## REMINISCENCES

OF THE .

# BENCH AND BAR OF MISSOURI,

# WITH AN APPENDIX,

Containing Biographical Sketches of nearly all of the Judges and Lawyers who have Passed Away, together with many Interesting and Vabuable Letters never before Published of Washington, Jefferson, Burr, Granger, Clinton, and Others, some of which throw Additional Light upon the Famous Burr Conspiracy.

BY

W. V. N. BAY,

Late Judge of the Supreme Court of Missouri.

ST. LOUIS: F. H. THOMAS AND COMPANY.

### APPENDIX.

We here append some very interesting letters, which have never before been published (with the exception of the cipher letter from Burr to Wilkinson). They are not only interesting because of their antiquity and the prominence of the writers, but for the reason that they refer to several of the most eventful periods in American history; and, in order to give the reader an idea of the style in which these letters were written, we insert them *verbatim*, following the capitalization and punctuation.

The first is a joint letter from Generals Washington and Putnam to a church in Woodstock, Connecticut, of which the Rev. Abiel Leonard, grandfather of the late Abiel Leonard, of Missouri, was pastor, and the object of the letter was to obtain the consent of the church to their pastor joining the army and fighting for his country. Having previously refused their consent, the patriotic and belligerent pastor quietly visited the camp of Washington, at Cambridge, and there found the Father of his Country and "Old Put," as they called him, poring over some ancient maps and charts, and, making known to them the object of his visit, procured the letter written March 24, 1776—over a century ago. It is as follows:

<sup>&</sup>quot;To the Church and Congregation at Woodstock.

<sup>&</sup>quot;Mr. Leonard is a man whose exemplary life and conversation, must make him highly esteemed by every person, who has the pleasure of being acquainted with him. The Congregation of Woodstock know him well, it therefore can be no surprise to us to hear that they will be loth to part with him. His usefullness in this army is great—he is employed in the glorious work of attending to the morals, of a brave people who are fighting for their Liberties, the Liberties of the people of Woodstock, the Liberties of all America, We therefore hope, that knowing how nobly he is employed—the Congregation of Woodstock, will cheerfully, give up to the public, a gentleman so very useful, and when by the

blessing of a kind providence this glorious and unparaleled struggle for our Liberties, is at an end, we have not the least doubt, but Mr. Leonard will with redoubled joy, be received in the open arms of a Congregation so very dear to him, as the good people of Woodstock are. This is what is hoped for, this is what is expected by the Congregation of Woodstock's sincere well wishers and "Very Humble Servants"

"G. WASHINGTON.

"ISRAEL PUTNAM.

"Headquarters

"Cambridge 24th March 1776."

LETTER FROM GIDEON GRANGER, POSTMASTER-GENERAL UNDER MR. JEFFERSON,
TO JUDGE RUFUS EASTON, OF ST. LOUIS.

"Washington City March 16th 1805.

"MY DEAR FRIEND: I have just received yours of the 17th of January, together with Sundry communications in relation to the Territory of Louisiana, which I have forwarded to the President of the United States at his seat. Congress has created your Territory into a New Government of the first grade. It goes into operation on the 4th day of July next. The President has appointed James Wilkinson Commander in Chief of the United States, Governor of the Territory. He is one of the most agreeable, best informed, most genteel, moderate and sensible republicans in the nation. Doctor Browne of New York is appointed Secretary upon the special and single recommendation of Aaron Burr - J. B. Lucas of Penna, Chief Justice - My friend Rufus Easton one of the Assistant Judges, the other Judge I know not. I hope and trust that your will find yourself most agreeably situated and next after a conscientious discharge of the duties of your office, and those you owe to the President and government of the nation, allow me to advise you by all means to cultivate the affection esteem, and the confidence of your worthy Governor by whom I shall write to you again, and to whom I shall give a letter of introduction. We have had an extraordinary winter here, the elements of nature have been in a state of distraction, and the passions of men have kept pace with them. The Jackobins have denounced your friend - he meets the shock undaunted, and still thrives and prospers.

