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COURT OF ENQUIRY
IN THE CASE OF GENERAL WILKINSON.

Friday, January 15.

General Wilkinson appeared, and the court having stated that they were ready to proceed to business, he enquired whether it was expected that the gentlemen notified would attend, as he would wish to make the remarks he purposed to offer in their presence. It was replied that no answers had been yet received from them.

A short time after, the following letters were received from Messrs. Clark and Rowan, in answer to the notices served upon them. The letter of Mr. Randolph was subsequently received.

The form of the notices is as follows, with the variation of the name of the gentlemen to whom it was addressed:

To the Honorable Daniel Clark, delegate to Congres from the territory of Orleans.

The President of the United States, at the request of Brigadier General James Wilkinson, having appointed a Military Court of Enquiry for the purpose of hearing testimony in relation to the said General Wilkinson having been, or now being a pensioner to the Spanish government, while holding a commission under the government of the United States; and it being duly intimated to the Court that your testimony, touching the matter in question, will be material on behalf of the United States: it is therefore especially requested by the Court that you will please attend the Court on Friday next at 10 o'clock, A. M. in order to give evidence in the case in hearing.

Done by order of the Court this 16th day of January, 1808.

WM. JONES, jr. acting as Judge Advocate.

Wednesday, 13th January, 1808.

The following are the ANSWERS received.

Washington, 15th January, 1808.

SIR,

I have received your note of the 13th inst. intimating the request of the Military Court of Enquiry, instituted at the instance of General James Wilkinson by the President, that I should attend as a witness to give evidence, relative to the charge made against General Wilkinson, of his being or having been a pensioner of the Spanish government. You will permit me, sir, through you, to inform the Court that under the order of the House of Representatives I have already communicated in a deposition the substance of my knowledge and information respecting the subject of the matter before the Court. This deposition by order of the House has been transmitted to the President to be used according to his discretion. I shall have no objection to testify further before any court legally authorized to call citizens before them competent to the full investigation of so complicate a case; but understanding as I do that a military court of enquiry has no power of acting but in relation to military men, and that the attendance of a citizen to testify before them would be considered merely voluntary, though I am in no degree disposed to withhold when properly called upon any information I possess as to the subject of the charges before the court, yet I cannot consent to appear before a tribunal whose rule of proceedings is purely military and whose powers cannot enable them to call for corroborative proof upon points which might be rendered questionable on the testimony of a single witness by adverse evidence.

I have the honor to remain, very respectfully, sir, your most obedient servant,

DANIEL CLARK.

Walter Jones, junr. Esq.

SIR,

Your note of the 13th instant requesting that I would on this day attend as a witness at the Military Court now sitting for the purpose (as it is said) of enquiring into the conduct of Brigadier General Wilkinson relative to his having been a pensioner of Spain whilst in the service of the United States was received by me on yesterday—I am not personally acquainted with that officer, nor do I (although I have heard and believe much) of my own knowledge know any thing which according to the established rules of evidence in civil cases could be heard by that court on the subject of their enquiry: But if I did—my ignorance of military tribunals in the General, and of this in particular—my impressions as to its erection and object—and its impotence to coerce the attendance of corroborative witnesses would restrain me from appearing as a witness before the court—the court with whom I have not the honor of a personal acquaintance, so far from inferring from my non-attendance any want of respect to them individually will have the goodness to ascribe it to the motives above assigned to my habitual and decided preference for the *civic institutions*, and to my firm belief that they only are competent to make the present enquiry efficiently.

Accept for yourself the assurance of my high respect and esteem.

JOHN ROWAN.

January 15th, 1808.

Walter Jones, junr. Esq.

SIR,

Your summons did not reach me until about an hour ago; to which circumstance alone you will impute the delay of this answer. I have no personal knowledge of any circumstances which can be material to the inquiry in which you are engaged and therefore beg leave to decline attending the military court of which you are judge advocate.

I am very respectfully,
Sir,
Your obedient servant.
JOHN RANDOLPH.

Jan. 17, 1808. 2 o'clock, P. M.

Walter Jones, Esq.

The foregoing notice and answers are "attested as a true copy, furnished General Wilkinson, at his request and by direction of the court.

Test,
WALTER JONES,
Officiating as Judge Advocate,"

General Wilkinson then rose and delivered the following

ADDRESS.

GENTLEMEN,

From a sense of respect towards the Court and of propriety to my own situation, I have been induced to trespass a few observations on your patience preliminary to the introduction of testimony.

On receiving the first intimation of the anathema pronounced against me on the floor of Congress, by a member of that honorable body, (Mr. John Randolph) as highly distinguished for decorum and moderation as he is for impartiality and candor; I appealed to the proper authority for an investigation into my conduct, by that tribunal which is secured to me by the constitution and the law, and you gentlemen have been ordered to sit in judgment on me.

