World*, were beginning to have their cumulative effect.

Joseph Hamilton Daveiss was the United States District Attorney for Kentucky, and one of the few Federalists in that area. He himself had adopted his middle name as a token of his idolatry for the great Federalist leader. Burr had slain his idol. Associated with him was Humphrey Marshall, former Federalist Senator, related to him by marriage. Neither had any use for Republicanism in any form, nor for Burr. These gentlemen, oases in a political desert, were positive from the very first that Aaron Burr, the murderer of Hamilton, meant no good by his projects and journeys. Furthermore, a show of activity on their part might sooner or later be converted into political coin of the realm, and, in any event, it was an excellent opportunity for embarrassing the administration of Mr. Jefferson, for whom they had nothing but the heartiest contempt.

As early as January 10, 1806, following Burr's first tour, Daveiss had written Jefferson to warn him of an intrigue looking to the separation of the West. "This plot," he insisted, "is laid wider than you imagine. Mention the subject to no man from the Western country, however high in office he may be."¹

Not hearing from the President, Daveiss wrote again, on February 10th, this time accusing Burr directly, and repeating his admonition to "show this letter to nobody. Mr. Burr's connections are more extensive than any man supposes." Enclosed was a list of suspects.²

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On February 15th, Jefferson finally answered by a letter that crossed Daveiss's second in the mails, asking for further information. Daveiss was only too happy to furnish it again, with embellishments. Thereafter he bombarded the President with letter after letter, only to meet with a stone wall of silence. Finally, choking with indignation, he turned to Madison on August 14, 1806, wondering if "it is possible the president might have known that my politics were of the federal kind, on main questions, and have suffered himself to be influenced by it."³

This was answered by Madison, enclosing a letter of Jefferson dated September 12th, in which the President blandly acknowledged the receipt of each and every letter, and informed Daveiss that "you may rely on the most inviolable secrecy as to the past and any future communications you may think proper to make." Nothing else!⁴

Daveiss, by this time filled to the bursting-point, determined to make all the capital possible out of the situation. Like a veritable David, he alone would crush the Goliath who was trying to disrupt the Union, and thereby gain the admiring gratitude of the nation.

There was an instrument ready at hand. By one of those remarkable coincidences frowned on in novels and quite common in real life, one John Wood, and one Joseph M. Street, had come to Frankfort, Kentucky, during the winter of 1805-06, journeying from Richmond "on a voyage of adventure, for employment and support."⁵ They were printers and writers by trade, and, if the field were right, intended to publish a newspaper in the interests of the uplift in Kentucky.

By July 1, 1806, they had contracted with the *Palladium*, printing plant and newspaper, for their own venture, the *Western World*. In spite of the fact that it was to be a Republican sheet, Daveiss and Marshall were profoundly interested. For, strangely enough, this John Wood was the very same gentleman whose libelous history of John Adams had been so poorly suppressed by Burr, and with such disastrous results. The pair discovered this, and thereupon the editors' fortunes were made. On July 4th the *Western World* initiated a series of articles, in which Wood's old knowledge of Burr, as well as of Miranda, was mingled in a hellish broth with information furnished by Daveiss and Marshall of Wilkinson, Brown, Sebastian, Innes — all of them hitherto opposed to Daveiss. The concoction was spewed out as the "Old Spanish Conspiracy," revived in a new and more terrible form. The *Western World* was an instant success; it became the general topic of conversation wherever people met, its copies were

snatched away as fast as they could be printed. "Society was agitated," those whose names were mentioned fumed, "Wood kept his closet" prudently, but Street roamed the streets defiantly. He suffered as a result of his temerity. Those he had maligned set upon him in the streets, assaulted and wounded him, and, to cap the climax, had him hustled off to jail. Whereupon Daveiss and Marshall promptly appeared and went his bail.⁶

On October 15th, "An Observer," probably Marshall himself, published an address in the *Western World* to arouse Kentucky to a sense of its peril. Burr, he declaimed, was working for disunion, and had become the present head and front of the old Spanish Associates. This man, he declared dramatically, is now in your midst, and the Federal Government must act, Congress must act, the people must act.⁷ A clear invitation to violence.

Already the people had been aroused by the constant baiting. On October 6th, the citizens of Wood County, across the river in Virginia — in which County Blennerhassett's Island was situated — had held a mass meeting, denouncing the "apparently hostile movements and designs of a certain character [Burr]," and ordering the mustering of the militia.⁸ Blennerhassett was then in Kentucky with the Alstons; Burr was absent at Lexington.

Mrs. Blennerhassett, alone on the Island, heard of the excitement, the mutterings of the people, the open threats, and, fearing mob violence, sent Peter Taylor, her gardener, on October 20th with a note to Burr warning him that trouble was brewing. Not knowing where to locate him, however, she sent Taylor first to Senator Smith at Cincinnati to discover his whereabouts. Smith, by this time alarmed for his own personal safety, would have disavowed all knowledge of both Burr and Blennerhassett to the gardener. But Taylor persisted, and Smith, who was serving customers at the time in his store, feared that continued argument would attract unpleasant attention. Whereupon he yielded, took Taylor upstairs, and, with a great show of secrecy, told him Burr was at Lexington. He also gave him a hastily penned note to deliver. This note was a masterpiece of evasion, an attempt by an affectation of ignorance to dissociate himself from Burr in the public eye.