"Yours, affectionately,

"GID'N GRANGER.

·· Rufus Easton Esq

"St. Louis Louisiana."

LETTER FROM GIDEON GRANGER TO RUFUS EASTON.

"GENERAL POST OFFICE, April 4, 1805.

"SIR: Yours of the 25th is received; You cannot be allowed any thing for letters sent, or office rent — for a desk You will be allowed to charge this office ten dollars.

"Nothing new has occurred since my last, excepting that every mail increases the majority for Langdon.

"Yours affectionately

"GID'N GRANGER.

"Hon Rufus Easton

St. Louis Territory of Louisiana."

This letter shows the rigid economy then observed in the departments at Washington, and strangely contrasts with the extravagance of our public functionaries at the present day.

LETTER FROM RUFUS EASTON TO GIDEON GRANGER, RELATING TO THE BURR CONSPIRACY.

" February 17, 1807.

"SIR: Was it not that I am convinced the President has been led into errors by the misrepresentations of those who are inimical to him, as well as the government of the United States I should not have addressed him anticipating certain events, but conscious equally at this moment as heretofore that my statements have been correct, and from information received from different quarters of the Union, that the President can no longer doubt them, I beg leave to call his attention to several extracts from the communications made by me at an early period, to those of other gentlemen and to the particular circumstances of the times. If the President will look at my communication of the 17th January 1805, he will find the following, to wit,

"It is believed by the best informed that the number of inhabitants at this day will exceed 12,000 souls, about two fifths of whom are from french extraction, the others emigrants from the United States. The Creoles are in general peaceable, civil, & hospitable, possessing honest dispositions. They are good citizens but know nothing of the police of any government. They have no fixed political principles & are liable to sudden changes of opinion as they may be influenced by the more artful and designing. That they are in general enemies to the change of Government requires no argument to prove. When it was rumoured thro the country that a re-cession to Spain was about to take place joy gladdened in their breasts. This must not be taken however for a general sentiment, it is only that of the few who have feasted and fattened upon the labors of the more ignorant and industrious. Many have sufficient discernment to discover that the cession of the country advanced their property at least two hundred per cent — they thank the stars, and are willing to give the praise to whom it is due."

"In support of these observations I refer the President to a letter of Allan B. Magruder Esq printed in a Kentucky paper which is enclosed. It is no longer to be doubted that a traitorous project to divide the Union has for some time existed amongst some influential characters of the Union, & which is now attempted to be carried into effect. I was convinced of this project more than a year past: and altho I had not the proof to substantiate to others

my belief, I did not hesitate to write the President as follows on the 20th Oct. 1805: 'That General Wilkinson had put himself at the head of a party of a few individuals who are hostile to the best interests of America; who do not possess the confidence of the great body of the people of this country, & who from being the leaders of the Fromentine faction have always been my enemies.'

"He might have supposed me too warm & probably too severe upon General Wilkinson. If so the circumstances of my belief will plead my excuse which was communicated to a gentleman high in the government, high in the confidence & affections of the President, & one who is warmly his friend, & that of the Government of the United States. It may be worthy of remark that during the session of Congress in 1803 I became acquainted with Col Burr, then Vice President, at the city of Washington - during that session I had written my friends who were of the Clinton party in New York, as will appear by their numerous testimonials in my favor, now with the President-the propriety of supporting Brockholst Livingston, or some other character then of the Republican party in preference to Mr. Lewis, being convinced that he was not calculated to govern the state, & they would find the necessity to desert him if elected. They persisted in the support of Mr. Lewis, & at the election in 1804 I threw my feeble support into the scale of Mr. Burr. The sequel terminated as was predicted. Mr. Clinton & most of his friends have ever since been at war with Mr. Lewis. And whilst propositions of a reunion between the Burr and Clinton interests were going on in New York during the last winter Mr. Easton was denounced at the City of Washington as a Burrite by characters who suppose that because a person ought to be independent, he has no right to act independent. Soon after my appointment as judge, Colonel Burr (though I believe he had no agency in procuring it) on the 18th March wrote me expressing the utmost pleasure at this event as well on my own account as on that of several of his friends who were about to remove hither. He mentioned the Governor, General Wilkinson as having been long his intimate friend and Doctor Browne the secretary was his near relation. That I should be highly gratified by the acquaintance of these two gentlemen, and that he should take care to inspire them with a wish for my friendship and esteem.

