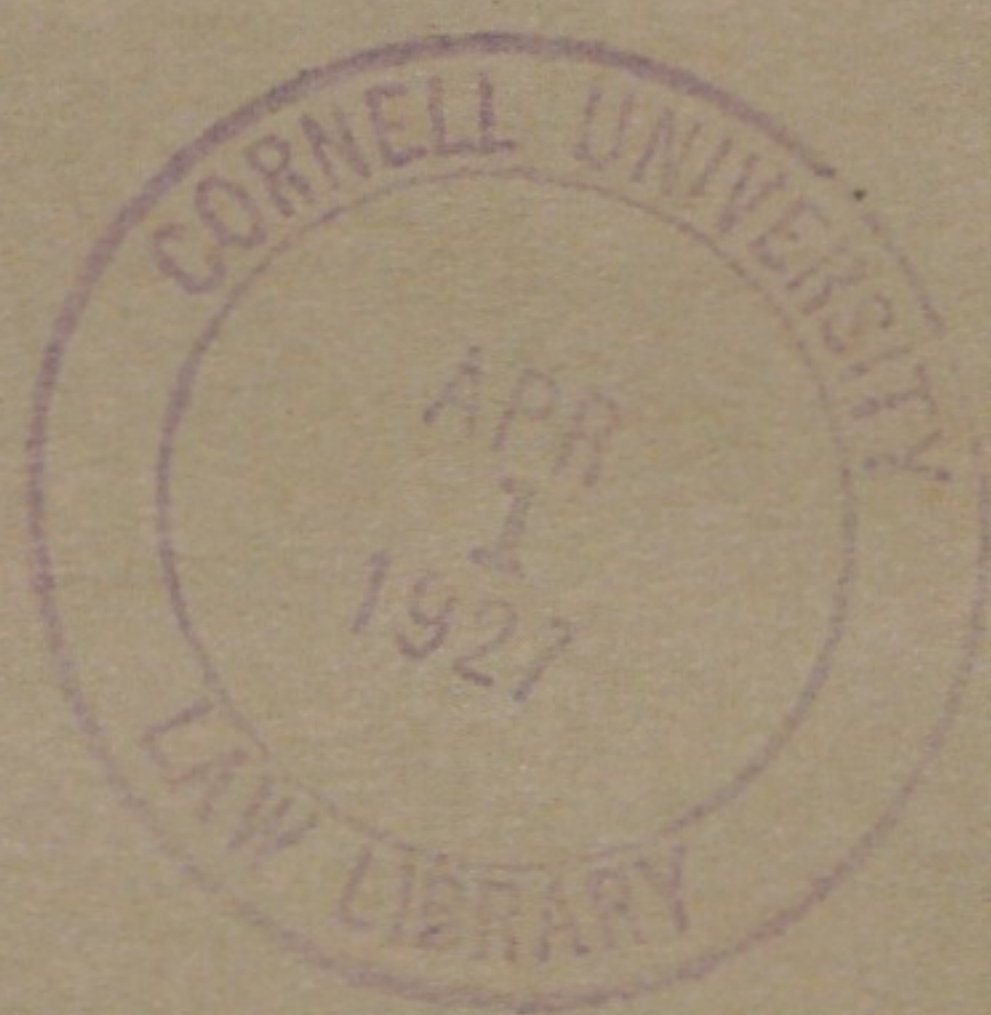


Mr. C.

Report on the Claim
Of the Heirs of
Margaret Blennerhassett
1852



IN THE SENATE OF THE UNITED STATES.

AUGUST 11, 1852.

Ordered to be printed.

Mr. BRODHEAD made the following

R E P O R T :

[To accompany bill S. No. 525.]

The Committee of Claims, to whom was referred the memorial of the heirs of Herman Blennerhassett, report :

This is a claim for injury and destruction of property on Blennerhassett Island, in the Ohio river, committed by persons who claimed to be acting under authority of the proclamation of the President of the United States, for the suppression of the "Burr conspiracy." The circumstances connected with that transaction form a part of the history of the country. This case was first brought before Congress in 1842, and the facts appear to be correctly stated in the report of the Senate Committee of Claims, No. 394, 2d session 27th Congress, which is hereto annexed. The case was re-examined by the Committee of Claims at the last session of Congress, and a favorable report (No. 258) was made, accompanied by a bill.

Upon a review of the facts, a majority of the committee have come to the conclusion to submit to the Senate, the question, whether, under the peculiar circumstances of the case, there is not an equitable obligation upon the government to grant some measure of relief. With this view, they report the accompanying bill.

IN SENATE, January 30, 1851.

The Committee of Claims, to whom was referred the memorial of Harman Blennerhassett and Joseph Lewis Blennerhassett, sons and only heirs of Harman Blennerhassett, deceased, praying compensation for property destroyed by militia in the service of the United States in 1806, having had the same under consideration, with the accompanying evidence in support thereof, report :

That the facts on which the claim of the memorialists is founded were investigated by a committee of the Senate at the 2d session of the 27th Congress, on the memorial of Margaret Blennerhassett, the widow of Harman Blennerhassett, deceased, and were specially reported to the Senate by the Hon. Mr. Woodbridge, in behalf of the committee. That report is

believed to be fully sustained by the evidence now before the Senate. The committee therefore adopt it; and, believing that the memorialists are entitled to the relief which the former committee would have recommended in behalf of Margaret Blennerhassett, had not their further proceeding been arrested by her sudden decease, they have prepared a bill which is herewith submitted, and recommend the passage thereof.