Taylor went on to Lexington, where he found Burr at Jordan's place. Though he had never seen Burr before, he told him at once — according to his testimony — "If you come up our way, the people will shoot you." On October 27th, the gardener started back for the Island with Blennerhassett, leaving Burr alone to face the gradually rising storm. On the way back — Taylor later testi-

fied — Blennerhassett opened himself even more volubly than he had to any one else; spoke of Mexico, of Burr's becoming King, and Mrs. Alston the Queen after him; that all of them would make their fortunes, that the Spaniards were only waiting for their arrival to revolt.⁹ Even if the gardener's story were true, there was not even a hint of treasonable design in the tale.

Burr read both letters and frowned. As for Mrs. Blennerhassett's warning, he dismissed that without much thought. Burr had never been the man to fear mob violence. But Smith's note cut him to the quick. Already, at the first hint of trouble, his associates were hastening to quit him. He sat down and wrote back sharply. "I was greatly surprised and really hurt by the unusual tenor of your letter of the 23d, and I hasten to reply to it, as well for your satisfaction as my own. If there exists any design to separate the Western from the Eastern States, I am totally ignorant of it. I never harbored or expressed any such intention to any one, nor did any person ever intimate such design to me."¹⁰

Burr was alone now. Blennerhassett had gone back to the Island to safeguard his property, the Alstons, all unknowing, had returned to South Carolina, De Pestre had returned to the East to see Yrujo, Smith had cut adrift, and Daveiss was now preparing to act on his own, for the greater glory of the United States and the aggrandizement of the Federalist party. Nevertheless, Burr drove calmly ahead with the work in hand, disdaining all thoughts of personal danger, of making his retreat while there was yet time.

On November 3rd he visited Jackson and placed an order with him for five additional boats and large quantities of provisions. His Eastern contingents of recruits were shortly expected, those from Pittsburgh and elsewhere were on the way, and it was necessary to make haste now, before winter closed in on them and made progress perilous. The title deeds to the Bastrop grant were safely recorded, and, for the present, colonization and home building were all that could be considered. He gave Jackson \$3,500 as an advance on the orders, and Jackson turned them over to John Coffee, his partner, for execution. Jackson and his friends had been busy raising recruits — to the number of some seventy-five.¹¹

On November 5th, District Attorney Daveiss struck his first blow. He appeared before the United States District Court at Frankfort, and, amid a sudden hush, moved Judge Harry Innes for the issuance of a compulsory process directed to the arrest of Aaron Burr, and for a second process to compel the attendance of witnesses.

Judge Innes denied the motion with some acerbity — pointing out certain irregularities in the application. He and Daveiss were political opponents, and Innes was still smarting under various accusations against himself instigated by the District Attorney. But Burr, then at Lexington, heard of the motion, sent word that he would appear voluntarily, and followed almost on the heels of the messenger. On November 8th he appeared in court and quietly demanded an examination of his acts, in spite of the quashing of Daveiss' motion. Innes thereupon impaneled a Grand Jury, and adjourned court until November 12th for the summoning of witnesses. On the day set, the courtroom was crowded. All the countryside flocked to the trial of the ex-Vice-President of the United States: partisans of Burr and partisans of Daveiss.

Innes arose and prepared to address the usual remarks to the Grand Jury. Daveiss interrupted and moved for the discharge of the Jury, on the ground that a witness, Davis Floyd, of Indiana, one of Burr's adherents, had failed to appear. The crowd shouted its ridicule of the prosecutor. He had boasted of what he would do to Burr, and now he was turning tail. Burr walked out of the courtroom, accompanied by the cheers of the populace. Remarked the *Palladium*, Republican newspaper and friendly to Burr, "Colonel Burr has throughout this business conducted himself with the calmness, moderation, and firmness which have characterized him through life. He evinced an earnest desire for a full and speedy investigation — free from irritation or emotion; he excited the strongest sensation of respect and friendship in the breast of every impartial person present."¹²

By his exemplary conduct Burr had recovered his failing popularity. Daveiss, Marshall, *et al.* had retired in chagrin at the collapse of their untimely move. But the *Western World* continued to hammer home its charges, shouting Burr and secession to all who would listen. And Daveiss hastened to write vindictively to Jefferson that "the genuine Republicans left no efforts unemployed to injure me . . . The people seemed to vie with each other in folly and a zeal to distinguish and caress this persecuted patriot. . . . You remark in history that there are times in which whole nations are blind; this seemed to me to be one."¹³

The clouds seemed to have cleared from Burr's troubled horizon. He was free to go ahead with his preparations. He could not possibly have known that even then Wilkinson had denounced him to the President, that Jefferson, hitherto quiescent under a growing avalanche of accusations, had finally moved against him, and would not rest until he was destroyed. And, in the meantime,

another associate, all unknowing to Burr, had fallen temporarily by the wayside. This was Andrew Jackson. It is not a particularly lovely episode in his life.

