

LAW OF KENTUCKY.

AN ACT

To prevent unlawful water enterprises.
It is enacted by the general assembly, That if any person or persons shall, within the jurisdiction of this state, fit out or arm, or attempt to fit out or arm, or procure to be fitted out or armed, or shall knowingly be concerned in furnishing, fitting out or arming any vessel, boat or water craft, or bring on or cause to be brought within the jurisdiction of this state, any vessel, boat or water-craft, with intent that each boat or water-craft shall be employed to disturb the peace and tranquility of the United States or any one of them, or any territory of the United States, or any of its dependencies; or any person or persons within the jurisdiction of this state, shall raise or attempt to raise, or enlist any person or party, or shall attempt to march or pass through this state by land or water, with any person, party or army; or if any person shall knowingly enlist or engage in any project or enterprise within the jurisdiction aforesaid, with intent to act against the peace and tranquility of the United States or any of them or any territory of the United States, or any of its dependencies as aforesaid; every such person or persons so offending shall, upon conviction before any circuit court within this commonwealth, be fined in a sum not exceeding two thousand dollars, and imprisoned for a term not exceeding one year; and every such vessel, boat, or water-craft with all her apparel and furniture, together with all materials, arms, ammunition, or military stores, which may have been procured for the building or equipment thereof shall be forfeited, one half to the use of any informer under this act, and the other half to the commonwealth.

And be it further enacted, That if any person or persons shall begin to set on foot, or provide or prepare any vessel, boat or water-craft, or any materials, arms, ammunition, or military stores for any military expedition or enterprise, with intention to disturb the peace and tranquility of the United States, or any of them, or any territory of the United States, or any of its dependencies, or with such intention shall enter or bring within the jurisdiction of this state any vessel, boat, or craft, any materials, arms, ammunition or military stores; or if any person or persons shall raise, or attempt to raise, or enlist or engage any person, party or army, or attempt to march or pass through this state by land or water, with an army or party, or if any person shall knowingly engage or enlist in any project or enterprise with intent to act against the peace and tranquility of the United States as aforesaid, it shall and may be lawful for the governor of this commonwealth, or such other person and persons as may be specially empowered for that purpose, or any judge of the circuit courts, or justice of the peace, to issue his warrant to any sheriff, coroner, or constable, authorising and requiring such officer to arrest and secure such person or persons, and to take possession of such vessels, boats or craft, ammunition, arms, materials and military stores, as aforesaid.

And be it further enacted, That where any person or persons shall be arrested as aforesaid it shall be the duty of the officer so arresting him, to make return of his warrant to and convey the person or persons before one of the judges of the circuit courts of this commonwealth, whose duty it shall be, if upon examination he finds probable cause for such arrest, he shall commit the person or persons so arrested to jail, unless he or they shall give sufficient security to appear before the next circuit court, to be held where the arrest may have been made, to answer the charges which may be laid in an indictment, which it shall be the duty of the attorney for the commonwealth to file against him, and in the mean time that he will engage in no enterprise or project hostile to the peace and tranquility of the United States, or any of its dependencies.

And be it further enacted, That when any vessel, boat or craft, or any arms, ammunition or military stores, shall be taken possession of and detained in manner aforesaid, it shall be the duty of the officer so detaining them to keep them securely until the next session of the circuit court for the circuit in which they may be so detained, in order to carry into effect the prohibitions and penalties of this act.

And be it further enacted, That where it may appear to the governor of this commonwealth or to the agent by him to be appointed by this act, that the civil authority is inadequate to carry the provisions aforesaid into effect, it shall and may be lawful for the governor to employ such part of the military power of the commonwealth as he may judge necessary.

And be it further enacted, That if any sheriff, coroner or constable or other officer to whom any warrant under this act may be directed as aforesaid, shall refuse or neglect to obey the direction thereof, or shall not use all possible exertions to carry into effect the said warrant, or shall not convey any person in manner aforesaid, or shall not keep secure the said vessels, boats or craft, or the said arms, ammunition, materials and military stores; such officer shall, on conviction thereof before any circuit court, be fined in a sum not exceeding one thousand dollars, and imprisoned not exceeding one year.

And be it further enacted, That the governor is hereby authorized and required to appoint the commanding officer in each county bordering on the Ohio, or some other fit person, whose duty it shall be to examine all vessels, boats or craft passing down the Ohio, and to stop and search the

same, if to him it may appear right under the provisions of this act.

And be it further enacted, That the governor of this commonwealth may and he is hereby authorized to appoint an agent or agents to attend at such place or places as he may think proper, and vest such agent with such powers to call on the militia to aid him in arresting any boat or craft, with all persons belonging thereto, as he may think proper.