AUGUST 5, 1842.

The Committee of Claims, to whom was referred the memorial of Margaret Blennerhassett, ask leave respectfully to report:

That the memorialist appears to be the widow of the late Harman Blennerhassett, deceased. That upon that gentleman various circumstances combined, many years ago, to fix the suspicion of being an accomplice of Aaron Burr in the illicit designs imputed to him in 1806-'7 against the peace and integrity of the Union. But whether his views extended beyond the peaceful acquisition, jointly with Colonel Burr, of the Washita lands, formerly within the provincial government of Spain, and of the forming there of an extensive settlement, was never ascertained, but still remains with some a subject for conjecture. It is matter of history, however, that by reason of his admitted interest in the "Bastrop grant," and his general relations with Colonel Burr, he became an object of suspicion, of charge, of arrest, and of imprisonment, as a *presumed* participator in all the illegal projects imputed to Colonel Burr; and yet, that he never was put upon his trial by the government, although he continued for many years after those events notoriously a resident of the United States. Nor will the reflection fail to occur to all who may have had any personal knowledge of that gentleman, that projects so bold, so hazardous, and so eminently criminal, as those which were supposed to have been formed, seem utterly incompatible with the habits, disposition, and circumstances of life, which so strongly marked the character and condition of that unfortunate gentleman.

Colonel Burr, accompanied by his daughter, Mrs. Alston, had remained some time on a visit at the beautiful and most hospitable establishment of Mr. Blennerhassett, upon the island he inhabited and had so highly ornamented, in the Ohio river, and had passed down into the country of the Mississippi. His projects, whatever they may have been, were beginning to disclose themselves, and had attracted the serious attention of the government. Public reputation had connected the name of Mr. Blennerhassett with them. He also had passed down the Ohio river, and had returned in the fall of 1806, only, as it seemed, to complete the preparations necessary for removing his family and domestic establishment to the vicinity of Natchez. After having caused an expensive keel-boat to be procured, and given the requisite directions for fitting it properly for the commodious and safe reception and conveyance of his family, domestics, and stores in their passage down the Ohio and Mississippi, and leaving them to follow him, he himself left the island early in December, 1806. Meantime, a high degree of excitement began to pervade the valley of the Ohio. The President's proclamation of November 27, 1806, had reached the upper section of the country, and everywhere gave point, direction, and force to the

popular feeling. The boat prepared for the reception and conveyance of Mr. Blennerhassett's family, together with some stores prepared and on board, was taken possession of by agents of the government before it could be delivered at the family residence, and seems never to have been compensated for nor returned. About the 13th of December, 1806, a tumultuary and armed force landed upon the island, and, by the authority, or under color of the President's proclamation of the 27th November, took immediate possession of the house, turned that elegant mansion into barracks, and, in numbers increasing from forty persons to eighty, lived, at free quarters, for several consecutive days, upon the stores provided for the family consumption. Fences were recklessly broken up and consumed in various fires which they lighted. The gardens, shrubberies, and ornamented grounds were laid open; and fields, with crops still remaining ungathered upon them, were wantonly laid waste. Much of the delicate and expensive furniture of the mansion-house was impaired or destroyed, the beauty of its elegant apartments defaced and mutilated, and the choice liquors and family stores freely consumed by them, without measure and without count. These are the circumstances which the memorialist places before the Senate; and, basing her claims upon them, after the lapse of thirty-five years, now that she has become borne down by affliction, and sorrow, and want, she addresses herself to the justice and the high honor of the nation, and asks some remuneration for the wrongs she has endured. Such are the views this claim presents; not, indeed, in all particulars verified by proofs taken according to those artificial and technical rules which the ordinary courts of law do, and ought to prescribe for themselves, but stated with manifest ingenuousness, corroborated by history, and established by the statements of men of high honor. The question then presents itself, whether to any extent, and, if to any, to what extent, it may be proper for Congress to furnish the relief prayed for? In considering this question, your committee have not deemed it necessary to impute any moral wrong either to the selected agents of the government or to the militia which assembled at the domicil of the memorialist. The people of the Ohio valley were devotedly attached to the Union and sensitively alive to anything which might seem to threaten its peace. The extensive preparations which were being made along its shores, magnified, as they were, by common report—the ambiguous and equivocal character of the probable objects of those preparations, and the studied mystery behind which they were concealed; the dark hints and the thousand rumors to which they gave rise—all tended to prepare the public mind for that moral explosion which only awaited the authoritative disclosures contained in the proclamation of the 27th November at once to burst out.