"Whilst Colonel Burr was at Massac on the 7th of June last in company with General Wilkinson he wrote me again in substance as follows:

"'That before leaving Washington he transmitted me a few lines the principal object of which was to promote a friendship and mutual confidence between me and Governor Wilkinson. That he had this object so much at heart, & deemed it so important to me that he took the liberty again to repeat and urge it. The Governor, he said, was a man of high sense of honor, of delicate feelings; and warm sentiments—a frank ingenuous deportment on my part could not fail to attach him. That the Governor was disposed to be useful to me and would have it greatly in his power. That he had prepared the way for me by exciting prepossessions in my favor which I must foster. That the Governor was intimately informed of the views of the Executive, & that I need not be told that my standing with the Administration would depend on the zeal and ability with which I should promote those views. That he hoped to see

me at Saint Louis in August or September when it would afford him the highest gratification to find me not only in harmony but in confidence & friendship with the Governor, and at all times, and at all places assured me of the great respect & regard with which he was my friend '&c &c.

"Colonel Burr arrived at Saint Louis about the 17th of September whilst I was at Kaskaskia, & was accompanied by General Wilkinson and Mr. Delaunay of this place, since made Adjutant General of the Territory to the District of St. Charles. I returned to Saint Louis during their absence: upon their return Col Burr made me a visit. My answer to a question which he asked I have reason to believe broke off all further communication between us. He was afterwards closeted with Governor Wilkinson one or two nights till very late.

"Immediately after the departure of Colonel Burr, General Wilkinson broke out upon me in the form & manner with which you already have been informed.

"The part I have always taken illy fitted me for their views—which views they constantly proclaimed as the views of the Executive of the United States, which declarations were not generally disbelieved in the western country until the President's proclamation of the 27th of November last.

"I have the honor to be, Sir,

"Your obe't humble serv't,

"R. EASTON.

" Feby 17th 1807."

#### LETTER FROM GIDEON GRANGER TO RUFUS EASTON.

"WASHINGTON CITY, April 9th 1807.

"Rufus Easton Esgr.

"SIR: A conversation happened yesterday respecting you, between the Secretary at War and myself. In the course of it I was told, that Government had certain information by Major Bruff of your possessing full knowledge of the plans and designs of Col Burr and his associates, from the avowal of Burr, which you offered to communicate to Bruff, if he would pledge himself to secrecy, which he declined. This was the first idea I ever had of your possessing any other foundation for the suspicions you have suggested than what arose from the character of the persons, and general appearances which were alike in the power of all persons of equal observation and reflection.

"I confess I was really astonished, because altho I presume you received the information under injunctions of secrecy, altho I well know the great impropriety of communicating almost any thing given in confidence, and the extreme delicacy under any circumstances—yet I do think that when the proposed act is of a treasonable nature, tending to destroy the Government of the country, or to involve it in foreign or domestic war—whereby the nation will be made miserable, and the lives of thousands lost, or even where murder, robbery, arson, or the like, is contemplated, it is the duty of the person to whom the information is given, to communicate in the one case to the Government to pre-

vent the evil; in the other to the citizen, to save him from ruin, the knowledge he possesses. Do not sound morals require this? Does not the law of the country demand it? What is the doctrine respecting accessaries? Have you a right to lock in your breast a secret, which kept, destroys, divulged saves the nation? Have you a right to allow the murderer or Robber to go forth prowling for his innocent prey, and dealing out death and destruction? And is this right founded on the single circumstance that he has thought proper to divulge in confidence his concerted schemes of iniquity? Would you allow a man to take my life by poison because he had told you in confidence that he designed it? No—you would not, and would you go further to save me than the nation?