On November 12th, almost at the very moment that Burr was triumphing in the crowded courtroom at Frankfort, Jackson, alarmed at the growing clamor, wrote a violent epistle to Governor Claiborne of Orleans, weird in thought and weirder in manner. "Put your Town in a State of Defence organize your Militia, and defend your City as well against internal enemies as external. . . . Be upon the alert — keep a watchful eye upon our General [Wilkinson] — 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 . . . beware of the month of December — I love my Country and Government, I hate the Dons — I would delight to see Mexico reduced, but I will die in the last ditch before I would yield a part to the Dons or see the Union disunited."¹⁴

Jackson's biographer claimed that this hasty communication was the result of the visit of a friend who had filled his ears with horrific tales of a gigantic conspiracy.¹⁵ If so, it is but another evidence of Jackson's trigger-like nature. Later he was to repent of this letter and become again one of Burr's most loyal supporters. But not until after Burr's final acquittal on all charges in Kentucky, and a formal meeting had been held between the two men on December 14th.

On November 25th, while Burr was at Louisville, getting his boats and supplies into shape for the final venture, Daveiss appeared once more before Judge Innes, and moved for a warrant to summon a Grand Jury and for subpoenas to compel the attendance of witnesses on a proposed indictment against Burr. When the news was brought to Burr in Louisville, he wrote immediately to Henry Clay, young Kentucky lawyer, to appear for him in the pending proceedings, and started out at once for Frankfort. Clay, to protect his own rising popularity as an attorney and politician, demanded and received from Burr a formal repudiation of all intent on his part to disserve the Union.¹⁶

On December 2nd, the Grand Jury was impaneled and sworn in by Innes. Then Clay arose to say that Burr courted an investigation, but that the District Attorney, who once before had shrunk from proceeding, now when he thought Burr was beyond the jurisdiction of the Court, had renewed his application for the sole purpose of alarming the Western country with "rumors of an im-

mediate insurrection." But Burr, Clay announced, had foiled his plan, was there in court, and ready to meet the issue immediately.¹⁷

Daveiss rose somewhat sheepishly and requested an adjournment. Once again material witnesses were absent. This time they were General John Adair and a Mr. Luckett. In spite of Clay's insistence on an immediate joinder of issue, an adjournment was granted to the following day.

On December 3rd, Daveiss laid an indictment against the absent Adair, as an accomplice of Burr in the preparation of an expedition to invade Mexico. In the courtroom nothing was said of Western secession, though outside, Daveiss and his cohorts were stirring up the populace with tales of treason. Daveiss next demanded permission to go before the Grand Jury to aid in the examination of witnesses. Clay, and his associate counsel, John Allen, were instantly on their feet to declare such a procedure novel and indefensible. Daveiss, in a pet, retorted, "I shall consider it as thoroughly smothering this business; if I am prevented from the examining of witnesses." Whereupon Burr arose to inform him quietly that he, too, had been a State Attorney General, that never once had he entered the Grand Jury room, that there was no precedent anywhere for such a practice. To which the presiding Judge assented, and ruled that the District Attorney might confer with the Jury "in matters of law but not as regards facts."¹⁸

The following day the redoubtable Daveiss appeared with written interrogatories to submit to the Jury for their guidance in the examination of the witness, Thomas Read, in the presentation against Adair. Read jumped to his feet, hot against what he branded a "malicious fabrication" and an attempted impeachment of his character. The passage of arms in the courtroom grew so heated that Innes remarked, with a malicious side glance at Daveiss, whom he detested, that "they had better retire and settle the cause of difference in some other place."¹⁹

The Grand Jury filed in after the excitement had subsided, and brought in "not a true bill" on Adair. It was a crushing blow to Daveiss, but he rallied to present them with the proposed indictment against Burr. On December 5th, the Jury sent in a request for the files of the *Western World*, and for the attendance of its editors. Street was examined first. He testified that "he was possessed of no information in respect to Colonel Burr that would amount to evidence, and that the articles of agreement mentioned in the second number of the *Western World* said to have been entered into between Colonel Burr and John Brown, he had been since informed related to the Ohio Canal Company."²⁰

John Wood, Burr's ancient Nemesis, was called next. He testified, "I am possessed of no information that will amount to evidence," and that, though he had hitherto believed in Burr's guilt, he was now convinced "the present designs of Colonel Burr is neither against the government or laws of the United States."²¹ In fact, so convinced was he, that for the second time in his devious career he came to Burr's rescue with a pamphlet purporting to clear the name of the man he had besmirched.

The case of Daveiss had collapsed ingloriously, the *Western World* and its denunciations stood exposed to the jeers of the country. The Grand Jury hastened to bring in "not a true bill" on Burr, and accompanied it with a ringing exoneration of Burr and Adair.

"The grand jury is happy to inform the court," it read, "that no violent disturbance of the public tranquillity, or breach of laws has come to their knowledge. We have no hesitation in declaring, that having carefully examined and scrutinized all testimony which has come before us, as well on the charges against Burr, as those contained in the indictment preferred to us against John Adair, that there has been no testimony before us which does in the smallest degree criminate the conduct of either of those persons; nor can we, from all the inquiries and investigation of the subject, discover that anything improper or injurious to the interest of the Government of the United States, or contrary to the laws thereof, is designed or contemplated by either of them."²²

The courtroom rang with cheers. Burr was now the hero of the hour. Daveiss retired in discomfiture, eventually to be dismissed from office by Jefferson for his clumsy handling of the situation. A great ball was given in Burr's honor — the West gave balls on every possible occasion. Once more Burr was in the full floodtide of popularity. The plan to conquer Mexico, even if proved, would certainly not alienate Western favor from its proponent. Not until Jefferson's Proclamation, even then traveling with inexplicable slowness over the Alleghanies, hit the West was there a revulsion of feeling against Burr. Then, for the first time, the accusation that he was intending forcibly to wrest them from the Union, gained belief. Surely the President of the United States, arch-exponent of Republicanism, of homespun democracy against monarchical tendencies, knew whereof he spoke. What Daveiss and Marshall, Federalists, had failed to accomplish, the Proclamation did with lightning swiftness. It is therefore necessary to shift the scene to Washington and hark back a bit in time to understand the consequential course of events.