In a crisis like that, it was not unnatural that such a people, so influenced, on reading such a proclamation—a proclamation which *invoked* them to seize and detain all boats, vessels, stores, &c., provided, or providing *for the purposes* indicated—should, in the very excess of an honest zeal, have committed precisely such irregularities as those complained of. And if, *stricti juris*, that proclamation should not be deemed to have furnished a *legal* justification for all the excesses committed under color of it, if private suits *could* have been sustained by the party injured; yet it may confidently be presumed that no benefit, beyond the assessment of damages merely nominal, or at least not to be collected, could have resulted from the adoption of that course. Nor is it immaterial to consider that the absence of

the party aggrieved; his pecuniary embarrassments; the difficulty of establishing proof against such of the aggressors as might prove responsible; the excited condition of public sentiment at the time; and the numbers and the tumultuary character of that assemblage, all combined to dissuade from such a course, until *the right to pursue it* became barred by lapse of time. It would seem a mockery of justice, then, to have required it. If the government be satisfied that a wrong is inflicted, and that those acting under color of its authority inflicted such wrong while in the honest and faithful exercise of that presumed power, no sufficient reason is perceived why suits at law should be deemed indispensable, any more than in the very common case of the impressment of private property for the public use.

It does not, therefore, seem necessary to inquire to what extent, if to any, those citizens may have subjected themselves, individually, to respond in damages for the wrongs committed. If, obeying the call of the President, and influenced by commendable motives, they had honestly, though unwittingly, invaded private right to an extent not justified by the law, it would seem to be the duty of the government freely to compensate the party injured for wrongs thus superinduced by its own action. When a collector of the public revenue, while in the honest, diligent, and conscientious performance of his trust, makes a seizure which, after a judicial investigation, is found to be illegal, and consequently to include an invasion of private right, it is the constant habit of the government to throw itself between its faithful agent and the injured party, and to pay the damages assessed. Who, were it otherwise, would dare to be vigilant and faithful? On the other hand, if the proclamation should have furnished a sufficient and technical justification for those things which were done under color of it, and private wrong should nevertheless have been committed, it would seem to concern still more nearly the national honor that the government should extend direct and ample relief to the injured party. If at *any time* the public good require the infringement of private right, a just and a wise government will not fail to indemnify its individual citizen for the loss sustained; and every day this is done, whensoever the labor or the property of individuals is taken for the public use. In either class of cases, therefore, the accustomed policy, as well as the justice and the honor of the government, would seem to require that adequate remuneration be made.

It may be objected that the memorialist, or her husband in his lifetime, should have made this application at an earlier period, and that, having so long delayed it, the right is waived. Although lapse of time may very properly operate as a bar in a suit between individuals, yet *that* objection, it is believed, is entitled to but little or no weight as regards such a claim against the public. There may be increased difficulty in *establishing* such a claim, after a great lapse of time—that would be the misfortune of the claimant; but for the government to urge *in defence* a mere technical and arbitrary objection like that, especially when the delay may be ascribed to perfect honesty of purpose, would be unworthy of any wise and just nation that is disposed to respect, most of all, its own honor. As to the delay of this application, no difficulty is felt by your committee in accounting for it satisfactorily. During the lifetime of the husband of the memorialist, a reason may be found for that delay, in part at least, in the facts already recited in this report, and in the affidavit which is appended to it. It may be found in the embarrassments, and losses, and misfortunes which seem to have chequered the subsequent periods of his eventful life; and it may per-

haps be found in the proud satisfaction with which conscious innocence and elevated spirit may seek to bear up, in silence and without complaint, against the imputed injustice and oppression of the world. But however that may be, to the *memorialist*, at least, no reprehensible neglect can be imputed. As soon after the decease of her husband, it would seem, as was practicable, her claim was presented; she, that once lived in affluence and was familiar with prosperity, but now a widow, enfeebled by age and borne down by destitution, claims some small compensation for losses which were undoubtedly induced by the action of this government. If her husband were not guiltless of the offences imputed to him, she delicately, and with manifest pain, reminds those to whom she addresses herself that the destruction and forcible sequestration of the property of the family by the agents employed by this government could have constituted no part of the prescribed punishment of the law. But then, and without idle or offensive protestations, she asks Congress to consider that the government *took no measures* to bring her husband to trial; and may well trust to the ordinary presumptions of the law, and to the known and established attributes of his character and life, as sufficiently evincive of his probable innocence of those offences. But the memorialist in no wise claims compensation for all that was lost in consequence of the various proceedings which were had against her husband, according to the ordinary course of the law; that would constitute a measure of relief not easy of ascertainment, and might involve difficulties in the process which might be insuperable. The present application, on the contrary, is founded upon a direct invasion of private right; not incident to a prosecution instituted; not perpetrated in the service of any process; and is restricted to a just, but comparatively small remuneration for the property taken, for the stores consumed, and for the waste committed on the particular occasions alluded to; and which, without the slightest regard to any question of supposed guilt or innocence of the charges imputed to her husband, *mere justice* would seem to demand.

But while your committee had scarcely concluded their deliberations upon the principles and propositions contained in this report, they perceive, in the public newspapers, the annunciation of the sudden decease of the memorialist. This, her first appeal to the justice of the nation, had been received with prompt attention, and in no spirit of unkindness; but in analogy to a familiar principle of the law, whatsoever tort may appear to have been committed is considered to have been buried in the grave of the deceased, and the injuries of which she complained to have become cancelled by the hand of death.

No further action in the premises, therefore, on the part of Congress seeming to be required, your committee pray to be discharged from the further consideration of the subject.

All which is respectfully submitted.

Memorial of Margaret Blennerhassett, praying to be indemnified for depredations committed by a party of militia in the service of the United States.