"But there is another consideration which removes the squeamishness of what is (improperly) called honor. When a friend offers to confide a secret to a man of honor who is his friend — the man of honor has a right (if he is not bound) to believe that the secret is of such a nature that he may keep it consistent with the duty he owes to the country. He may therefore pledge himself with propriety.

"The pledge cannot be considered as an assent to do wrong, or omit a moral duty of the first importance to society. If the communicant states any thing, which consistent with duty, must be disclosed, it is at his peril—the act is his—it cannot be considered as included in the promise of secrecy. Indeed when correctly considered it is an offence to the person and an attack on the character of the Depositary.

"You know I do not mean to extend this doctrine to a case where a man basely worms himself into the confidence of another—gains his secrets, & then betrays him. The facts I have stated have made an impression here.

"I believe you acted with upright intentions — but I must think you have misjudged as to your duty.

"I shall be happy in receiving such reply to this letter as you think proper on reflection: and whatever that answer may be, it will be communicated to Government.

"Rest assured of my friendship.

"Gid'n Granger."

To this Colonel Easton immediately replied, denying emphatically the statement of Bruff, and reiterating that he had communicated to the government all the information he possessed in regard to the conspiracy. The government became fully satisfied of this, for in due time Colonel Easton received from Mr. Granger the following letter:

"Washington City October 28th, 1807.

"Rufus Easton Esq -

"DEAR SIR: Upon my return to this place I was favored with yours of July 14th, Aug 11th, and Sept 10th, also with enclosures &c &c. I enclose you two newspapers and the President's message — by the last you will perceive the state of public affairs, and by the former the fate of the public prosecu-

tions, as well as some attack on yourself personally, by the witnesses before the court. I have read with attention your lengthy deposition; and I am happy to find that there never was any thing in your power to communicate against the accused. I was always satisfied both from my belief in the correctness of your principles, and from the tenor of your correspondence, that so far from being leagued in the conspiracy, you held it and its authors in abhorrence.

"It certainly appears that I erred as to the information you possessed, recent events induce me to fear, that this has not been my only, or most important error; strange things are affoat in the world — the times are searching — I fear that there will be further consequences resulting from the grand conspiracy.

"May every blessing attend you and your family.

"Yours most sincerely and affectionately,

"G. GRANGER."

LETTER FROM GIDEON GRANGER TO RUFUS EASTON, IN WHICH HE DENOUNCES

THE POLICY OF TAKING THE PRESIDENTS FROM ONE STATE, AND IN NOMINATING BY CONGRESSIONAL CAUCUS. ADDRESSED TO EASTON WHILE A
DELEGATE IN CONGRESS.

" Feb. 11, 1816.

#### " Dear Easton

"I am pleased with yours of the 2d. I pray to Heaven for the preservation of our Liberties which must be lost if one State keeps within itself the executive power. I think Clinton has great qualities, & has suffered unjustly—I presume there will not be a caucus at Washington. The practice is abominable—Please keep me informed—It shall not injure you—What means the storm in my old office? Who raised it? Who will it destroy? What a weight Madison took from my shoulders! May that act atone for a thousand of his follies.

"Your old friend

"G. GRANGER.

"Rufus Easton Esq.
"Washington City."

LETTER IN CIPHER FROM AARON BURR TO GENERAL WILKINSON, AS INTERPRETED BY WILKINSON AND BORNE BY SWARTWOUT. (REFERRED TO IN OUR SKETCH OF EASTON.)

"July 29. 1806.

"Yours postmarked 13th May is received. I (Aaron Burr) have obtained funds, and have actually commenced the enterprise. Detachments from different points and under different pretences will rendezvous on the Ohio, 1st November — everything internal and external favors views — protection of England is secured. T — is gone to Jamaica to arrange with the Admiral on that station, and will meet at the Mississippi — England — Navy of the United States are ready to join, and final orders are given to my friends and followers — it will be a host of choice spirits — Wilkinson will be second to Burr only — Wilkinson shall dictate the rank and promotion of his officers.