2. ACTION IN WASHINGTON

Jefferson's attitude toward Burr and the so-called "Conspiracy" is, in its beginnings, extremely puzzling. For over a year the newspapers had been bristling with accusations; Daveiss had written him innumerable letters; George Morgan had charged specific intention of treason; Eaton had been closeted with him as far back as October, 1805; Judge Rufus Easton had written from St. Louis that Wilkinson was fomenting a conspiracy;²³ on October 13, 1806, one James Taylor, of Kentucky, had told Madison that there was a scheme on foot to separate the States, and that Woodbridge & Company, of Marietta, was even then engaged in the construction of ten strong boats, suspiciously resembling gunboats;²⁴ he had heard vague rumors of Burr's conferences with Merry and Yrujo; the *Western World* had thundered its filth, to be taken up and repeated in every Eastern paper — yet Jefferson had done nothing.

He certainly could not be accused of kindly feelings toward Burr — from 1800 on, his distrust, his aversion, his determination to put Burr effectually out of the way, had steadily increased. Here was an excellent chance to crush his rival. What held him back for long months? Was Burr's contention correct that Jefferson, as well as members of his Cabinet, was well informed concerning his plans; that, in fact, they had unofficially approved of them? It is difficult to say. During all that period the United States quivered time and again on the verge of war with Spain. Miranda's expedition, in spite of later official disavowals, had at least been openly winked at by the Administration. A descent by Burr and a picked corps of volunteer adventurers on Spanish possessions would keep the Spaniards busily occupied, and immeasurably strengthen the position of the United States. Jefferson hated an open and public war, but was not averse to connivance at irregular excursions. Furthermore, with Burr fighting his way through Mexico — and perhaps meeting with death on the field of battle or before a firing-squad, a constant thorn in his own side would be thus painlessly removed. Or, perhaps, he was only waiting for Burr to embroil himself beyond redemption before pouncing upon him. All arid speculation, it may be, but possessing a certain colorable plausibility in accounting for Jefferson's inaction over a period of a year.

On October 22nd, 1806, the Cabinet met and continued in session until October 25th. Jefferson made notes of its transactions. He had a passion for reducing everything to writing. The matter

of Burr came up for discussion. All the information at hand, the various accusations, were spread open. It was unanimously decided to write confidential letters to the Governors of Ohio, Mississippi, Indiana and Orleans, to the District Attorneys of Kentucky, Tennessee, and Louisiana, to keep a sharp eye open for Burr, and "on his committing any overt act, to have him arrested and tried for treason, misdemeanor, or whatever other offence the act may amount to." Gunboats were to be ordered up to Fort Adams to stop the passage of any suspicious force. Inasmuch as Wilkinson had been involved by Eaton in his accusations against Burr, and because he had disobeyed peremptory orders to leave St. Louis and proceed to New Orleans, some member of the Cabinet proposed the question "what is proper to be done as to him?" But Jefferson hastily adjourned the first day's session.²⁵ He was willing enough now to adopt a strong stand on Burr, but Wilkinson was another matter. At that very moment Wilkinson was facing the Spaniards across the Sabine. An order of arrest, a reprimand even, might be fraught with the gravest consequences.

The Cabinet resumed its sessions the following day. It was agreed to send Captain Preble and Decatur to New Orleans to take command, to order eight warships to the troubled waters, and that John Graham, then on his way to New Orleans to assume the duties of Secretary of the Territory, be sent "through Kentucky on Burr's trail, with discretionary powers to consult confidentially with the Governors to arrest Burr if he has made himself liable." But "the question as to General Wilkinson [was] postponed till Preble's departure, for further information."²⁶

Then, on October 25th, came a complete reversal of the Cabinet's stand. A mail, it seemed, had just arrived from the West. "Not one word is heard from that quarter of any movements by Colonel Burr. This total silence of the officers of the government, of the members of Congress, of the newspapers, proves he is committing no overt act against law." Therefore all former orders were countermanded, and Graham alone was to proceed as previously directed.²⁷ It seems as if the Cabinet were only too willing to drop the entire matter. The possibility of the implication of at least some of its members grows more and more plausible. And the Sabine was still dangerous ground.

John Graham started at once on his mission, and the Cabinet turned to other business. Yet Jefferson, on November 3rd, was writing that "Burr is unquestionably very actively engaged in the westward in preparations to sever that from this part of the Union. We learn that he is actually building 10 or 15 boats able to take a

large gun & fit for the navigation of those waters. We give him all the attention our situation admits; as yet we have no legal proof of any overt act which the law can lay hold of." ²⁸ The very next day, however, he changed the story. "In the western quarter great things have been meditated," he wrote Duane, the editor of the *Aurora*, "but they will probably end in an attempt upon the public lands, and the question will be whether we have authority legally to oppose them with force." ²⁹ In other words, the colonization of the Bastrop grant, of which part of Burr's scheme Jefferson was obviously aware.

