

in the city of Washington, immediately to answer unto the United States of America of and concerning the charge aforesaid.

“Witness the Honourable William Cranch, Esq., chief judge of the said court, this 27th day of January, 1807.

“WILLIAM BRENT, clerk.

“Issued 27th day of January, 1807.”

The order of the court for the commitment of the accused was in these words :

“The prisoners, Erick Bollman and Samuel Swartwout, were brought up to court in custody of the marshal, arrested on the charge of treason against the United States, on the oaths of James Wilkinson, General William Eaton, James L. Donaldson, Lieutenant William Wilson, and Ensign W. C. Mead, and the court went into further examination of the charge. Whereupon it ordered, that the said Erick Bollman and Samuel Swartwout be committed to the prison of this court, to take their trial for treason against the United States by levying war against them, to be there kept in safe custody until they shall be discharged in due course of law.”¹

On the third of February, President Jefferson wrote to General Wilkinson, saying :

“Your belief, that Burr would really descend with 6 or 7,000 men, was no doubt founded in what you knew of the numbers which could be raised in the western country for an expedition to Mexico under the authority of the government ; but, you, probably, did not calculate that the want of that authority would take from him every honest man, and leave him only the desperadoes of his party, which, in no part of the United States, can ever be a numerous body.

“In approving therefore as we do approve of the defensive operations for New Orleans, we are obliged to estimate them not according to our own view of the danger, but to place ourselves in your situation, and only with your information.

“Your sending here Swartwout and Bollman, and adding to them Burr, Blennerhassett, and Tyler, should they fall into your hands, will be supported by the public opinion. As to Alexander, who is arrived, and Ogden expected, the evidence yet received will not be sufficient to commit them. I hope, however, you will not extend this deportation to persons against whom there is only suspicion, or shades of offense, not strongly marked. In that case, I fear the public sentiment would desert you ; because, seeing no danger here, violations

¹ Reports of cases argued and adjudged in the Supreme Court of the United States, in the year 1807 and 1808. By William Cranch. Flatbush, 1809, vol. iv., appendix, pp. 459, 460 ; 76.