To the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial of Margaret Blennerhassett respectfully represents: That your memorialist is the widow of Harman Blennerhassett, deceased, who, during many years of his life, resided upon an island in the Ohio river, known as Blennerhassett's island, of a portion of which he was the proprietor. That in the month of December, in the year 1806, an armed multitude, being, in fact, a body of militia called out under a proclamation issued by the then President of the United States, came upon the said island, took possession of the property of the said Harman Blennerhassett, and held such possession for several days. That the said armed force, as your memorialist was informed, consisted at first of about forty men, but was increased while they remained on the said island to about twice that number. That having taken possession of the house, they broke open the store rooms and cellars, and consumed and wasted a large quantity of provisions and liquors, living at free quarters, and subsisting entirely, during their stay upon the island, on the stores which had been laid in for the use of the family of the said Harman Blennerhassett. They also tore down and burned the fences, (some of which were ornamental and expensive,) alleging that it was part of their duty to keep up constant watch-fires on the island; the consequence of which was that large droves of cattle, then upon the island, trod down and destroyed the shrubberies, which were of the most rare and costly description, and devastated an ungathered crop of corn of considerable value.

Your memorialist does not desire to exaggerate the conduct of the said armed men, or the injuries done by them, but she can truly say that before their visit the residence of her family had been noted for its elegance and high state of improvement, and that they left it in a state of comparative ruin and waste; and as instances of the mischievous and destructive spirit which appeared to govern them, she would mention that while they occupied as a guard-room one of the best apartments in the house, (the building of which had cost nearly forty thousand dollars,) a musket or rifle ball was deliberately fired into the ceiling, by which it was much defaced and injured, and that they wantonly destroyed many pieces of valuable furniture. She would also state that, being apparently under no subordination, they indulged in continual drunkenness and riot, offering many indignities to your memorialist, and treating her domestics with violence.

Your memorialist further represents, that these outrages were committed upon an unoffending and defenceless family in the absence of their natural protector, your memorialist's husband being then away from his home; and that in answer to such remonstrances as she ventured to make against the consumption, waste, and destruction of his property, she was told by those who assumed to have the command that they held the property for the United States by order of the President, and were privileged to use it, and should use it as they pleased.

It is impossible for your memorialist, after the lapse of thirty-five years, to furnish distinct proof of the various injuries which were on that occa-

sion committed by the said body of men, or of the precise amount of damage which resulted therefrom, but she avers that the fact was notorious in the surrounding country that a heavy loss had been caused to the said Harman Blennerhassett by the lawless conduct of the said body of militia, and she conscientiously believes that two thousand dollars would have been at the time but a very inadequate compensation for such loss and damage.

Your memorialist further represents, that those injuries were inflicted under the pretence that the said Harman Blennerhassett had engaged in an expedition or enterprise which was supposed to be in violation of the laws of the United States. But she asserts, as a matter of history, that, although for such alleged infraction of the laws her husband was dragged as a prisoner over a large portion of the Union, and incarcerated for a length of time in a jail, he was never even put upon his trial for any such offence; and she respectfully submits, that even if he had been legally convicted of any such violation of the law, the spoliation of his property by the agents of government could by law have formed no part of his punishment, and much less could such spoliation be justified by the mere presumption of illegality in his conduct or views.

It is with pain that your memorialist adverts to events which, in their consequences, have reduced a once happy family from affluence and comfort to comparative want and wretchedness—which have blighted the prospects of her children, and made herself, in the decline of life, a wanderer on the face of the earth. For these calamities she can hope neither indemnity nor consolation; but as the widow of the said Harman Blennerhassett, now bowed down by age, infirmity and destitution, she humbly appeals to the magnanimity of this government to make some reparation to her for the losses which her husband's property sustained by the illegal conduct of persons who acted under its authority.

Your memorialist is now nearly seventy years of age. After an absence of several years from this continent, she has but recently been enabled to cross the Atlantic for the purpose, even at this late day, of making her present appeal to the government of the United States. To effect this she has exhausted all her means, and has nothing now to look forward to for the support of her few declining years but such relief as may be granted to her on this memorial.

She humbly submits her case to the justice and liberality of Congress, and, as in duty bound, will ever pray, &c.

MARGARET BLENNERHASSETT.

UNITED STATES OF AMERICA, }
State of New York, } ss.

By this public instrument be it known to all whom the same doth or may concern, that I, John C. Devereux, jr., a public notary in and for the State of New York, by letters patent, under the great seal of said State, duly commissioned and sworn, do hereby certify that on the day of the date hereof, before me personally came and appeared Margaret Blennerhassett, to me well known, who, being by me duly sworn upon the Holy Evangelists, did depose and say, that the facts set forth in the within memorial, by her subscribed, are true.

Whereof an attestation being required, I have granted this under my notarial firm and seal. Done at the city of New York, in the said State [L. s.] of New York, the seventh day of March, in the year of our Lord one thousand eight hundred and forty-two.

In proemissorum fidem.

JOHN C. DEVEREUX, Jr., *Notary Public.*

NEW YORK, *February 15, 1842.*

SIR: In troubling you to present the enclosed memorial and respectfully soliciting for it your aid and support, I feel bound to say that I am complying with a request of the memorialist herself, who is most anxious that it should be placed in your charge. I need not attempt to state her reasons for this wish, but they are such that few persons of judgment and feeling could doubt their soundness.