On November 25th, Lieutenant Smith rode into Washington, bearing Wilkinson's three letters; one for public consumption and two addressed privately to Jefferson. Here at last, thought the President, as he hastily tore open the seals, was the legal proof for which he had been waiting before denouncing Burr and his activities. Of course they were no such thing. They contained no more legal evidence of treason than a host of other communications he had already received. Nevertheless Jefferson now acted, where he had unaccountably held back before; and acted from this day on with a persistence and decisiveness that was tantamount to persecution. Why this sudden change of heart? The answer is obvious, though seemingly it has never been pointed out before. Deep down in his heart Jefferson had believed that Wilkinson was allied with Burr. There had been rumors, too, of Wilkinson's suspicious relations with Spain. As long as Wilkinson was attached to Burr, and in command of the far-distant forces on the Sabine, Jefferson's hands were paralyzed. He dared not make any untoward move which might precipitate Wilkinson either into the arms of Spain, or, joined with Burr, into a war of their own. Such a war might even be directed, as Eaton had whispered, against himself and the Government of the United States.

Now he had proof positive that Wilkinson was on his side. Wilkinson had turned on Burr and intended to make peace with Spain. At once the border was safe, the army was loyal, and Burr was cut off from all competent help. It was time to destroy him, once and for all. He called a Cabinet meeting that very same day, laid the revelatory letters before the assembled Secretaries, called now for prompt and vigorous action. Astounded, they agreed to his moves. It was determined to issue a public proclamation denouncing Burr and his "Conspiracy"; to send orders to the military officer at Pittsburgh, if one could be found, to stop all assemblages of armed men on the Ohio; to the collector at Marietta to seize the "gunboats" building in that neighborhood; to General Jackson

demanding the aid of his militia; to Captain Bissell at Fort Massac to stop all armed vessels; similar orders to the officers at Chickasaw Bluffs and Fort Adams; and to General Wilkinson at New Orleans giving him *carte blanche* in the prevention of any unlawful expedition. ³⁰

Two days later, Jefferson issued his famous Proclamation. ³¹ "Whereas," declared the preamble, "information has been received that sundry persons, citizens of the United States or residents within the same, are conspiring and confederating together to begin and set on foot, provide, and prepare the means for a military expedition or enterprise against the dominions of Spain; that for this purpose they are fitting out and arming vessels in the western waters of the United States, collecting provisions, arms, military stores, and means; are deceiving and seducing honest and well-meaning citizens, under various pretenses, to engage in their criminal enterprises; are organizing, officering, and arming themselves for the same, contrary to the laws in such cases made and provided"; now therefore, the President issues his warning, bidding all participants to cease their activities, on pain and penalty, etc., etc.

Strangely enough, not a single word of a treasonable conspiracy to alienate the West; nothing but a bald statement of a filibuster against Spain. At the very time that this Proclamation was issued, Burr was being triumphantly acquitted of similar charges in Kentucky. Not a word, either, of the author of the alleged expedition against Spain. But every one knew who was meant — as well as if it had been blazoned in letters of fire. More — the nation knew that it was not merely a filibuster which had released the Presidential Proclamation: it was something far more serious, a treasonable plot against the United States itself. From that moment on, all the forces of the nation, all the thoughts of patriotic men, turned in revulsion against the man indicated by the merest indirection.

Five days later, Jefferson reiterated his charges and amplified his explanations in his Annual Message to Congress. Still there was no mention of names, still no description of the conspiracy as aught but a filibuster against Spain. He ended, however, on a significant hint. Would the powers of prevention granted by the laws of the United States, he queried, "not be as reasonable and useful where the enterprise preparing is against the United States?" ³² Jefferson was a master at the gentle art of leading public opinion.

No one was deceived by his methods. Erskine, who had only recently relieved the plaintive Merry as Minister from Great Britain, wrote home that "it is necessary further to remark upon the Proc-

lamation, though it is apparently leveled against sundry persons engaged in military and unlawful enterprises against Spain, yet that it is also well known to allude to supposed conspiracies to effect a separation of the Western States from the rest of the Union, and which Mr. Burr is suspected to be engaged in forming . . . it is not reasonably to be supposed that Mr. Jefferson who has always pursued a temporizing line of conduct, in domestic politics . . . should have adopted such strong measures without having very strong proof of the existence of such conspiracies and of the importance of suppressing them."³³

So thought the rest of the world. Overnight, Burr's support evaporated into thin air. Friends and sympathizers alike displayed sincere or meretricious belief in his treason, and left him naked to the shafts of his enemies.

3. ATTACK ON THE ISLAND

John Graham, confidential Government emissary, reached Pittsburgh on November 12th, and found everything calm, with no apprehension of any plots unfriendly to the Union.³⁴ From there he pushed down the Ohio, but at a rate of speed not much greater than that of a snail. One wonders what specific, secret instructions had been given him by Jefferson. Certainly he seemed not in the least anxious to catch up with Burr, or to invoke the majesty of the law against him.