The occasion was certainly unexpected, yet it was not the less desirable, and although the occurrence so recently after the ordeal at Richmond, may dispose some invidious persons to derogate from the motives of my honorable accuser, the candid and intelligent part of the world, when possessed of all the facts, will do him ample justice; for surely no unmanly vindictive personality can be ascribed to a gentleman of Mr. Randolph's lofty carriage and sublimated honor. Indeed when we survey the course which the accusation has travelled to this court, and examine the manner of its introduction into the House of Delegates, it would imply an unpardonable degree of scepticism to doubt the disinterested patriotism, which has guided the procedure before that honorable body; much less to complain of a failure in those chaste observances and delicate regards, which are due to the unfortunate, who may become the subjects of public accusation.

Though highly flattered by the manner of my accuser, I must confesss that my repugnance to unrighteous and unnecessary innovation, inclined me to prefer the plain, regular, and invariable course to military enquiry, by complaint to the superior—because it secures to the individual a constitutional right, prevents the obtrusion of concerns purely executive, upon the attention of the legislative body, and spares gentlemen of glowing sensibilities, the deep regret inseparable from the annalysis of individual character on exparte testimony, or no testimony at all.

The victim of suspicion and obloquy for more than thirteen years, I have treated with frigid indifference the paragraphists and pamphleteers, who have pointed their daggers at my reputation, resolved to respond to their calumnies, by a redoubled zeal in the discharge of my duties; but I must now thank the *patriot* who has given the outline of my offences, for the opportunity he has furnished me to meet him on the ground of his preference, and there to defy him and his depraved informer, with the host of conspirators who participate their sympathies.

The blights with which men united for the ruin of their country, had recently attempted to sully my humble fame, in consequence of my feeble efforts in her defence, served but to excite my pity & contempt; I did indeed believe that the scene of persecution had been closed forever, and began to hope, after a long and not inactive life of military service, I might be permitted to wear out its remnant, some-what cheered, under those privations of the heart which leave us little to wish for, by the retrospect of days without reproach, and the consciousness that whatever might have been my utility, I had lived without dishonor.

But I had forgotten that I had sinned beyond forgiveness, and that my distruction had been sealed in New-Orleans by a band of hardened traitors, who have advanced so far, that they place their safety in their success; and now for the first time I stand voluntarily, before a military tribunal to vindicate all for which I have lived and for which I will die. The precious gift of my father—the inestimable inheritance of my children—a soldier's honor—after it has been worried, and torn, and mangled, and degraded, by whom? Let expressive silence mark the avengers of a traitor's cause! And may the angel of mercy blot out the remembrance of my wrongs. For my service shall live and be remembered, when the disciples of detraction, those pestiferous vermin who feed on calumnies, shall have perished and are forgotten.

There are certain terms in our language so offensive to an American ear, that to couple them with a man's name is sufficient to tarnish his character, such are corruption, bribery, pension, poison, and paltroon—my enemies, aware of this, and knowing that a stain on military honor, like an aspersion on female chastity, sinks deep and is not to be erased—

——"To make assurance doubly sure
"And take a bond of fate—
"That *they* might tell pale hearted fear it lied,"

Have not been content to arraign me before my country, but in their rage for personal vengeance, they have condemned me unheard, and stigmatized me to the world, on the evidence of made up documents, perjuries and forgeries; I am sensible of the irreparable injury done me, and yet in this our government of laws, I have found my case remediless; I have therefore suffered in silence, consoling myself with the hope, that the example of my persecutions, might be a future protection to the war worn veteran, and a useful example to those, who too readily credit the tale of detraction.

It is an easy matter to charge virtue itself with corruption, and alas, in these times, we find it almost as easy to sustain the allegation by the oaths of profligate abandoned men. But Gracious God! Shall the unqualified imputation of corruption, without some word, deed, act, influence or instance, to consummate the offence or to designate the criminal intent or effort, suffice to rob a public officer of his hard earned repute, the price of more than twenty years of zealous faithful service? Shall bold assertions without facts or circumstances to substantiate them, even when sanctioned by the single oath of a faithless, lying, interested unprincipled man, postrate the barries of honor, which rest on the broad base of approved patriotism and long tried integrity. Genius of my country forbid it! Forbid it Heaven.