Burr will proceed westward 1st August, never to return: With him go his daughter—the husband will follow in October with a corps of worthics.

"Send forthwith an intelligent and confidential friend with whom Burr may confer. He shall return immediately with further interesting details—this is essential to concert and harmony of movement. Send a list of all persons to Wilkinson west of the Mountains, who could be useful, with a note delineating their characters. By your messenger send me four or five of the commissions of your officers, which you can borrow under any pretence you please. They shall be returned faithfully. Already are orders to the contractor given to forward six months provisions to points Wilkinson may name - this shall not be used until the last moment, and then under proper injunctions: the project is brought to the point so long desired: Burr guarantees the result with his life and honor - the lives, the honor, and fortunes of hundreds, the best blood of our country. Burr's plan of operations is to move down rapidly from the falls on the 15th of November, with the first five hundred or one thousand men, in light boats now constructing for that purpose — to be at Natchez between the 5th and 15th of December - then to meet Wilkinson - then to determine whether it will be expedient in the first instance to seize on or pass by Baton Rouge. On receipt of this send Burr an answer - draw on Burr for all expenses &c. The people of the country to which we are going are prepared to receive us - their agents now with Burr say that if he will protect their religion, and will not subject them to a foreign power, that in three weeks all will be settled. The Gods invite to glory and fortune—it remains to be seen whether we deserve the boon. The bearer of this goes express to you - he will hand a formal letter of introduction to you from Burr, a copy of which is hereunto subjoined. He is a man of inviolable honor and perfect discretion formed to execute rather than project — capable of relating facts with fidelity, and incapable of relating them otherwise. He is thoroughly informed of the plans and intentions of Burr, and will disclose to you as far as you inquire, and no further - he has imbibed a reverence for your character, and may be embarrassed in your presence - put him at ease and he will satisfy you - 29th July."

LETTER FROM DAVID BARTON, UNITED STATES SENATOR FROM MISSOURI, TO JUDGE SILAS BENT, OF ST. LOUIS, IN REFERENCE TO THE PROBABLE ELECTION OF JOHN QUINCY ADAMS TO THE PRESIDENCY BY THE HOUSE OF REPRESENTATIVES AT WASHINGTON IN 1825.

"WASHINGTON CITY 2d February 1825.

"Dr Sir

"You will have seen that Col McKee has been appd. our Surveyor General — I hope he will purify that office & free it from the banditti who have hitherto surrounded and lived on it.

"Perhaps the existing state of the Presidential election will be interesting. It is now understood here that the most of the N Western States, Kentucky inclusive, will vote for Mr. Adams notwithstanding his taste for codfish and his adulteration of the Mississippi by permitting the continuation of a British



canoe voyage thereon. Should this be the result, I shall have good cause to raise a loud laugh at those miserable jockies who have bestrided the gallant steed of Kentucky, and attempted to ride him dragoon-like over our peaceable heads, but it shall not be the laugh of censure. It is of course charged on Mr C as an intended coalition.

"Had he joined Jackson the charge would have been the same. The indiscretion of some of the General's boys is working a silent conviction of the wisdom of the choice. For these attaches are converted by the imagination into a gang of courtiers, surrounding a throne. Of all the unnatural coalitions (not to say most insincere) is that of our Senator Pomposo, of imperial port & mien, with the General! Now for a ride upon 'the second choice' of our State. Should the hobby not refuse the rider, it may be strong enough to carry him; but a quere about the sincerity of the preference, will be indulged by a people considerate enough to make the revolution which Missouri has accomplished within a few years.

"The president, with the advice of his cabinet (except Adams) advised us to blockade Cuba in time of professed peace! We refused 37 to 10—whether any were influenced by the correct dissent of the apparent Lord of the ascendent I know not. If we had done so it would have justified the Berlin & Milan decrees & all countervailing measures of England, against which we have so loudly & so justly protested.