And be it further enacted, That the governor may and he is hereby authorized to draw on the treasury for any sum not exceeding one thousand dollars, to carry this act into effect if he find the same necessary. Provided, however, that nothing in this act contained shall be so construed as to alter the mode of proceedings against or the punishment of any person who may be prosecuted for treason or offences committed against the laws of the United States, or of this state, not herein specially named.

This act shall commence and be in force from and after the passage thereof, and to remain in force until the end of the next session of the assembly.

A LAW

To regulate the passing of carriages and sleds, meeting each other in the public streets and roads.

Be it ordained by the mayor, aldermen and community of the city of New-York, in common council convened, That in all cases of persons meeting each other in carriages or sleds, in any public street or road within the city of New-York, each such person so meeting, shall turn off and go to the right side of the street or road, so as to enable such carriage or sleds so meeting, to pass each other, under the penalty of five dollars for each such offence.

And be it further ordained, That the proprietor or proprietors of such carriages and sleds, and going to or returning to turn out, and go to the right as above directed, shall if present at the time of such meeting, be adjudged as the person committing the said offence; but, if absent, then the driver of such carriage shall be so considered.

BOSTON, January 22.

We are happy to learn that the appeal to the generosity of the public, for making, by the proprietors of the Museum, has met with a cordial reception in several benevolent minds; but we lament that there are others, who, having the ability and disposition to give, are prevented by several considerations, which we are confident are unjust. We are assured, from the most correct sources, that it was with extreme reluctance the proprietors admitted Mr. Yarden to exhibit in their building—but yielding to his importunity, they took every precaution, which prudence and vigilance could suggest, to prevent the disaster which has ensued. They only rented the room for one month; and refused to continue it, except daily, unless they were permitted to have free access thereto at all hours. No occasion was omitted in visiting the building after the exhibition; and on the night of the fire, Mr. D. ascertained that the fires were all extinguished; and the hearths wet. These circumstances, & a report of an explosion being heard, a short time before the flames were seen, make it certain the calamity was occasioned by the decomposition of some preparation, of which he could have no suspicion. It ought also to be mentioned, that ever since the establishment of the Museum (14 years) Mr. Bowen has given an annual exhibition for the benefit of the poor; the proceeds of which have been distributed by judicious persons for the relief of the indigent distressed; and his aid has frequently been experienced, in his endeavors to alleviate the distresses of those who have suffered by fire, not only at and near home, but in other states. We should hope, these facts would be sufficient to remove all objections to the success of the subscription; particularly among those to whom the character and liberality of Mr. Bowen are so well known.

WASHINGTON, Jan. 27.

To the senate and House of Representatives of the United States.

I received from General Wilkinson, on the twenty-third inst. his affidavit, charging Samuel Swartwout, Peter V. Ogden and James Alexander, with the crimes described in the affidavit, a copy of which is now communicated to both houses of congress.

It was announced to me at the same time, that Swartwout and Bollman, two of the persons apprehended by him, were arrived in this city, in custody each of a military officer. I immediately delivered to the attorney of the United States, in this district, the evidence received against them, with instructions to lay the same before the judges, and apply for their process to bring the accused to justice, and I put into his hands orders to the officers having them in custody, to deliver them to the marshal on his application.

TH: JEFFERSON.

January 26, 1807.

[Here follows gen. Wilkinson's affidavit, Burr's letter to the general in favor of young Swartwout, Burr's letter in cypher to gen. W. all of which we have published. Gen. Wilkinson then continues to detail the circumstances relative to the conspiracy which had come to his knowledge, as follows:—]

I instantly resolved to avail myself of the references made to the bearer, and in the course of some days drew from him (the said Swartwout) the following disclosure: "That he had been dispatched by colonel Burr from Philadelphia, had passed through the states of Ohio and Kentucky, and proceeded from Louisville for St. Louis, where he expected to find me, but discovered at Kaskaskias that I had descended the river, he procured a skiff, hired hands and followed me down the Mississippi to Fort Adams, and from thence set out for Natchitoches, in company with captains Sparks and Hooke, under the pretence of a disposition to take part in the campaign against the Spaniards,