I may possibly be going too far in venturing my own hope that your talents and influence may be exerted in her behalf. If so, I can only offer as my apology the strong interest which I feel for the widow of my father's kinsman, schoolfellow and friend, in the destitute condition to which the vicissitudes of an eventful life have reduced her. Justice, however, to Mrs. Blennerhassett requires me to add that it would be hardly possible to know and not esteem her. She is now in this city, residing in very humble obscurity, and bestowing her cares upon a son who, by long poverty and sickness, is reduced to utter inability, both of mind and body, to assist her or even provide for his own wants. It would be difficult to exaggerate the reverse of fortune under which she is now struggling to sustain herself, nor would it be proper for me to trouble you with a detail of her many privations.

The only evidence of the losses for which Mrs. Blennerhassett now seeks reparation is a certificate given many years ago to her husband by Morgan Neville and William Robinson, who with others were made prisoners by the militia who then had possession of Mr. Blennerhassett's property. They were two young men of good family, whom Colonel Burr had induced to engage in his enterprise. And in looking into his trial I find in Robinson's report of it (vol. 1, page 360) that Morgan Neville was one of the witnesses summoned and recognized to attend on behalf of the United States. On inquiry I have learned that Mr. Neville moved several years ago from Pittsburg to Cincinnati, where he died four or five years since; that he was a man well known and highly esteemed throughout the west for his talents, literary attainments and integrity of character; and that with those who had been acquainted with him his written statement would carry as much weight as his affidavit. The statement upon which Mrs. Blennerhassett is now obliged to rely is proved by her own deposition to be in Mr. Neville's handwriting, and signed by him and Mr. Robinson; and I trust it may be deemed sufficient to sustain her appeal to the liberality of Congress.

In her present destitute situation, the smallest amount of relief would be thankfully received by her. Her condition is one of absolute want, and she has but a short time left to enjoy any better fortune in this world.

The memorial is respectfully placed under your guidance, with a firm con-

viction that no effort which may accord with your sense of duty will be omitted on your part for its success.

I am, sir, with sincere respect, your obedient servant,

R. EMMETT.

Hon. HENRY CLAY.

Statement of Messrs. Neville and Robinson, and affidavit of Margaret Blennerhassett.

On the 13th day of December, 1806, the boat in which we were was driven ashore by the ice and wind on Backus island, about one mile below Mr. Blennerhassett's house; we landed in the forenoon, and the wind continuing unfavorable did not afford us an opportunity of putting off until after three o'clock in the evening, at which time we were attacked by about twenty-five men, well armed, who rushed upon us suddenly, and we not being in a situation to resist the fury of a mob, surrendered; a strong guard was placed in the boat to prevent, I presume, those persons of our party who remained in the boat from going off with her, while we were taken to the house of Mr. Blennerhassett.

On our arrival at the house we found it filled with militia; another party of them were engaged in making fires (round the house) of rails dragged from the fences of Mr. Blennerhassett. At this time Mrs. Blennerhassett was from home; when she returned (about an hour after) she remonstrated against this outrage on the property, but without effect; the officers declared that while they were on the island the property absolutely belonged to them.

We were informed by themselves, that their force consisted of forty men the first night, and on the third day it was increased to eighty.

The officers were constantly issuing the whiskey and meat which had been laid up for the use of the family, and whenever any complaint was made by any of the friends of Mrs. Blennerhassett, they invariably asserted that everything on the farm was their own property. There appeared to us to be no kind of subordination among the men; the large room they occupied on the first floor presented a continued scene of riot and drunkenness; the furniture appeared ruined by the bayonets, and one of the men fired his gun against the ceiling, and the ball made a large hole which completely spoiled the beauty of the room. They insisted that the servants should wait upon them before attending to their mistress; when this was refused, they seized upon the kitchen and drove the negroes into the wash-house. The person who took conspicuous parts in these proceedings were, Bennet Cook, Lieutenant or Captain Beeson, Major Enox, Sergeant Price, and Captain Kincheloe.

We were detained from Saturday evening until Tuesday morning, during all which time there were never less than thirty, and frequently from seventy to eighty men living in this riotous manner entirely on the provisions of Mrs. Blennerhassett. When we left the island, a cornfield, near the house, in which the corn was still remaining, was filled with cattle, the fences having been pulled down to make fires. This we pledge ourselves to be

a true statement of these transactions as the impression was made on us at the time.

MORGAN NEVILLE.
WM. ROBINSON, Jr.

CITY AND COUNTY OF NEW YORK, ss.

