

sued. This circumstance was made known early on the next morning to Judge Workman, who thereupon directed the deputy-sheriff to procure a boat by the offer of a considerable sum of money, for the payment of which he undertook the county would be responsible.

“The writ was served soon afterwards, and returned at five in the evening by Commodore Shaw and the commanding officer of the ketch, Lieutenant Jones; Swartwout had been taken from the ketch before the service of the writ. Ogden was produced and discharged, as his detention was justified on the order of Wilkinson only.

“On the eighteenth of December, Wilkinson returned the writ of *habeas corpus* into the superior court, stating that, as commander-in-chief of the army of the United States, he took upon himself all responsibility for the arrest of Erick Bollman, charged with misprision of treason against the government of the United States, and he adopted measures for his safe delivery to the government of the United States; that it was after several conversations with the governor and one of the judges of the territory that he had hazarded this step for the national safety, menaced to its basis by a lawless band of traitors, associated under Aaron Burr, whose accomplices were extended from New York to New Orleans; that no man held in higher reverence the civil authorities of his country; and it was to maintain and perpetuate the holy attributes of the constitution against the uplifted arm of violence that he had interposed the force of arms in a moment of the utmost peril to seize upon Bollman as he should upon all others, without regard to standing or station, against whom any proof might arise of a participation in the lawless combination. \* \* \* \*

“On the following day Ogden was arrested the second time by the commanding officer of a troop of cavalry of the militia of the territory, in the service of the United States, by whom [James] Alexander was also taken into custody.”<sup>1</sup>

On the third of January, 1807, President Jefferson dispatched a letter to General Wilkinson, in which he wrote: “I do not believe that the number of persons engaged for Burr has ever amounted to five hundred; though some have carried them to one thousand or fifteen hundred. A part of these were engaged as settlers of Bastrop’s land, but the greater part were engaged under the express assurance that the projected enterprise was against Mexico, and secretly authorized by this government. Many expressly enlisted in the name of the United States. The proclamation, which reached Pittsburg December 2d, and other parts of the river successively, undeceived both these classes, and, of course, drew them off; and I have never seen any proof of their assem-

<sup>1</sup> The life of Aaron Burr. By Samuel L. Knapp. New York, 1835, pp. 278, 279, 280.