Meanwhile Blennerhassett, on being apprised of the expected attack on his Island by the militia of Wood County, had ridden furiously back to protect his property and family. But Colonel Phelps, in command of the militia, and already uneasy as to his course, had assured Mrs. Blennerhassett that for the present she had nothing to fear. So jubilant was Blennerhassett at this unexpected surcease to his anxieties, that he even tried to induce the courteous Colonel to join their expedition; which offer Phelps declined, avowing nevertheless that he would recommend the speculation to the young men of Wood County.³⁵ The first fright was over.

A few days later, Blennerhassett received word of Burr's arrest; then of his subsequent acquittal. The Island became a hive of increased activity. Even Blennerhassett perceived by this time that the temper of the country was getting ugly, and that he must rush his preparations and get away at the earliest possible date. Not every one would be as obliging as Colonel Phelps. Then John Graham reached Marietta and talked to him, without, however,

revealing the nature of his mission. Blennerhassett, as expansive as ever, took time off to brag of the Washita, of Mexican emprise, of gold and glory. Whereupon Graham continued on his increasingly leisurely journey. On November 28th, he was in Chillicothe, reporting once more that everything was quiet, and that there were no signs of Burr or his agents at work to arouse disaffection.³⁶

Nevertheless, obedient to his instructions, he went on to meet Governor Tiffin of Ohio, and disclosed the orders he had received in Washington. The Governor, albeit somewhat skeptical, mentioned the alleged conspiracy in his message to the Ohio Legislature on December 2nd. Four days later the complaisant members passed "An Act to Prevent certain Acts hostile to the Peace and Tranquillity of the United States within the Jurisdiction of the State of Ohio." Armed with this weapon, Tiffin issued orders to arrest the flotilla being constructed on the Muskigum River, and called out three hundred militiamen to invade and capture Blennerhassett Island. On December 9th, Judge Meigs and General Buell proceeded to the Muskigum, where they seized fifteen boats in various stages of completion, some 200 barrels of provisions, but made no arrests.

The Wood County militia, a rather disorganized mob of volunteers inflamed in equal portions with patriotism and the prospect of plunder, prepared to attack the Island. In the meantime, Comfort Tyler of New York, one of Burr's recruiting agents in the East, had landed with four boats and twenty men. On December 10th, he and Blennerhassett received word that the militia intended to attack on the following day. They held a hasty conference, and determined to leave that very night, shoving off under cover of darkness, and abandoning all supplies that could not be stowed into the boats at their command.

But General Edward W. Tupper, of the Ohio militia, was on the Island while the last-minute preparations for departure were being made to the light of torches and bonfires to warm the chilled adventurers. As to what happened next, there is a wide disparity in the evidence. It was on this incident especially that the Government was to attempt to pin the fatal charge of treason and armed insurrection upon Burr and Blennerhassett alike. At the trial in Richmond, the prosecution produced one Jacob Allbright, a slow-witted laborer who had been hired by Blennerhassett "to help build a kiln for drying corn." He testified that on this night of terror and confusion, just as the boats were on the verge of shoving off, General Tupper stepped suddenly forward into the light of the fires, clapped his hands on Blennerhassett's shoulder, and said

loudly, "Your body is in my hands, in the name of the commonwealth." But, continued Allbright, even as Tupper made his motion, "seven or eight muskets leveled at him." Tupper looked about him and said, so swore the witness, "Gentlemen, I hope you will not do the like." One of the nearest men, about two yards off, retorted ominously, "I'd as lieve as not." Whereupon, continued Allbright, Tupper changed his speech incontinently, and said that he had all along wished them to escape safe down the river, and bade them Godspeed on their journey. But before he changed his tune, Tupper had first advised Blennerhassett to stay and stand trial, which the latter refused to do.³⁷

Strangely enough, Tupper was in court at the time this evidence was given, under subpoena as a Government witness, yet he was not called upon to testify to this most important scene in which he was allegedly the chief actor. The reason for the prosecution's reluctance to place him on the stand was not discovered until long after, when Tupper's deposition, taken by the Government attorneys and Burr jointly, after the event, was found in the obscure and forgotten archives of an Ohio court.³⁸ The manner in which his testimony was suppressed speaks unflattering volumes on the ethical standards of the Government in conducting its case against Burr.

Tupper deposed that he knew of Burr's proposed expedition, that Burr had told him it was intended for the settlement of the Washita country, that "indeed a man high in office and in the confidence of the Pres. told me [Burr] that I should render a very great service to the public and afford pleasure to the administration, if I should take ten thousand men to that country." Blennerhassett too had recruited his men openly in his presence, offering acreage on the Red River, a year's provisions, and return expenses if they were dissatisfied at the end of that period.

That on the night of December 10th, he had landed on the Island at Blennerhassett's *own invitation*, and was greeted warmly. That it was Blennerhassett himself who told him of the existence of a warrant against him, and of the seizure of the boats — matters of which Tupper had known nothing. Whereupon Tupper advised him to remain and stand trial, "that if their object was such as had been represented, he could have nothing to fear." It would be difficult, he said, to escape with the State in commotion. He hoped, he went on to tell Blennerhassett, "that you have no idea of making any resistance in case attempts shall be made to arrest you." To which Blennerhassett replied, "No, certainly not, nothing is further from our intention. We shall surrender ourselves to

the civil authority whenever it shall present itself." To which Comfort Tyler chimed in, that even "if we were disposed to defend ourselves, we are not in a situation to do it, having but 3 Or 4 Or 5 Guns some Pistols and Dirks on board. At the same time," he added with determination, "should any unauthorized attempts be made to arrest them, they would defend themselves as well as they could." That was all. As for Allbright's testimony, Tupper denied it *in toto*.