Margaret Blennerhassett, at present residing in said city, being duly sworn, doth depose and say, that she is the widow of Harman Blennerhassett, who formerly resided upon an island in the Ohio river called Blennerhassett's island. That having suffered much damage and loss of property by the conduct of an armed body of militia who took possession of the property of the said Harman Blennerhassett in the month of December, one thousand eight hundred and six, and hoping at some future time to obtain redress and compensation therefor, the said Harman Blennerhassett requested Morgan Neville and William Robinson, jr., esqrs.; two gentlemen who were present and witnessed the conduct of the said armed force, to make a statement thereof in writing. That Mr. Neville, thereupon, wrote the statement which is hereunto annexed, and the same was signed by himself and Mr. Robinson in the presence of this deponent. That the said statement was so made shortly after the facts to which it refers happened, and has remained in the possession of this deponent ever since. That, in consequence of many misfortunes and vicissitudes, the said Harman Blennerhassett was unable, during the remainder of his life, to take any steps to obtain redress for the said injuries; and that, since his death, this deponent has been prevented, by absence and poverty, from making an earlier application to the government of the United States for relief. That she has lately caused inquiries to be made for the said Morgan Neville and William Robinson; and has been informed, and believes to be true, that Mr. Neville died at Cincinnati about four or five years ago. That she has not been able to ascertain any thing about Mr. Robinson. That Mr. Neville, as she has always understood and believes, was well known and much respected as a man of strict honor and integrity throughout the western States. That she is unable, from age, sickness, and the want of pecuniary means, to make any efforts to obtain additional proofs in support of her memorial, if any such could, after the lapse of thirty-five years, be now obtained, of which she is wholly ignorant, not having resided or been in that part of the United States for upwards of twenty years.

MARGARET BLENNERHASSETT.

UNITED STATES OF AMERICA, {
State of New York, { ss.

By this public instrument, be it known to all whom the same doth or may concern, that I, John C. Devereux, jr., a public notary, in and for the State of New York, by letters patent under the great seal of the said State, duly commissioned and sworn, dwelling in the city of New York, do hereby certify, that on the day of the date [L. s.] hereof, before me personally came and appeared Margaret Blennerhassett, to me well known, who, being by me duly sworn upon the Holy Evangelists, did depose and say, that the facts set forth in the within affidavit, by her subscribed, are true.

Whereof, an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said State of New York, the seventh day of March, in the year of our Lord one thousand eight hundred and forty-two.

In proemissorum fidem.

JOHN C. DEVEREUX, Jr.,
Notary Public.

STATE OF VIRGINIA, *city of Richmond.*

Personally appeared before me, Edward Carrington, one of the magistrates of the city of Richmond aforesaid, Charles Fenton Mercer, of the county of Loudoun and State aforesaid, a witness summoned to attend the trial of Aaron Burr, who, being duly sworn on the Holy Evangelists of Almighty God, deposed as followeth, viz: That having been called to the neighborhood of Point Pleasant, at the mouth of the Great Kanawha, between the 20th of September and the 6th of December, 1806, to transact some business relative to an estate which he has in the county of Mason, he became acquainted with Mr. Harman Blennerhasset, through the introduction of Mr. J. Alston, of South Carolina, once a fellow-student of the deponent's in the college of New Jersey. This acquaintance commenced about the first of November, near an open boat on the Ohio, in which Mr. Alston, attended by his family, with a carriage and pair of horses, and accompanied by Mr. Blennerhasset, was descending the river as far as Kentucky, whence he expected to prosecute his journey home by land. The reputation which Mr. Blennerhasset had acquired for talents, learning, and taste, and an eccentric and somewhat romantic mode of life, rendered this unexpected interview one of the most interesting events which occurred to this deponent during his residence on the Ohio; and he accepted, with much pleasure, an invitation from Mr. Blennerhasset to visit his then beautiful and once much celebrated island. It is true, that about that period, and for several weeks before, reports were in circulation that Mr. Blennerhasset was engaged with Colonel Burr in some common enterprise, to which many persons imputed a highly criminal design. But those reports, and especially the injurious suspicions often connected with them, seemed to have arisen from pre-existing prejudices against Colonel Burr, which it was not difficult to trace to an origin very remote from the designs now ascribed to him. As the reports were believed and propagated by those who spoke of them with a conviction and a zeal proportioned to their ignorance or malignity, and as they were in themselves most improbable, absurd and ridiculous, the deponent considered them entitled to no serious consideration. About the middle of November the deponent again saw Mr. Blennerhasset at the house of Colonel Andrew Lewis, on the Ohio, three miles above Point Pleasant, where he alighted from his horse for an hour or two in his journey from Kentucky. In a conversation which then occurred, he adverted with much sensibility to the reports above mentioned, which had then become more current, and to which every day was adding some new exaggeration, and declared them to be utterly false. He was the last man in the world, he said, who would be disposed to disturb the peace, or impair the prosperity of the United States. Weary of political

agitations in his native country, he had sought, he added, and found an asylum in America, the tranquillity of which he could never violate. He had, indeed, he admitted, united with Colonel Burr (whom public rumor had injured as much as himself) in the plan of colonizing and improving a large tract of country on the Red river, originally granted by the king of Spain to one Baron Bastrop, and lately purchased by Colonel Burr of a gentleman of Kentucky. The tract contains eight hundred thousand acres, and the consideration which Colonel Burr and himself were to pay for it was \$40,000; but by distributing a part of it in hundred acre farms among a number of emigrants, whom such an inducement, they expected, would invite to join them, they had no doubt, on the most moderate estimate, of being able to raise the value of the remainder to more than \$1,000,000. Mr. Blennerhasset declined the pressing invitation of Colonel Lewis to make a longer suspension of his journey, alleging as his reason for prosecuting it with the greater rapidity, that the servant who accompanied him had been sent to him in Kentucky by Mrs. Blennerhasset, to urge his immediate return home for the protection of his house from the fury of a mob who had threatened to burn it down. He added, also, that he expected to leave the island in ten or twelve days after his return, as it was his intention to remove his family down the river before the severity of the approaching winter set in; and, renewing his former invitation to the deponent, politely hoped that he would commence his journey to the interior of Virginia within that period.