then depending. That col. Burr, with the support of a powerful association, extending from New-York to New-Orleans, was leaving an armed body of 7000 men from the state of New-York and the western states and territories, with a view to carry an expedition against the Mexican provinces, and that 500 men under colonel Swartwout, and a colonel or major Tyler, were to descend the Allegany, for whose accommodation light boats had been built and were ready." I enquired what would be their course; he said, "this territory would be revolutionized, where the people would be ready to join them, and that there would be some seizing, he supposed, at New-Orleans; that they expected to be ready to embark about the first of February, and intended to land at Vera Cruz, and to march from thence to Mexico." I observed that there were several millions of dollars in the bank of this place, to which he replied, "We know it full well;" and on my remarking that they certainly did not mean to violate private property, he said they "merely meant to borrow, and would return it; that they must equip themselves at New-Orleans; that they expected naval protection from Great-Britain, that the captain — and officers of our navy were so disgusted with the government that they were ready to join; that similar disgust prevailed throughout the western country, where the people were zealous in favor of the enterprise, and that pilot boat built schooners were contracted for along our southern coast for their service; that he had been accompanied from the falls of the Ohio to Kaskaskias, and from thence to Fort Adams, by a Mr. Ogden who had proceeded on to New-Orleans, with letters from colonel Burr to his friends there;" Swartwout asked me whether I had heard from doctor Bollman; and on my answering in the negative, he expressed great surprise, and observed, "That the doctor and a Mr. Alexander had left Philadelphia before him, with dispatches for me, and that they were to proceed by sea to New-Orleans, where he said they must have arrived."

Though determined to deceive him if possible, I could not refrain telling Mr. Swartwout it was impossible that I could ever dishonor my commission; and I believe I duped him by my admiration of the plan, and by observing, "That although I could not join in the expedition, the engagements which the Spaniards had prepared for me in my front, might prevent my opposing it." Yet I did, the moment I had deciphered the letter, put it into the hands of colonel Cushing, my adjutant and inspector, making the declaration that I should oppose the lawless enterprise with my utmost force. Mr. Swartwout informed me he was under engagements to meet colonel Burr at Nashville, the 20th of November, and requested me to write him, which I declined; and on his leaving Natchitoches about the 18th of October, I immediately employed lieutenant T. A. Smith to convey the information, in substance, to the president, without the commitment of names; for from the extraordinary nature of the project, and the more extraordinary appeal to me, I could not doubt its reality, notwithstanding the testimony before me, and I did not attach solid belief to Mr. Swartwout's reports respecting their intentions on this territory and city, until I received confirmatory advice from St. Louis.

After my return from the Sabine, I crossed the country to Natchez, and on my descent of the Mississippi from that place, I found Swartwout and Peter V. Ogden at Fort Adams; with the latter I held no communication, but was informed by Swartwout, that he Ogden, had returned so far from New-Orleans, on his route to Tennessee, but had been so much alarmed by certain reports in circulation, that he was afraid to proceed. I enquired whether he bore letters with him from New-Orleans, and was informed by Swartwout that he did not, but that a Mr. Spence had been sent from New-Orleans through the country to Nashville, with letters for colonel Burr. I reached this city the 25th ultimo, and on the next morning James Alexander, esq. visited me; he inquired of me aside whether I had seen doctor Bollman, and on my answering in the negative, he asked me whether I would suffer him to conduct Bollman to me, which I refused. He appeared desirous to communicate something, but I felt no inclination to incipitate this young man, and he left me. A few days after he paid me a second visit, and seemed desirous to communicate, which I avoided, until he had risen to take leave; I then raised my finger and observed, "take care, you are playing a dangerous game;" he answered, "it will succeed." I again observed, "take care;" and he replied with a strong affirmation, "Burr will be hereby the beginning of next month." In addition to these corroborating circumstances against Alexander, I beg leave to refer to the accompanying documents, A. B. From all which I feel no hesitation in declaring, under a solemn obligation of an oath, that I do believe the said Swartwout, Alexander, and Ogden have been parties to, and have been concerned in the insurrection formed or forming in the states & territories on the Ohio and Mississippi rivers, against the laws and constitution of the U. States.

(Signed) JAMES WILKINSON. Sworn to, and subscribed before me, this 26th day of December, in the year of our Lord 1806.

(Signed) GEORGE POLLOCK, Justice of the peace for the county of Orleans.

Outline of proceedings in the court: On Monday, Mr. Jones, the attorney of the district, produced the depositions of William Eaton and James L. Donaldson, as given in our paper of the day.

On the arrival of the hour of one, Mr. Caldwell moved for an attachment against Lieut. col. Wharton and ensign Mead, for contempt of court, in not making a return to the writ of Habeas Corpus.

This motion was supported by Messrs. Caldwell, Morsey and F. S. Key, on the usual legal grounds; and opposed by Mr. Jones on the ground, that there was as yet

no disobedience to the orders of the court; that three days at least were allowed to make a return, which would be made in due time.