Late that night, the frightened men, fearing instant attack, knowing that all the country was aroused against them, shoved off with half a dozen boats and thirty to forty men, poorly armed, insufficiently provisioned, to brave the unknown dangers of the Ohio.

Early the next morning, Colonel Phelps and his brave militia poured tumultuously upon the Island, only to find it deserted. In the ecstasy of their glorious victory they spread over the lovely, landscaped grounds, tore up the fences and used them for firewood, rioted through the stately mansion, burst open the cellars and drank themselves into a stupor with costly liquors, invaded the smokehouse and helped themselves to all the provisions, and in general, conducted themselves like a conquering army sacking a beleaguered town.

On December 13th, fourteen young men in a flatboat, on their way down from Pittsburgh to join Burr, put in at Marietta, and were warned to push off, that mobs were threatening violence to all and sundry connected with Burr. Somewhat bewildered, they continued down the river to the Island, their rendezvous, where they found Blennerhassett and Tyler decamped, and the riotous militia in full possession. Before they knew exactly what was happening, they were seized, their arms confiscated, and themselves placed under arrest. Mrs. Blennerhassett, who had been away to Marietta to get another boat in which to follow her husband, returned to "a sorrowful scene." Her lovely island home was ruined beyond redemption, and herself subjected to insult.

The militia hastily constituted a court on the Island — wholly illegal, of course — to try the prisoners they had captured. After proceedings that were wholly farcical, cooler heads prevailed, and most of the obviously bewildered boys were released. The rest, with Mrs. Blennerhassett, were held temporary prisoners on a boat, but they were permitted to "live elegantly."³⁹ Finally all were let go, and they followed the others down the Ohio and Mississippi, to reach Bayou Pierre a month later.

Meanwhile the whole West was in a state of panic. The people

saw vast armies behind every bush, the country echoed and re-echoed with tales that lost nothing in the telling.

The newspapers outdid each other in retailing the wildest stories. The *Palladium*, hitherto friendly to Burr, testified on December 11th to "vast military preparations" on his part; the *Western Spy*, on December 23rd, declared Blennerhassett to have four keelboats loaded with "military stores," and that 20,000 men were ready to march at Burr's given signal. Cincinnati had an extreme case of nerves. A report that Burr was about to descend on the city with three armed gunboats sent the people into hiding. When, that same night, an anonymous practical joker exploded a bomb on the waterfront, the militia was called out, preparations for defense feverishly rushed, and frantic calls for assistance broadcast by galloping couriers. The next morning the frightened populace felt a bit sheepish. The armed gunboats proved to be quite peaceful vessels belonging to a Louisville merchant and laden with most unwarlike drygoods.⁴⁰

During all this frenzy Graham was pursuing his most leisurely course. From Ohio he moved on to Frankfort, Kentucky, which he reached barely in time for Christmas. Here, too, he obtained an Act similar to that in Ohio. Orders were issued to stop Burr's boats on the Ohio River, the militia was mobilized. But, thanks to Graham's inexplicable delays, the birds had already flown out of the jurisdiction.

4. ODYSSEY

Burr, after his second triumph against Daveiss in Frankfort, returned to Lexington, still unaware of the slow sweep of accusation and mob violence down the river. In October there had been a brief flurry of excitement in which he had been an unwilling participant. He had been at a house in Wilmington, a town near Cincinnati, when a rabble collected "with drums and fifes, beat the rogue's march, and made much disturbance." Burr's host, in a rage, was going to call upon the authorities to disperse the insulting mob, but Burr "begged him not to trouble himself; for he was extremely fond of martial music; that it would not interrupt him should they play all Night." His coolness and courage shamed the mob into sanity, and the next day the ringleaders "called and begged the Col. pardon."⁴¹ But that was two months before, when the loud cheers of the Frankfort populace were still ringing in his ears.

At Lexington he met Adair, and the two rode on to Nashville, arriving on December 14th. Here they parted. Adair went over-

land to New Orleans, while Burr remained with Jackson, who accepted his assurances (in the presence of a witness) that he meditated no treason, and made no mention of that damning letter he had posted to Claiborne a month before.

Of the five boats which Jackson and his partner, John Coffee, had contracted to build for him, only two were in a fair state of completion. It took eight days longer for even these to be put into shape. It was increasingly necessary now for Burr to get away, so the unfinished boats were abandoned, and a settlement made, whereby \$1725.62 was repaid to Burr on his advances. On December 22nd, Burr cast off with two unarmed boats and a few followers.⁴²

All this while Jefferson's Proclamation was coming down the river, at a faster pace, it must be acknowledged, than John Graham's peregrinations, who had preceded it by a month, but unconscionably slow nevertheless. This immensely tardy progress of Government orders, issued for the ostensible purpose of arresting a terrible conspiracy, a conspiracy which endangered the very structure of the nation, must always remain one of the mysteries of Jeffersonian politics. Had there been any earnest desire to catch up with Burr while he was still on the Ohio, the time could easily have been halved, and the culprit captured right then and there. First Graham, now the Proclamation. Even *that* Proclamation did not say quite what it meant, and which it was obvious it wished to be surmised.