I ask only a suspension of the public judgement, pending the enquiry at issue.—I call on my countrymen to pause and reflect before they decide.—I do not address myself to Burrites or imbittered party-men, who would hazard the security of the nation, to gratify their malice, from such wretches I expect hatred and I solicit abuse. But I speak to the sweet blooded true hearted American, who is ready to renounce political dogmas, for the safety of the state, and to bleed or die in defence of its rights.—I request all such to examine the characters and motives of my accusers—the accusation—the one writhing under the anguish of public detection and merited dishonor—whilst, in this awful crisis of national affairs, he seeks the distraction of the public councils, to promote a sinister ambition and indulge his vengeful passions—the other scarcely a citizen—the enemy of our government and a disturber of the public repose—who has sought to embroil us in the face of treaties, and in face of the law, with a foreign power, for the promotion of those infamous designs, which he now charges upon me, and which with inflated zeal he now affects to reprobate—and who when stript of imposture will present a spectacle to the world, from which the eye and the mind will revolt with detestation and abhorrence.

In your honor, and independence, gentlemen, however they may be questioned by those, who do not feel the force of those sacred bonds by which military men hold, I have an infallible guarantee for all I can desire, a patient, impartial, and I trust, rigorous scrutiny—in which hope the nature of the accusation—the remoteness of the time—the hostility of the witness—the complexion of the first attack—and the shiftings, changes and prevarications which have ensued, may be strictly compared and combined.

Permit me to express the further desire—that this court may insist on knowing, from whence the documents submitted by my accuser and his accomplice, have been derived, as this fact may furnish a clue by which to trace the foul combination to its infamous source, and to identify in this murderous assault of my honor, the ministry of that Mexican, association, formed at New-Orleans, (and referred to by Blannerhassett) for the purpose of co-operating with Aaron Burr, and which it has been my crime to detect, expose and put down.

The Court adjourned to Monday.

Friday, January 18.

The Court met according to appointment, and after a short time adjourned without transacting any business to Wednesday 10 A. M.

Supplement to the London Gazette, of November 14.

MONDAY, NOVEMBER 16.

At the court of the queen's palace, the 11th of November, 1807.

PRESENT,

The king's most excellent majesty in council.

Whereas certain orders, establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were some time since, issued by the government of France, by which "the British islands were declared to be in a state of blockade," thereby subjecting to capture and condemnation all vessels, with their cargoes, which should continue to trade with his majesty's dominions.

And whereas by the same order "all trading in English merchandize is prohibited, and every article of merchandize belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize."

And whereas the nations in alliance with France, and under her controul, were required to give, and have given, and do give, effect to such orders.

And whereas his majesty's order of the 7th of January last, has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation; but, on the contrary, the same have been recently enforced with increased rigor.

And whereas his majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valor of his people have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of his majesty's dominions, than it is to the protection of such states as still retain their independence, and the general intercourse and happiness of mankind.

His majesty is therefore pleased, by and with the advice of his privy council, to order that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports and places in Europe, from which, although not at war with his majesty, the British flag is excluded, and all other ports or places in the colonies belonging to his majesty's enemies, shall from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by his majesty's naval forces, in the most strict and rigorous manner;—And it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies, shall be deemed and considered to be unlawful; and that every vessel trading from or to said countries or colonies, together with the goods and merchandize on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as a prize to the captors.

But although his majesty would be fully justified, by the circumstances considerations above recited, in establishing such system of restrictions with respect to all the countries and colonies of his enemies, without exception or qualifications yet his majesty, being nevertheless desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect his majesty's just determination to counteract the designs of his enemies, and to retort upon his enemies themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply; and even to leave open, for the present, such trade with his majesty's enemies, as shall be carried on directly with the ports of his majesty's dominions, or of his allies, in the manner herein-after mentioned.

His majesty is therefore pleased further to order, and it is hereby ordered, that nothing herein contained shall extend to subject, to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in his majesty's colonies, under circumstances in which such trade from such free ports is permitted, direct to some port or place in the coloniss of his majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in his majesty's colonies in such cases, and with such articles, as it may be lawful to import into such free port; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall have cleared out from some port or place in this kingdom, or from Gibraltar or Malta, under such regulations as his majesty may think fit to prescribe, or from any port belonging to his majesty's allies, and shall be proceeding direct from some port or place in this kingdom, or from Gibraltar, or Malta, to the port specified in her clearance: nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall be coming from any port or place in Europe which is declared by this order to be subject to the restrictions incident to a state of blockade, destined to some port or place in Europe belonging to his majesty, and which shall be on her voyage direct thereto; but these exceptions are not be understood as exempting from capture or confiscation any vessels or goods which shall be liable thereto, in respect of having entered or departed from any port or place actually blockaded by his majesty's squadrons or ships of war, or for being enemies property, or for any other cause than the contravention of this present order.

And the commanders of his majesty's ships of war and privateers, and other vessels acting under his majesty's commission, shall be, and are hereby instructed to warn any vessel which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France, or of her allies, or of any country at war with his majesty, or to any port or place from which the British flag as aforesaid is excluded, or to any colony belonging to his majesty's enemies, and which shall not have cleared out as is herein before allowed, to discontinue her voyage, and to proceed to some port or place in this