The court, after advisement, delivered the following opinion:

The court is satisfied that although the practice at common law, before the statute of 31st Charles II. was that an alias and pluries should issue before the party to whom a habeas corpus was directed should be attached, yet that the practice since that statute has been to issue an attachment without an alias and pluries in cases not within the statute. That the practice has been founded under the statute, the judges supposing it furnished a good rule of proceeding in cases out of the statute, & that in adopting the statute as a guide in one respect, viz. in doing away the necessity of an alias and pluries, they also adopted it as a rule as to the time of the return, viz. in allowing three days to make it, and that therefore an attachment ought not to issue until the expiration of the three days from the service of that writ of habeas corpus.

On Tuesday, the depositions of lieut. Wilson and Ewsiga Mead were adduced by the attorney of the district.

About two o'clock the opinion of the court was delivered on the motion of the attorney of the district.

Chief justice Cranch stated that the members of the court differed in opinion. He said that his opinion was, that so far as regarded Erick Bollman and Samuel Swartwout, there was no testimony given on oath, that induced him to think there was probable cause that they had levied war against the United States.

Justices Duckett and Fitzhugh concurred in opinion, that there was probable cause to believe that the accused had committed treasonable acts.

On which it was ordered that a bench warrant issue for the arrest of Samuel Swartwout and Erick Bollman, on the charge of treason, which warrant issued accordingly, returnable immediately.

Whereupon the said Erick Bollman and Samuel Swartwout, having been arrested and brought into court, it was upon their motion ordered, that they be heard by their counsel to-morrow at 10 o'clock A. M. to shew cause why they should not be committed for trial on the charge aforesaid; and in the mean time that they stand committed; and that their counsel shall have free access to them.

Return was then made to the writ of Habeas Corpus.

The court inquired whether the counsel had any motion to make.

Mr. Key replied that they had none, that they considered any further proceedings under the writ of Habeas Corpus as entirely superseded by the allowance of the motion to arrest.

The following are the depositions made in open court, and alluded to in the foregoing statement.

The deposition of William Eaton, Esq.

Early last winter, col. Aaron Burr, late vice-president of the United States, signified to me, at this place, that, under the authority of the general government, he was organizing a secret expedition against the Spanish provinces on our south-western borders; which expedition he was to lead, and in which he was authorized to invite me to take the command of a division. I had never before been made personally acquainted with col. Burr; and, having for many years been employed in foreign service, I knew but little about the estimation this gentleman now held in the opinion of his countrymen and his government; the rank and confidence by which he had so lately been distinguished left me no right to suspect his patriotism. I knew him a soldier, in case of war with the Spanish nation, which from the tenor of the president's message to both houses of congress seemed probable, I should have thought it my duty to obey so honorable a call of my country; and, under that impression I did engage to embark in the expedition. I had frequent interviews with col. Burr in this city—and, for a considerable time, his object seemed to be to instruct me by maps and other information, the feasibility of penetrating to Mexico—always carrying forward the idea that the measure was authorized by government. At length, some time in February, he began by degrees to unveil himself.—He reproached the government with want of character, want of gratitude, and want of justice. He seemed desirous of irritating resentment in my breast by dilating on certain injuries he felt I had suffered from reflections made on the floor of the house of representatives concerning my operations in Barbary, and from the delays of government in adjusting my claims for disbursements on that coast during my consular agency at Tunis; and he said he would point me to an honorable mode of indemnity. I now began to entertain a suspicion that Mr. Burr was projecting an unauthorized military expedition; which, to me, was enveloped in mystery; and, desirous to draw an explanation from him, I suffered him to suppose me resigned to his counsel. He now laid open his project of revolutionizing the western country, separating it from the Union, establishing a monarchy there, of which he was to be the sovereign, New-Orleans to be his capital; organizing a force on the waters of the Mississippi, and extending conquest to Mexico. I suggested a number of impediments to the citizens of that republic, and their affection towards our present administration of government; the want of funds; the resistance he would meet from the regular army of the United States on those frontiers; and the

opposition of Miranda in case he should succeed to republicanise the Mexicans.