There is a dispute as to just when the Proclamation reached Nashville. Parton maintains it came to the city on December 23rd, the day *after* Burr's departure; Beveridge is equally positive that it reached there three days *before* Burr left.⁴³ Unfortunately, Beveridge cites no authority for his statement. The probabilities are much in favor of Parton's position. For Burr would not have got away as easily as he did. The Proclamation threw Nashville into a delirium of alarm and indignation. Jefferson, by implication, had made Burr into a traitor. All the rumors they had heard, all the wild reports in the air, were thereby confirmed. Burr was burned in effigy in the public square, and threats against the conspirators split the heavens. Jackson, now once more on good terms with Burr, had even permitted his nephew to accompany him, and furnished him with a letter to Claiborne, a course he certainly would not have taken in the face of Presidential prohibition.⁴⁴ Doubtless the real truth is that Burr, whose methods of obtaining advance information have already been commented on, had received secret notice and had decided to leave in good time.

The Proclamation arrived on his very heels; on January 1st, Jackson received special orders from Washington to mobilize his militia, to hold them in readiness to march, and to use every means available to frustrate the designs of the traitors. Tongue in cheek, Jackson passed on the news to Captain Bissell at Fort Massac, practically the last armed post at which Burr could be stopped before reaching Natchez. Bissell wrote back satirically that he had not even heard of the Proclamation, and knew nothing of any armed forces such as Jackson had described, but that "on, or about the 31st ult., Colonel Burr, late Vice President of the United States, passed this with about ten boats, of different descriptions, navigated with about six men each, having nothing on board that would even suffer a conjecture more than a man bound to a market; he has descended the rivers toward Orleans."⁴⁵ Which, no doubt, was just what Jackson had expected, knowing that Burr had had ample time to escape.

But now the whirlwind of events caught up the excitable Border Captain and puffed him aloft. He accepted the proffered services of aged Revolutionary veterans with a tremendous harangue, he mustered his companies, marched them and reviewed them over and over in full view of the admiring citizenry, he strutted and bragged, and spoke of Bissell's sarcastic reply with explosive allusions to Spaniards and traitors.⁴⁶

This was all for public consumption and edification, however. Privately, he sang another tune. The Secretary of War, he wrote his friend, Patten Anderson, on January 4, 1807, is "not fit for a granny"; his order to Jackson was "the merest old-woman letter . . . you ever saw." As for Wilkinson, he "has denounced Burr as a traitor, after he found that he was implicated. This is deep policy. He has obtained thereby the command of New Orleans, the gun boats armed; and his plan can now be executed without resistance. But we must be there in due time, before fortifications can be erected, and restore to our government New Orleans and the western commerce."⁴⁷ Jackson never had any use for the General. And, during those long days at Richmond, when advocacy of Burr was proof positive of seditious sentiments, no one clamored more his belief in Burr's utter innocence.

Meanwhile Burr was floating down the Ohio, floating steadily toward his doom. He had sent an express to Blennerhassett to meet him at the mouth of the Cumberland, where it emptied into the Ohio. He still did not know that the boats building on the Muskingum had been seized, that Blennerhassett even then was fleeing arrest. Blennerhassett and Tyler ran the gauntlet of drunken

Wood County sentries in safety, and met him on the 27th of December. There, for the first time, Burr heard the news. The country was inflamed against him, the full forces of the Government were on his trail. There was only one thing he could do, aside from submitting to arrest and the benevolent mercies of Jefferson. That was to continue down the Mississippi to New Orleans, where he had powerful friends — and, above all, General James Wilkinson — awaiting him.

The combined flotilla consisted of some nine boats — roofed in, of the modern houseboat variety — and some sixty men, mostly mere youths, attracted by the thought of adventure and a new life on the Washita. The leaders were Burr, Blennerhassett, Comfort Tyler and Davis Floyd, of Indiana, who had joined them at the Ohio Falls with three boats and thirty men. This, then, was the mighty flotilla, the armed gunboats belching fire from every port, the tons of munitions, the vast concourse of armed and desperate men, ranging in numbers from a paltry few thousand to as many as twenty thousand, with shuddering tales of which the whole nation was to be regaled, Washington to be thrown into panic fear, the West frightened out of its wits, and New Orleans placed under martial law, to experience a reign of terror never before or since seen on American soil.

On December 29th, the small, rootless band reached Fort Massac. There they anchored, and Burr sent a note of greeting to the commander, Captain Bissell — he of the satiric note. Bissell rowed out to meet them, and invited Burr to the fort to dine with him. Burr refused, but, when he left, he took along with him one Sergeant Jacob Dunbaugh, who had asked, and received, a furlough from Bissell to go down to New Orleans. Of this Jacob Dunbaugh we shall hear much more in the near future. And, it seems, Burr knew already that Wilkinson was not living up to his part of the bargain. For, testified Bissell, Burr remarked that "General Wilkinson had made a compromise with the Spaniards. He said he was sorry for it; and that General Wilkinson ought to have fought them."⁴⁸

But Burr did not know the worst — that he had been betrayed. He did not know of the reception that was waiting for him at the end of the river down which he was floating so leisurely and peaceably.