Some time after this conversation, on Saturday evening, the sixth day of December, the deponent arrived in the course of his journey home at the shore of Ohio opposite to the island of Mr. Blennerhasset; and having first learned with some surprise that Mr. Blennerhasset was yet on the island, crossed over to his house in a violent storm of wind and rain. That evening and the following day he spent at the most elegant seat in Virginia, and in the society of Mr. Blennerhasset and his lovely and accomplished lady. He saw no other persons on the island, except their two infant children, their servants, Mr. Neale, the clerk of the court of Wood county, a Mr. Putnam, who had come from the Ohio side of the river to rent the island of the proprietor, who was soon to abandon it, some young ladies who visited Mrs. Blennerhasset on Sunday morning, and two or three of the inhabitants of the Virginia shore, who came to inquire of the deponent the price of some lands which he had advertised in the adjoining county of Mason. The deponent having expressed a desire, which he had felt on visiting this country the year before, to become the purchaser of Mr. Blennerhasset's farm, he had the goodness to show him the plan and arrangement of his house. Every room within it was opened to his inspection. As he walked through its different apartments, the proprietor frequently apologized for the confusion into which its furniture was thrown by his preparation for his leaving it, and observed that the greater part of his furniture, his musical instruments, and his library, containing several thousand volumes of books, were packed up for his immediate removal. His children were also habited in their travelling dresses. Nothing, he added, delayed his departure, except the unfinished condition of the boats which were to take him down the river. Finding that Mr. Blennerhasset estimated his farm, containing one hundred and eighty acres of land, with its improvements, at \$50,000, which, he remarked, was \$10,000 less than they had cost him, the deponent abandoned all idea of becoming their purchaser;

and the rest of the time which he spent at *this* beautiful seat was employed in conversation with its *proprietor* and his family. It turned upon his removal to the Washita, the name of his new purchase. He pressed the deponent to become a participant in it, suggesting how much it would augment his fortune, and enforcing the inducement which he offered to his interest, by an assurance that the society which he invited the deponent to join would soon become the most select and agreeable in America. He spoke of Colonel Burr as the moral head of it, and when the deponent expressed a doubt of the permanency and happiness of a union formed under such auspices, and dwelt on such traits of the general character of Colonel Burr as he deemed exceptionable, Mr. Blennerhassett vindicated him with the enthusiasm of an ardent admirer and friend, and furnished the deponent with facts of which he had never before heard, and which he treasured in his memory as the foundation of further inquiry into the character of that gentleman. They related entirely to occurrences of ancient date, and on this side of the Alleghany.

Mr. Blennerhasset having intended, before the deponent reached his house, to visit Marietta on Sunday evening, the deponent availed himself of a double motive to quit this attractive spot. He did not leave it, however, without regretting that the engagements of its proprietor and his own dreary journey, but just begun in the commencement of winter, forbade him to prolong a visit which, although so transient, had afforded him so much pleasure. It is but a tribute of merited gratitude to add that he left it in perfect good will to all its inhabitants. All that he had seen, heard or felt, corresponded so little with the criminal designs imputed to Mr. Blennerhassett, that if he could have visited him with unfavorable sentiments, they would have vanished before the light of a species of evidence which, if not reducible to the strict rules of legal testimony, hath, nevertheless, a potent influence over all sensitive hearts, and which, though it possess not the formal sanction, hath often more truth than oaths or affirmations. What! will a man who, weary of the agitations of the world, of its noise and vanity, has unambitiously retired to a solitary island in the heart of a desert, and created there a terrestrial paradise, the very flowers and shrubs and vines of which he has planted, nurtured, and reared with his own hands—a man whose soul is accustomed to toil in the depths of science, and to repose beneath the bowers of literature—whose ear is formed to the harmony of sound, and whose touch and breath daily awaken it from a variety of melodious instruments—will such a man start up in the decline of life from the pleasing dream of seven years' slumber, to carry fire and sword to the peaceful habitations of men who have never done him wrong? Are his musical instruments and his library to be the equipage of a camp? Will he expose a lovely and accomplished woman and two little children, to whom he seems so tenderly attached, to the guilt of treason and the horrors of war? A treason so desperate! a war so unequal! Were not all his preparations better adapted to the innocent and useful purpose which he avowed, rather than to the criminal and hazardous enterprise which was imputed to him? Whence arose those imputations? From his union with Colonel Burr. But it is evident that he has been led to this union from his admiration of the genius and his confidence in the virtue and honor of the person with whom it has connected him. That which with a harsh-judging world is the foundation of a belief of his guilt, when thoroughly and candidly examined, carries on its face, therefore, the stamp of his innocence.

Such were the sentiments with which the deponent left the island of Mr. Blennerhassett. He has only to add, that he reached Marietta after a ride of fourteen miles, in company with that gentleman, at nine o'clock at night; that he slept in the same house with him, and parted from him with much regret on Monday morning, at the house of ————. Mr. Blennerhassett on that day went up the Muskingum to visit his boats, and the deponent prosecuted his journey home.