Mr. Burr found no difficulty in removing these obstacles—he said he had, the preceding season, made a tour through that country, and had secured the attachment of the principal citizens of Kentucky, Tennessee and Louisiana to his person, and his measures—declared he had inexhaustible resources as to funds; assured me the regular army would act with him, and would be reinforced by 10 or 12 000 men from the above-mentioned states and territory, and from other parts of the union; said he had powerful agents in the Spanish territory—and as for Miranda, said Mr. Burr, we must hang Miranda. He now proposed to give me the second command in his army. I asked him who should have the chief command? He said General Wilkinson. I observed, it was singular that he should count on gen. Wilkinson; the elevated rank, and high talents now held as commander in chief of our army and governor of a province, he would hardly put at hazard for any precarious prospects of aggrandizement. Mr. Burr said, general Wilkinson, balanced in the confidence of government, was doubtful of retaining much longer the consideration he now enjoyed, and was consequently prepared to secure to himself a permanency. I asked Mr. Burr if he knew gen. Wilkinson? He answered yes; and echoed the question. I said I knew him well. "What do you know of him?" said Mr. Burr. "I know," I replied, that general Wilkinson will act as Lieutenant to no man in existence.—"You are in an error," said Mr. Burr.—"Wilkinson will not act as lieutenant to me."

From the tenor of repeated conversations with Mr. Burr, I was induced to believe the plan of separating the union which he had contemplated had been communicated to and approved by general Wilkinson, (though I now suspect it an artful argument of seduction) and he often expressed a full confidence that the general's influence; the offer of double pay and double rations; the prospect of plunder and the ambition of achievement, would draw the army into his measures. Mr. Burr talked of the establishment of an independent government west of the Allegany as a matter of inherent constitutional right of the people; a change which would eventually take place, and for the operation of which the present crisis was peculiarly favorable. There was, said he, no energy in the government to be dreaded, and the divisions of political opinions throughout the union was a circumstance of which we should profit. There were very many enthralled men among us who aspired to something beyond the dull pursuits of civil life, and who would volunteer in this enterprise, and the vast territory belonging to the United States, which offered to adventurers, and the mines of Mexico would bring strength to his standard from all quarters. I listened to the exposition of col. Burr's views with seeming acquiescence. Every interview convinced me more and more that he had organized a deep laid plot of treason in the west, in the accomplishment of which he felt fully confident. At length, I discovered that his ambition was not bounded by the waters of the Mississippi and Mexico, but that he meditated overthrowing the present government of our country. He said, if he could gain over the marine corps, and secure the naval commanders, Buxton, Preble, Decatur and others, he would turn congress neck and heels out of doors, assassinate the president; seize on the treasury and navy, and declare himself the betrayer of an energetic government. The honorable trust of corrupting the marine corps, and of sounding commodore Preble and captain Decatur, col. Burr proposed confiding to me. Shook at this proposition, I dropped the mask, and exclaimed against his views. He talked of the degraded situation of our country, and the necessity of a blow by which its energy and its dignity should be restored—said, if that blow could be struck here at this time, he was confident of the support of the best blood of America. I told colonel Burr he deceived himself in presuming that he, or any other man could excite a party in this country who would countenance him in such a plot of desperation, murder and treason. He replied, that he, perhaps, knew better the dispositions of the influential citizens of this country, than I did. I told him one solitary word would destroy him. He asked, what word? I answered, Quarter! He smiled at my hesitation, and quoted some great examples in his favor. I observed to him that I had lately travelled from one extreme of the union to the other, and that I found a diversity of political opinion among the people, they appeared united at the most distant aspect of national danger. That, for the section of the union to which I belonged, I would vouch, should be succeeded in the first instance here, he would within six weeks afterwards have his throat cut by Yankee militia.

That project wild and extravagant with premature slaughter, I felt very easy on the subject, because its defeat he had deposited in my own hands. I did not feel so secure concerning that of disjoining the union. But the very interesting and embarrassing situation in which his communications placed me, left me, I confess, at a stand to know how to conduct myself with propriety. He had committed no overt act of aggression against law, I could draw nothing from him in writing; and could I learn that he had exposed his plans to any person near me by whom my testimony could be supported? He had mentioned to me no persons who were principally and decidedly engaged with him except Gen. Wilkinson—a Mr. Aston, whom I found was his son-in-law, and a Mr. Ephraim Kirby, late a captain of Passaic in Gen. Wayne's army. Stated that Mr. Burr was resolute in pushing his project of rebellion in the west of the Allegany, and apprehensive that it was too well and too extensively organized to be easily suppressed; though I indicated the weight of his character when held in the balance against my solitary assertion, I brought myself to the resolution to endeavour to defeat it, by getting him removed from among us, or to expose myself to all consequences by a disclosure of his intentions. Accordingly, I waited on the President of the United States, and after some desultory conversation in which I stated to draw his view to the westward, I used the freedom to say to the President I thought Mr. Burr should be sent out of this country—and gave for reason, that I believed him dangerous in it. The President asked where he should be sent? I men. lined London and Cadiz. The President thought the trust too important, and so meditated a doubt of Mr. Burr's integrity. I intimated that he was, perhaps, had strong grounds to suspect Mr.