#### "I remain Yours,

" DAVID BARTON.

"P. S. The President still suffers the offices of Aj Gen & Col 2d artillery to remain vacant, or filled by unconstitutional acting incumbents. This is mulish enough but not so magnanimous as Princes should be. Our recent anti-blockading vote will at least show his Exc'y that we are not humbled below our duty, by the Autocratical attitude of our executive officer.

"D B"

David Barton was elected a United States senator from Missouri immediately after the organization of the state government, served four years, was reëlected, and died before the expiration of his second term. He was a natural orator, and a man of transcendent ability. The following letter, written at Washington, and addressed to Colonel Easton, at St. Louis, is interesting by reason of its reference to the then recent election, in 1825, of Mr. Adams to the presidency, over General Jackson, by the Federal House of Representatives. John Scott, of St. Genevieve, the only representative from Missouri, cast the vote of his state for Mr. Adams. The letter also contains an allusion to the supposed coalition between Adams and Clay, which elicited from John Randolph, of Roanoke, on the floor of the House

of Representatives, the allegation that it was a union of the Puritan and the Blackleg. This the reader will recollect caused the famous duel between Randolph and Clay:

"Washington 16 Feb'y 1825.

- "DEAR SIR: You see that Adams was elected President upon the first ballot. The attacks upon Mr. Clay for his final determination upon this matter have been very abortive.
- "They were intended as a grand effort to retrieve the fortunes of the day; but they did not do it. Clay's motives, I believe, were conscientious and patriotic. He is not to be considered as leading, more than following his friends in the North West.
- "They claim one of the Heads of Department from the Western States, & there is no man so well qualified as Mr. Clay upon whom so many would unite; and I expect the Department of State will be offered to. & accepted by him, not as his, but as their, claim. In all which I shall acquiesce as a good (and moral) citizen should do.
- "The result would have been the same on subsequent balloting by the votes of the states favorable to Crawford; and I concurred with Scott in the belief that he ought to vote for A on the first ballot, & thereby decide the contest at once. For all which I expect the approbation of Missouri, if not of Tennessee.
- "We are now engaged on Col Johnson's bill to extend the circuit system to the Western States, and more especially to require a greater number of Judges to support the Const. U. S. against a Kentucky Statute, than against any other repugnant thing! I shall vote agt the whole project, because I believe the age, & extent of our Union, now require a separation of the courts of original and appellate jurisdiction; & that the close of a short session is not the best time for the adoption of the proper system.

"Very Respectfully Yours

"DAVID BARTON.

"P. S. Cod-fish have risen 25 per cent, and the City Ladies pronounce the name 'court fish' since the 9th February."

The following letter from John C. Calhoun to Colonel Easton, written in 1825, is worthy of a place in this Appendix:

·· Washington City 24th Dec 1825.

- "DEAR SIR: Enclosed you will find the receipt of Mr. Force. I am under great obligation to your kind expression of friendship.
- "It has ever been my constant object since the commencement of my public life to elevate our beloved country to the highest degree of prosperity, and to place her liberty on the most durable basis, and I am consoled with the belief from the favorable opinion of my fellow citizens that my efforts have not been in vain.

"I am certainly not insensible of the public honors conferred on me, but if I know myself I place a much higher value on the consciousness of having faithfully discharged my duty to the country.

"With great respect
"I am &c &c
"J. C. Calhoun.

"Hon, R. Easton."

In our sketch of Colonel Rufus Easton's life the reader will find three letters from Colonel Aaron Burr to Easton, two from Gideon Granger, one from President Jefferson, and one from DeWitt Clinton. The fac-similes of three are given. As these letters have never before been published, they will be read with considerable interest.

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Wells, Carty				160	Winston, James	379	
Wells, Joseph B				281	Wright, Uriel	499	
Wells, Robert W				538			
Wheeler, Charles				575	Yancey, C. S	252	
Whittelsey, Charles C.				42 I	Young, Henderson	233	