Given under my hand this 21st September, 1807.

E. CARRINGTON.

MARIETTA, *April 2, 1842.*

I received your letter of the 26th March, stating that Mrs. Blennerhassett had forwarded a memorial to Congress, asking compensation for property destroyed in December, 1806, under a proclamation of the President of the United States.

Mr. Blennerhassett was a heavy sufferer. Some of his property was seized and never restored, and others of it destroyed. As to the extent of his loss, I know of no means of ascertaining it; but from the knowledge which I have of the business, it would seem clear to me, upon every principle of justice and equity, that a remuneration ought to be made for the property taken and destroyed.

I will mention one case which occurred: Mr. Blennerhassett had left the island early in December. Mrs. Blennerhassett was left to follow him on to the mouth of the Ohio river, with such of the household property, provisions, and servants, as could be conveniently taken away. For this purpose she wished to obtain a keel-boat and have it fitted up conveniently, as the season was inclement. I applied to Governor Meigs, our neighbor, stating Mrs. Blennerhassett's wishes. He told me certainly to have the boat fitted up for Mrs. Blennerhassett's use, and to procure and put on board of it provisions and everything needful for her comfort and that of her servants, and of those who were to work the boat. After having the keel-boat fitted up, the provisions, &c., put on board, and hands employed to work the boat, a person came to the shore with the President's proclamation in his hand and forbade the departure of the boat, which, with the provisions, &c., was taken possession of by General Buell, the acting officer of the general government. For this boat and the property therein, Mr. Blennerhassett, I presume, never received one cent from the government.

I know, as you state, that a body of armed men took possession of the house, &c., of Mr. Blennerhassett, and that Captain Cook, Major Stokely, Beeson and others, were among the leaders; but as to the time they kept possession of the property, or the injury and loss sustained by them, I know not. Messrs. Neville and Robinson were at that time taken by this body of militia and kept under guard in Mr. Blennerhassett's house. The reputation of these gentlemen has always stood high, and any statement they have made I should perfectly confide in.

I know of no way in which information could be obtained as to the actual loss sustained by Mr. Blennerhassett through the misguided zeal of these people. Governor Meigs is dead, General Buell is dead, and I know of no person living in this region who could put a just estimate upon the loss sustained.

I shall lament if the government does not remunerate Mrs. Blennerhassett. Had the members of Congress witnessed even as much as I did of the lawless capture and destruction of property at that time, they would not hesitate to make at this late day remuneration for it. I saw Mrs. Blennerhassett about twenty-two years since at Germantown, near Philadelphia, where she had gone to see the grave and learn the particulars of the death of her grandfather, General Agnew, who commanded the British forces and was killed at the battle of Germantown. Mrs. Blennerhassett then appeared broken down by ill-health and misfortune. She was wonderfully altered in her appearance since we had seen her. Whether Mrs. Blennerhassett is rich or poor, it does not alter the ground of claim upon the government. I believe she would never have made it unless poor and dependant. From an acquaintance of eight years, I thought Mrs. Blennerhassett not only an accomplished female, but one of refined feelings and of most correct moral principles. To these were added a pride and independence of character that would prohibit her from even applying for a remuneration for property wrongfully taken from her unless necessity compelled her to do so.

I will close this statement by saying, that Mrs. Blennerhassett ought to be remunerated. I hope the committee to which her claim is referred may feel justified in so doing.

Sincerely yours,

D. WOODBRIDGE.

Hon. WILLIAM WOODBRIDGE,
In Senate, Washington city.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas 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 other means; are deceiving and seducing honest and well-meaning citizens, under various pretences, 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, I have therefore thought fit to issue this my proclamation, warning and enjoining all faithful citizens who have been led, without due knowledge or consideration, to participate in the said unlawful enterprises, to withdraw from the same without delay, and commanding all persons whatsoever engaged or concerned in the same to cease all further proceedings therein, as they will answer the contrary at their peril, and incur prosecution with all the rigors of the law. And I hereby enjoin and require all officers, civil and military, of the United States, or of any of the States or Territories, and especially all governors and other executive authorities, all judges, justices, and other officers of the peace, all military officers of the army or navy of the United States, and officers of the militia, to be vigilant each within his respective department, and accord-

ing to his functions, in searching out, and bringing to condign punishment, all persons engaged or concerned in such enterprise, in seizing and detaining, subject to the dispositions of the law, all vessels, arms, military stores or other means provided or providing for the same, and in general in preventing the carrying on such expedition or enterprise by all the lawful means within their power ; and I require all good and faithful citizens and others within the United States, to be aiding and assisting herein, and especially in the discovery, apprehension, and bringing to justice of all such offenders, in preventing the execution of their unlawful designs, and in giving information against them to the proper authorities.

In testimony whereof, I have caused the seal of the United States to be [L. s.] affixed to these presents, and have signed the same with my hand.

Given at the city of Washington, on the 27th day of November, one thousand eight hundred and six, and in the year of the sovereignty and independence of the United States the thirty-first.

TH. JEFFERSON.

By the President:

JAMES MADISON, *Secretary of State.*